

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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THURSDAY
MAY 17, 2018

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The 301 Committee met in the Courtroom of the U.S. Trade International Commission, 500 E Street, SW, Washington, D.C., at 9:00 a.m., William Busis and Arthur Tsao, Co-Chairs, presiding.

PRESENT

WILLIAM BUSIS, Chair, U.S. Trade Representative
ARTHUR TSAO, Chair, U.S. Trade Representative
EMILY BLEIMUND, Department of Health and Human Services
WILL BOBSEINE, Department of Commerce
SARAH BONNER, Small Business Administration
WILL ENSOR, Council of Economic Advisors
CAROL HENNINGER, Department of State
JULIA HOWE, U.S. Trade Representative
BRYAN O'BYRNE, Small Business Administration
MAUREEN PETTIS, Department of Labor
TRACY ROY, Department of Homeland Security,

Customs and Border Protection

STAFF PRESENT

BILL BISHOP, U.S. International Trade Commission

WITNESSES PRESENT

JIM ANDERSON, Moly-Cop USA

MARK BERMAN, Rockland Industries, Inc.

**JOE BLANCO, Target Holdings, Inc. dba Target
World**

DREW CLOCK, Galata Chemicals, LLC

RAY CROSBY, Champion Safety Company

GARRY HARTMAN, Cheetah Chassis Corporation

ERIC HEATH, Mississippi River Basin Program

**ROBERT HELMINIAK, Society of Chemical
Manufacturers & Affiliates**

LOUIS HORNICK, III, LHSC, Inc.

**RALPH IVES, Advanced Medical Technology
Association**

SEAN KEOGH, AmTex Machine Products, Inc.

JAMES LEGG, LB Pipe & Coupling Products, LLC

JIE LIAN, Patent Protection Association of China

RYAN MARINO, Tile Council of North America

JIM MISCHEL, Electric Mirror, LLC

**MATT MOEDRITZER, Society of Chemical
Manufacturers & Affiliates**

**LINDA ROUSE O'NEILL, Health Industry
Distributors Association**

GOZIE ONYEMA, Smiths Medical

JOHN PERRY, Altavian, Inc.

PRASAD PINNAMARAJU, Novast Laboratories

JEFFREY PIZZOLA, Americana Development, Inc.

HUN QUACH, Retail Industry Leaders Association

WAYNE QUINN, Mindray DS UDA, Inc.

**PAUL ROSENTHAL, Kelley Drye & Warren, on behalf
of Glass Packaging Institute**

ROBERT SPINELLO, Sunbright USA, Inc.

**AUGUSTINE TANTILLO, National Council of Textile
Organizations**

**CHOON TEO, Zhejiang Medicine Co. Ltd and
Zhejiang Novus Pharmaceuticals Co. Ltd**

GARY TRAPP, Cascaded Wood

**ZHENGZHI WANG, Patent Protection Association of
China**

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

2 (9:00 a.m.)

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

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

13 The United States Trade Representative
14 initiated this investigation on August 18, 2017.
15 The scope of the investigation is set out in the
16 notice of initiation. This is published at 82 FR
17 40213.

18 On April 6th, 2018 USTR published a
19 Federal Register Notice describing the Trade
20 Representative's initial determination in the
21 investigation. That notice is published at 83 FR
22 14906.

1 The April 6th notice also seeks public
2 comment on a proposed trade action to be taken in
3 the investigation. The proposed action is an
4 additional 25 percent duty, on a list of products
5 from China, with an annual trade value of
6 approximately \$50 billion.

7 The purpose of this hearing is to
8 receive public testimony regarding the proposed
9 tariff action. The Section 301 Committee will
10 carefully consider the testimony, the written
11 comments already received in response to the
12 federal register notice and the rebuttal comments
13 due on May 22nd.

14 The 301 Committee will then make a
15 recommendation to the Trade Representative on the
16 action to be taken in the investigation.

17 Before we begin today's session I will
18 provide some procedural and administrative
19 instructions and ask the agency representatives
20 participating in the hearing today to introduce
21 themselves.

22 MS. PETTIS: Good morning, I'm Maureen

1 Pettis, I'm an international economist. I work
2 for the Department of Labor and the Bureau of
3 International Labor Affairs.

4 MR. BOBSEINE: Good morning, I am Will
5 Bobseine, I work in the International Trade
6 Administration, Office of China and Mongolia.

7 MS. HOWE: Julia Howe, USTR, China
8 Office.

9 MS. HENNINGER: Carol Henninger, State
10 Department, Bureau of Economic and Business
11 Affairs.

12 CHAIR BUSIS: I'm William Busis, USTR
13 Office of General Counsel, Deputy Assistant, USTR
14 for monitoring and enforcement.

15 Okay, I will now provide our
16 procedural instructions. This will apply to all
17 the Panels today.

18 The hearing is scheduled for three
19 days. Today is the third and last day of the
20 hearing.

21 We have 17 Panels of witnesses with
22 over 100 individuals scheduled to testify. The

1 provisional schedule was posted on the USTR
2 website.

3 We have four panels of witnesses
4 scheduled to testify today. We will have a brief
5 break between the second and third panels today,
6 and we hope to adjourn the meeting by early
7 afternoon.

8 Each organization appearing at the
9 hearing is limited to five minutes of oral
10 testimony. To assist and keep track of the time,
11 we have the light system. The light will be
12 green for the beginning, it will turn to yellow
13 at minute four and a minute five it will turn
14 red.

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

20 Committee representatives will
21 generally direct their questions to one or more
22 specific witnesses.

1 Post-hearing comments, including any
2 written responses to questions from the Section
3 301 Committee, are due by Tuesday, May 22, 2018.
4 The rules and procedures for written submissions
5 are set out in the April 6th Federal Register
6 Notice.

7 Given the number of witnesses in the
8 schedule, we request that witnesses, when
9 responding to questions, be as concise as
10 possible.

11 We likewise ask witnesses to be
12 understanding if and when the Chair ask that a
13 witness conclude a response. In this regard,
14 witnesses should recall that they have a full
15 opportunity to provide more extensive responses
16 in their post-hearing submissions.

17 No cameras or video or audio recording
18 will be allowed during the hearing. A written
19 transcript of this hearing will be posted on the
20 USTR website and on the federal register docket,
21 as soon as possible, after conclusion of this
22 hearing.

1 Mr. Bishop, could you call the first
2 witness?

3 MR. BISHOP: Our first witness on this
4 Panel is Eric Heath of Mississippi River Basin
5 Program. Mr. Heath, you have five minutes.

6 MR. HEATH: Good morning. Trade
7 actions do not occur in a vacuum. As we all
8 know, by proposing hefty tariffs on China for the
9 trade practices involving intellectual property,
10 the U.S. has triggered Chinese retaliation.

11 Shortly after the USTR announced the
12 tariffs resulting from a 301 investigation, China
13 announced its own list of proposed tariffs on
14 strategically targeted list of U.S. goods.

15 I think everyone in this room had a
16 pretty good sense of what was in the pipeline,
17 particularly, soy bean tariffs. Because China
18 had been publicly hinting at action on soy for
19 months.

20 There is a playbook for how these
21 exercises go and the U.S. wrote it back during
22 the banana wars with the carousel and the

1 European community.

2 No one should be surprised that China
3 has made us of that play book to strike back at
4 the U.S. In this instance, hitting some of the
5 most valuable sectors of the U.S. economy.

6 The difference between the different
7 current trade tensions and the US-EC banana base
8 struggle in the days passed, is that China does
9 not answer to its citizens or industries for the
10 consequences of trade retaliation in the same way
11 the United States does.

12 The state of power in China right now
13 gives Xi Jinping almost absolute immunity from
14 internal political pressure of the sword that we
15 face in the United States.

16 While the U.S. postures itself in an
17 indefensible position with China, we risk
18 irreparable harm to our domestic industries.

19 Soy beans are notable in this regard
20 for both reasons economic and environmental.
21 First and foremost, soy beans are our largest
22 agricultural export totaling \$21.6 billion in

1 2017.

2 The majority of those exports go to
3 China. Even now, before implementation, there
4 are already reports of U.S. soy bean sales drying
5 up in China. Brazil, Argentina and other soy
6 bean producers are ready and waiting to ramp up
7 their capacity and permanently replace the U.S.
8 as the main export into China.

9 These tariffs, if implemented, would
10 have been, would have both an immediate and
11 lasting impact on the U.S. soy industry.

12 Secondly, this will not only devastate
13 a vital sector of the economy, but it will also
14 take an environmental toll.

15 My colleagues at the Northeast-Midwest
16 Institute are about to release a study detailing
17 the growing levels of nitrates in water sources.
18 These nitrates have to be removed by water
19 utilities to keep drinking water safe and this
20 removal comes at a cost. That cost is passed on
21 to the tax payer and their utility bill.

22 According to our study, the main

1 reason these nitrate levels are increasing is
2 agricultural runoff. To grow corn, farmers apply
3 a nitrate laden fertilizer, most of which is
4 absorbed by the plants but still leaves a
5 significant amount of nitrates in the soil that
6 ultimately makes its way to the water.

7 Farmers have been successful in
8 eliminating this runoff by cycling soy beans into
9 their usual corn crops, as soy beans help absorb
10 the nitrates. By essentially cutting off the
11 main importing of U.S. soy beans, these tariffs
12 would remove a major incentive to grow soy beans.

13 Subsequently, the nitrate population
14 source water that we're already facing will only
15 continue to escalate and further harm tax payers
16 and our drinking water.

17 In conclusion, these proposed tariffs
18 will harm American consumers, American business
19 and the American environment. I urge the
20 administration to choose an alternative means of
21 combating China's unfair trade practices. Thank
22 you.

1 MR. BISHOP: Thank you, Mr. Heath.
2 Our next witness is Robert Spinello of Sunbright
3 USA, Incorporated. Mr. Spinello, you have five
4 minutes.

5 MR. SPINELLO: It's a pleasure and
6 honor to be here, thank you. My name is Robert
7 Spinello, President of Sunbright USA,
8 Incorporated.

9 Our business is to import precision
10 metal parts, mostly from our Chinese partner Mr.
11 Teem Tang, who is owner of Sunbright Precision
12 Hardware with offices in Hong Kong and factories
13 in Shenzhen and Huizhou, China.

14 We have been in business for 15 years,
15 do \$14 million annually, in annual dollars.
16 Mostly to U.S. OEMs who buy our high-quality cost
17 competitive parts.

18 Our customers then use those parts to
19 make devices like aircraft seats, medical
20 devices, stretchers, welding machines and others.
21 They compete in world markets and must build
22 high-quality cost competitive devices in order to

1 track and keep customers.

2 In doing so, they build businesses in
3 the USA that employ many American workers.

4 Our main supplier, Sunbright China, is
5 wholly owned by Mr. Tang, a citizen of Hong Kong
6 and China. He holds a manufacturing engineering
7 degree from the University in Hong Kong.

8 As a private company, Sunbright has no
9 government control, interference or subsidies
10 from the Chinese government. Sunbright China is
11 certified AS9100 and uses high-quality equipment
12 and tooling like Haas Milling Machines, which are
13 made in the USA.

14 Each part we make is unique. It takes
15 about three to six months to develop and get
16 approval on each part. This process includes
17 quoting, material selection and procurement,
18 process design and making and getting sample
19 approval.

20 I point this out because this is a
21 time-consuming process for Sunbright and for our
22 customers. We supply over 800 different parts.

1 And there is a lot of time and money invested and
2 setup with these parts so that they work exactly
3 as needed for the customer's products.

4 Our customers can choose from many
5 good sources for their parts in China, the United
6 States or other countries. Our business is very
7 competitive, therefore we must be very good in
8 order to get and keep business.

9 The 25 percent additional tariff
10 proposed would raise our customers cost, would
11 therefore render their products to be less
12 competitive in the marketplace and force them to
13 look elsewhere in the world market for parts.

14 As manufacturing costs are less in
15 emerging economies, I suspect most of these parts
16 would be sourced outside the USA. Let me use an
17 example of one customer, SSC Controls Company, to
18 show how our low-cost components create jobs in
19 the United States.

20 SSC employs 20 people in making foot
21 switches. Overall, about 30 percent of the parts
22 they use are from China, the rest from the USA.

1 They buy stampings from a company down the
2 street, they buy plastic motor parts from a
3 company in the Cleveland, Ohio area, they buy
4 high-quality electric cable from a company in
5 Indiana.

6 In buying cost sensitive parts from
7 China, they can compete in the U.S. and world
8 markets. About 15 percent of their product is
9 exported to countries, include the U.K., Canada,
10 Japan and even China.

11 Foot switches can and are made all
12 over the world. Due to the low-cost structure,
13 SSC can employ U.S. people, as can their local
14 supplies, then all win in the world markets.

15 Know, SSC is just one small company,
16 imagine competing in aircraft seating, medical
17 devices, welding machines and others. These big
18 companies can and do manufacture in many parts of
19 the world and can easily move their manufacturing
20 elsewhere.

21 They must keep their costs low to
22 compete. USA workers are paid more than others.

1 Using low-cost, high-quality parts helps these
2 companies compete in the world markets while
3 making devices in the USA.

4 I understand that certain trade
5 practices used by China are unfair; this needs to
6 be changed. However, a Chinese business partner
7 does not engage in unfair practices. Good
8 negotiating by your teams will make the
9 difference.

10 I therefore ask that you do not impose
11 tariffs that will affect us per the attached
12 list. We at Sunbright praise the efforts of the
13 trade negotiating team in making Chinese trade
14 practices fair.

15 We ask however that you do no harm to
16 our business. The business of our customers,
17 domestic suppliers and the many U.S. workers they
18 employ. Thank you.

19 MR. BISHOP: Thank you, Mr. Spinello.
20 Our next witness is Hun Quach from the Retail
21 Industry Leaders Association. Ms. Quach, you
22 have five minutes.

1 MS. QUACH: Thank you. Good morning.
2 On behalf of the Retail Industry Leaders
3 Association, thank you for the opportunity to
4 provide the retail perspective on the
5 Administration's proposed 301 Agenda.

6 My name is Hun Quach, I am Vice
7 President for International Trade at the Retail
8 Industry Leaders Association. RILA represents
9 the world largest and most innovative retail
10 companies accounting for more than \$1.5 trillion
11 in annual sales and millions of American jobs.

12 RILA agrees that China's technology
13 policies and practices have harmed U.S. business.
14 We support efforts to hold our trading partners
15 accountable.

16 Our companies and employees thrive in
17 a rules-based economy where global markets are
18 open, trade rules and obligations are met and
19 governance is fair and transparent.

20 We want to partner with the
21 Administration to hold China accountable for
22 their actions; however, we cannot support these

1 actions if American families, our customers, are
2 taxed for China's bad behavior.

3 At a March congressional hearing,
4 Ambassador Lighthizer made the promise to put
5 maximum pressure on China, minimum pressure on
6 U.S. consumers. However, if the goal was to
7 protect consumers, the Administration's 301
8 algorithm is flawed.

9 In the end, American families will
10 suffer collateral damage. That is why RILA, in
11 our formal comments, we recommend removing nearly
12 100 HTS codes from the 301 list.

13 We also implore you to avoid adding
14 other consumer products, whether in this proposed
15 action or in the Administration's future actions.
16 In the meantime, we strongly encourage the
17 Administration to work, to not impose any tariffs
18 while the United States and China are working on
19 a negotiated settlement.

20 Simply put, tariffs are not the
21 answer. Tariffs will not address China's bad
22 behavior, and in fact, will do greater harm to

1 U.S. economic interests and cause serious
2 disruptions to the American economy.

3 Make no mistake, higher tariffs will
4 mean higher costs to businesses and in turn,
5 higher prices for American families.

6 According to one study, the price of
7 flat panel televisions would increase by 23
8 percent, or about \$711 million over the next
9 year. As the Committee heard on Tuesday, these
10 TVs are designed for lower and middle-income
11 families and are not easily substitutable or
12 sourced from elsewhere.

13 Competition in the retail sector is
14 fierce. Shifting supply chains will increase
15 risk and ultimately drive up costs for consumers.
16 Shifting production of products such as voltage
17 testers, miter saw stands and tool sets would
18 take up to two years.

19 In the meantime, the home owner and
20 apprentice electrician or an American
21 entrepreneur would have to pay higher tariffs and
22 higher prices. Moving production would

1 significantly erase years of efficiencies and
2 increase cost for manufacturers, retailers and
3 ultimately the consumer.

4 Additional duties on automatic
5 thermostats, for example, puts at risk well-
6 paying American jobs supported by global value
7 chains. It would dampen the thriving market for
8 smart thermostats for U.S. innovators and
9 retailers.

10 At the same time, it would negatively
11 impact the ecosystem of installers who have
12 benefitted from the rapid innovation in this
13 sector.

14 These are just a few examples of the
15 consumer products on the 301 list, all of which
16 are not impacted by China's industrial goals.

17 Imposing tariffs on these products
18 would cause disproportionate economic harm to
19 U.S. interests, including our suppliers and our
20 customers.

21 As this Committee has heard over the
22 past few days, American companies, including many

1 small and medium sized business, some of whom
2 supply to my members, will be put at a
3 competitive disadvantage if the tariffs go into
4 effect.

5 The cost of goods will increase and we
6 will be less competitive compared to our
7 international competitors who don't have to pay
8 the 25 percent tariff.

9 While there is no good time for
10 increased tariffs, these proposed tariffs could
11 ruin the back to school season for the American
12 families as well as the winter holidays, as many
13 families are thinking about what to get for
14 Christmas.

15 The potential for tariffs is on an
16 additional \$100 billion worth of goods causes
17 significant concerns for retailers as well.
18 Tariffs on apparel, footwear, toys, consumer
19 electronics and home goods, items in every
20 household across this country would be a
21 devastating blow.

22 Lastly, the 301 process should allow

1 public comment on a final list before it takes
2 effect. Especially if new products are added.
3 This would greatly improve transparency and
4 prevent unintended consequences on U.S. workers,
5 businesses and our overall economy.

6 Thank you for your consideration of
7 our views today and I'm happy to answer any
8 questions.

9 MR. BISHOP: Thank you, Ms. Quach.
10 Our next witness is Sean Keogh of AmTex Machine
11 Products, Incorporated. Mr. Keogh, you have five
12 minutes.

13 MR. KEOGH: Thank you. Good morning,
14 my name is Sean Keogh and I'm the operations
15 manager of AmTex Machine Products. Thank you for
16 the opportunity to provide this testimony on
17 behalf of AmTex and the U.S. OCTG API Steel
18 Company Industry.

19 I've been involved in the coupling
20 business for over 20 years. As the largest
21 independent U.S. OCTG coupling manufacturer,
22 AmTex urges you to include OCTG companies in the

1 Section 301 relief.

2 AmTex is located in Houston, Texas and
3 all we do is produce couplings. We currently
4 have about 330 workers. That is less than half
5 of what we had in 2014.

6 Even now when the oil and gas industry
7 is at the beginning of a recovery, we are
8 operating at under 35 percent of our capacity.
9 The reason is simple, low priced Chinese imports
10 of finished couplings with an unfair advantage
11 because of Chinese Government policies. These
12 are the same policies that justified, including
13 OCTG, on the Section 301 list.

14 Because we only produce couplings, we
15 are particularly sensitive to the impact that
16 Chinese couplings have had on the U.S. market and
17 our export opportunities. Traditionally, the
18 bread and butter of the coupling markets were the
19 American Petroleum Institute J and K-55
20 couplings.

21 The J and K segment accounts for
22 approximately 30 to 35 percent of the U.S. OCTG

1 coupling market. These commodity type couplings
2 are now almost exclusively supplied by imports,
3 primarily from China.

4 We, and the other independent coupling
5 producers, cannot come close to the prices
6 offered by subsidized Chinese manufacturers that
7 are also dumping these couplings into the U.S.
8 and global markets.

9 Chinese imports are no longer
10 satisfied with just dominating the J and K
11 specifications. In addition to now offering and
12 selling in the alloy coupling market, we are now
13 also seeing Chinese producers compete in the
14 semi-premium and premium couplings space also.

15 With changes in drilling technology
16 and technics, the oil and gas industry is
17 increasingly moving to proprietary threads and
18 couplings. The pipe mills and oil and gas
19 engineers invest heavily in research and
20 development to bring these new technologies to
21 challenging drilling and extraction environments.

22 We invest to obtain licenses for those

1 patented designs to produce these semi-premium
2 and premium couplings. Once we obtain the
3 license, we should have the opportunities to sell
4 these couplings globally, but the Chinese have
5 flooded the South American and Middle Eastern
6 markets with their reversed engineered couplings.

7 As a result, the Chinese Government
8 programs are not just impacting their U.S. sales,
9 they are also taking away export markets and our
10 ability to help produce the U.S. trade deficit.

11 I mentioned that we are currently
12 operating at low levels of capacity utilization.
13 That is true for the entire industry.

14 We estimate that the entire industry
15 is probably operating around 40 to 55 percent of
16 its available capacity. I raise this because the
17 U.S. industry has more than enough capacity
18 available to meet 100 percent of the U.S. demand
19 for OCTG couplings.

20 If it weren't for the Chinese imports
21 that benefit from the Chinese programs you are
22 seeking to address, we would be looking to double

1 our workforce. That's an additional 300 to 350
2 well paid U.S. manufacturing jobs at just our
3 company.

4 The final point I'd like to make is
5 that it would be simple for CBP to administer
6 Section 301 duties on couplings.

7 As we pointed out in our written
8 comments, couplings are specifically provided for
9 under two tariff subheadings. Simply adding
10 these two classifications would further encourage
11 China to address the programs and policies that
12 are impacting the entire OCTG industry.

13 Couplings are at the heart of the OCTG
14 industry because you cannot do much with OCTG
15 without connecting it together. And it's the
16 couplings that provide these connections.

17 Any Section 301 relief given to OCTG
18 should include OCTG couplings. Thank you.

19 MR. BISHOP: Thank you, Mr. Keogh.
20 Our next witness is James Legg with LB Pipe &
21 Coupling Products, LLC. Mr. Legg, you have five
22 minutes.

1 MR. LEGG: Thank you. Good morning,
2 my name is Jimmy Legg, I'm general manager of LB
3 Pipe & Coupling.

4 Thank you for the opportunity to talk
5 today on behalf of LB Pipe and the U.S. Steel
6 Coupling Industry.

7 Our coalition of domestic producers of
8 couplings accounts for the majority of the
9 domestic production of finished couplings. I'm
10 here today to speak with you about steel
11 couplings that are at the heart of the U.S. oil
12 and gas industry.

13 The U.S. OCTG Coupling Industry has
14 been under constant attack by Chinese imports.
15 USTR has included OCTG in Section 301 relief.
16 But what you may not know is that OCTG Pipe can
17 only be used with the coupling.

18 The couplings are used to connect
19 individual tubes and casings together. While
20 other big steel mills produce their own couplings
21 for their own tubular pipes, there is an entire
22 domestic industry that produce finished

1 couplings.

2 The longest piece of seamless OCTG
3 pipe is 46 feet. You're not going to extract any
4 oil and gas with a 46 foot well. Without
5 couplings, you can't drill wells or extract oil
6 and gas, it's that simple.

7 We're a family owned business, started
8 in 2009. Our operation are lean, innovative and
9 we can compete against anyone on a level playing
10 field.

11 We currently have 100 workers, which
12 is down 20 percent from 2014. I estimate that if
13 Chinese imports were fairly traded, we would be
14 hiring 40 to 50 additional workers.

15 Because of the impact of the low price
16 Chinese couplings, we are currently operating at
17 less than half of our capacity.

18 The cause of our poor performance is
19 directly attributed to low priced Chinese
20 finished couplings. To put these prices in
21 perspective, we are routinely competing against
22 Chinese finished couplings offered in the U.S. at

1 prices well below our raw material cost.

2 We often see Chinese couplings at a
3 price of \$6.00 per piece, which translates to a
4 raw material cost of \$1,000 a ton. Right now,
5 our raw material cost is approximately \$1,600 a
6 ton.

7 We still have to cut the coupling,
8 thread it and perform testing and all the, which
9 rely on all U.S. skilled workers. We strongly
10 support all efforts that combat an unfair trade
11 to encourage China to meet its WTO obligations.

12 Adding OCTG couplings to Section 301
13 relief contributes to those efforts for a couple
14 of reasons. First, couplings are OCTG that has
15 been cut to a shorter length and threaded to
16 connect tubes together.

17 All of the reasons for OCTG pipes in
18 Section 301 relief, equally to OCTG couplings, as
19 we pointed out in our testimony, OCTG couplings
20 are currently eligible for Section 301 relief,
21 only if they're attached to OCTG pipe at the time
22 of importation.

1 You should also include OCTG couplings
2 to close the loophole and take away the incentive
3 for Chinese producers to separately ship OCTG
4 couplings to avoid any Section 301 duties on
5 coupled OCTG pipe.

6 Second, as drilling increases, the
7 market for finished couplings will also increase,
8 providing Section 301 relief to my industry would
9 help us benefit from the oil and gas recovery.

10 Including couplings in Section 301
11 relief will assist United States in getting China
12 to move away from these unfair practices. That
13 is why I urge you to include OCTG couplings in
14 Section 301 relief. Thank you.

15 MR. BISHOP: Thank you, Mr. Legg. Our
16 next witness is Augustine Tantillo with the
17 National Council of Textile Organizations. Mr.
18 Tantillo, you have five minutes.

19 MR. TANTILLO: Good morning, my name
20 is Augustine Tantillo and I'm the president of
21 the National Council of Textile Organizations.

22 NCTO represents the full spectrum of

1 the U.S. textile sector and we strongly support
2 the current Section 301 case against China.
3 However, the U.S. industry is deeply disappointed
4 that the retaliation list does not contain a
5 single textile or apparel product.

6 IP theft has certainly aided China's
7 dominance of global textile markets. In 2017
8 China held nearly 40 percent of the world's total
9 textile trade and amassed \$44 billion textile
10 trade surplus with the U.S.

11 Textiles and apparel represent nearly
12 12 percent of the total U.S. trade deficit with
13 China. U.S. textile manufacturers have been
14 acutely victimized by China's IP violations.

15 According to the Department of
16 Homeland Security in FY 2016 and again in 2017,
17 wearing apparel and accessories accounted for the
18 single largest segment of DHS IPR seizures at 20
19 percent and 15 percent respectively valued at
20 nearly \$200 million.

21 Our industry is vulnerable to IP theft
22 since we are the leading innovator of next

1 generation textiles. Further, our proprietary
2 technologies are difficult to develop but often
3 relatively easy to copy.

4 The following are three examples of
5 China's abuses in this area. High performance
6 textiles or products with extraordinary
7 performance capabilities, including high
8 elasticity, extreme wear, resistance and enhanced
9 moisture wicking properties.

10 An NCTO member and holder of various
11 patents on composite fabrics has seen its
12 products continually attacked by China. The
13 fabrics are so sophisticated that they are used
14 in the U.S. Military's Generation III Extended
15 Cold Weather Clothing System.

16 The U.S. manufacturer has recently
17 notified several U.S. brands that they are
18 violating their patents by importing garments
19 containing their proprietary fabric. In each
20 instance the infringing fabric was made in China.

21 Home furnishings are the products we
22 use daily in our homes such as carpets, drapery

1 and upholstered furniture. This area is
2 especially susceptible to intellectual property
3 theft as China often copies popular product
4 designs with impunity.

5 U.S. companies report that it is
6 normally less than six months between the display
7 of a new design and that design being copied and
8 marketed by Chinese competitors.

9 New materials is one of the ten R&D
10 priority technology domains in the China 2025
11 national plan, under which textiles is listed as
12 an advanced basic material.

13 Advanced textile materials are used in
14 diverse markets such as medical,
15 telecommunications, aerospace and construction.

16 An NCTO member produces an advance textile
17 structure for the telecom sector that they
18 manufacture in China for Asian markets. The
19 product required significant effort to invent but
20 is relatively simply to reverse engineer.

21 The U.S. manufacturer obtained
22 numerous patents and utilities models in China.

1 Nonetheless, several Chinese companies have
2 knocked off this product.

3 Although the company successfully sued
4 for patent infringement, collection of damages
5 has been virtually nonexistent.

6 Beyond the question of IP, candidates
7 for the retaliation list were ranked as to their
8 likely impact on U.S. consumers. Textile
9 products should not be disqualified on this
10 basis.

11 U.S. consumers would only be impaired
12 if there were no viable sourcing alternatives.
13 In the U.S., textiles and apparel are globally
14 and abundantly sourced.

15 The Commerce Department lists 98
16 different countries in their monthly major
17 textile shippers report. Last year the U.S.
18 imported over \$73 billion in textiles from
19 sources other than China, \$23 billion from our
20 FTA partners.

21 Sixteen countries other than China
22 shipped at least \$1 billion in textiles and

1 apparel to the U.S. And the U.S. produced nearly
2 \$78 billion in domestic textile output last year.

3 Moreover, it is a tactical mistake to
4 exempt strategically important Chinese
5 industries. According to reports, the textile
6 sector is the single largest provider of
7 employment, industrial employment, in China
8 supplying over ten million direct jobs.

9 Threatening China's illegal dominance
10 of global textile markets will create a
11 legitimate concern on their part as to their
12 ability to maintain such astonishing employment
13 levels.

14 Finally, we oppose inclusion of
15 textile machinery on the retaliation list. We
16 import almost all textile machinery, and
17 including machinery will only make it harder to
18 compete against China's predatory trade
19 practices.

20 In conclusion, the U.S. textile
21 industry recommends adding to the retaliation
22 list, finished apparel items that track closely

1 with product sourced from U.S. FTA partners,
2 textile based home furnishings and advanced
3 textile materials.

4 We also recommend that all textile
5 machinery be removed from the retaliation list.
6 Thank you for the opportunity to provide these
7 comments and I look forward to any questions that
8 you may have.

9 MR. BISHOP: Thank you, Mr. Tantillo.
10 Is Mr. Moore in the room? Mr. Chairman, that
11 concludes direct testimony from this Panel.

12 CHAIR BUSIS: Thank you. I think our
13 first question, Julia?

14 MS. HOWE: My question is for Mr.
15 Keogh. What would be the price effect on U.S.
16 consumers if couplings imported from China were
17 subject to tariffs?

18 MR. KEOGH: It's our opinion that the
19 coupling is a commodity. It's used in the
20 drilling process.

21 The effect on the consumer is more
22 oil, what they pay at the pump, oil and gas

1 prices. And it's really not affected by the
2 price of the coupling. We're talking about
3 pennies on the dollar here. It's a very minor,
4 it would have no effect at all on the consumers.

5 MS. PETTIS: Good morning, Maureen
6 Pettis, Department of Labor. This is a question
7 for Mr. Legg.

8 Approximately how long would it take
9 for the domestic industry to ramp up capacity to
10 meet domestic demand if couplings imported from
11 China were subject to tariffs?

12 MR. LEGG: To ramp up the employment
13 it would take six to 12 months.

14 MS. PETTIS: Okay, thank you.

15 CHAIR BUSIS: Could you, Mr. Keogh,
16 Mr. Legg, could you elaborate somewhat more on
17 the relationship between the input for your
18 product, which I think you said was OCTG, and the
19 coupling?

20 MR. LEGG: So, the coupling is
21 attached to completion casing. Generally, as
22 it's imported in, right now the Section 301, the

1 relief has the coupling attached if it's
2 imported, but they're shipping couplings in not
3 attached to the pipe. And that's where we're
4 affected.

5 CHAIR BUSIS: And what is the raw
6 material, is the raw material, you said also is
7 OCTG, could you explain that --

8 MR. LEGG: OCTG seamless material.

9 CHAIR BUSIS: -- that relationship
10 between the raw material and the couplings?

11 Is it the same size OCTG or how does
12 that work?

13 MR. LEGG: Yes. Go ahead.

14 MR. KEOGH: They're not the exact same
15 size. You've got you OCTG pipe, which is used
16 for extraction, which may be a five inch pipe,
17 and the coupling is a slightly larger OD so it
18 sits over to connect the two. So you need a
19 larger pipe.

20 It's all referred to as OCTG, however,
21 the coupling material versus your production
22 tubing, or production casing, which is what is

1 connected by the coupling, are different sizes.
2 But they're very close because they have to
3 obviously connect.

4 So, your largest OD on your production
5 casing or tubing would be close proximity to your
6 smallest ID on your coupling stock. So, we call
7 them a five inch production tubing and a five
8 inch coupling, just for consistency sake. But
9 they are different sizes.

10 CHAIR BUSIS: And are either of you
11 aware of the raw material or the couplings that
12 are currently subject to the 232 steel tariffs?

13 MR. KEOGH: The raw material for both
14 is subject to 232, yes.

15 MS. HENNINGER: Good morning, I'm
16 Carol Henninger from the State Department. My
17 question is for Mr. Heath.

18 Soy beans are a commodity product and
19 China's purchase of additional third country soy
20 beans would not change worldwide demand. What
21 effects do you anticipate for U.S. soy bean
22 exports to the world?

1 MR. HEATH: While I'm not an expert on
2 soy bean exports, I do know that news reports
3 have shown sales have gone down drastically and
4 the demand has gone down in the U.S. for U.S. soy
5 beans.

6 And that paired with the current cuts
7 to the Farm Bill that has programs that normally
8 would help funds cover crops like soy beans,
9 that's being revoked. There is also, there's
10 dire concern among the soy bean industry that
11 they will no longer have support to grow their
12 soy beans but also, they are losing sellers.
13 They're losing buyers.

14 CHAIR BUSIS: Thank you, Mr. Ethan, we
15 have not seen those news reports about the lost
16 soy bean sales, as you said, so we'd appreciate
17 if you could put those in the record, in your
18 post-hearing submission.

19 The next question is for, thank you.

20 MR. BOBSEINE: This question is for
21 Mr. Tantillo. It's a multi-part question.

22 MR. TANTILLO: Sure.

1 MR. BOBSEINE: Does the U.S. textile
2 manufacturing industry import textile machinery
3 produced in countries other than China?

4 What other countries are available as
5 sources of supply for such machinery?

6 What would the impact on downstream
7 industries in your sector be if tariffs were
8 placed on Chinese inputs to apparel?

9 And the final part, would there be
10 enough U.S. production to meet the needs of
11 apparel manufacturers in that case?

12 MR. TANTILLO: On the machinery
13 question, there are limited alternatives for
14 sourcing textile machinery. Unfortunately, with
15 China's dominance of the textile and apparel
16 sector itself, they also wiped out textile
17 machinery producers in many regions, including
18 the United States.

19 So, virtually all textile machinery is
20 imported. That's the first point. We're almost
21 totally dependent on importing.

22 Europe is the major supplier to the

1 United States with about 47 percent of total
2 imports. China, Japan and Taiwan all roughly
3 have about ten percent of that import market.

4 We think that by putting machinery on
5 the list you will be giving significant pricing
6 power to the other three major players. Unlike
7 the apparel or textiles industry itself where
8 there are hundreds of suppliers and numerous
9 alternatives in terms of sourcing, we have very
10 limited opportunity there.

11 Secondly, you mentioned about inputs,
12 we are the dominant manufacturer of fiber, yarn
13 and fabric in North America. The United States
14 is. That's our expertise.

15 Where we have very limited production
16 is the final step, cutting and sewing. We can
17 provide those textile inputs without any
18 significant issue.

19 Most of our members are running at 65
20 to 70 percent capacity. So the very first thing
21 that would be done is an increase in U.S.
22 capacity utilization.

1 And I'm sorry, can you repeat your
2 last question?

3 MR. BOBSEINE: If there are tariffs
4 placed on Chinese imports to apparel, would there
5 be enough U.S. production to meet the needs of
6 apparel manufacturers?

7 MR. TANTILLO: Absolutely. As
8 mentioned, we're about a third, we have about a
9 third of existing infrastructure capacity that is
10 underutilized currently.

11 MR. BOBSEINE: Thank you.

12 CHAIR BUSIS: Mr. Tantillo, you
13 mentioned, your testimony mentions high
14 performance textiles and new material textiles,
15 are these, can these be identified?

16 Are these targeted by HTS tariff
17 numbers or are they contained in various HTS
18 tariff numbers?

19 MR. TANTILLO: They are spread
20 throughout the chapters that are relevant to our
21 industry. The Chapters are generally 50 through
22 63.

1 But we could help identify, for the
2 Government, HTS lines where there is a high
3 performance or advanced textile relevance. It's
4 hard because you could have within that tariff
5 line a very highly engineered advanced yarn, or
6 fabric. But also in that same line something
7 that's more of a commodity product.

8 CHAIR BUSIS: Right. So we have the
9 same thought, so to the extent you could take a
10 cut at that in --

11 MR. TANTILLO: Okay.

12 CHAIR BUSIS: -- in your post-hearing
13 testimony, that would be helpful for us.

14 MR. TANTILLO: All right.

15 CHAIR BUSIS: Thank you.

16 MR. TANTILLO: Thank you.

17 MS. ROY: My name is Tracy Roy, I'm
18 coming from, sorry, I work for U.S. Customs and
19 Border Protection. This question is for Ms.
20 Quach.

21 Okay, my question is, your
22 organization provided a long list of line items

1 that you request be removed from the list,
2 approximately how long would it take domestic
3 industry to increase capacity or to shift to
4 other sources of supply to meet domestic demand
5 for these items if imports from China were
6 subject to tariffs?

7 I hope you can provide estimates for
8 all items in your follow-up submission.

9 CHAIR BUSIS: Also, a follow-up
10 question. It was unclear, I wasn't sure if your
11 testimony, if you opposed, if your organization,
12 RILA, opposed any tariff at all or only certain
13 tariffs?

14 MS. QUACH: For us in the 301 context,
15 as part of this investigation, these are not
16 issues that are, necessarily are priority items
17 as it relates to China's theft on technology
18 transfers, intellectual property and innovation.

19 So, I feel like in this case our
20 member companies are concerned about the
21 collateral damage. You know, the fact that we
22 are caught in a cross fire between a dispute

1 between the United States and China.

2 That said, we don't believe that
3 tariffs are the answer to resolving this issue.
4 And more specifically, we don't believe that
5 American consumers, the consumer products that
6 are on the 301 list today, should be part of the
7 301 list moving forward.

8 MS. PETTIS: I'm Maureen Pettis,
9 Department of Labor. Mr. Spinello, your
10 organization also provided a long list of items
11 that you requested to be removed from the list,
12 so I'd ask the same questions.

13 Approximately how long would it take
14 domestic industry to ramp up capacity or to shift
15 to other sources of supply to meet domestic
16 demand for these items if imports from China were
17 subject to tariffs?

18 MR. SPINELLO: I believe it would take
19 six to 12 months in most cases. Many of the
20 components, they're a unique customer design,
21 they have tooling and there is a big long
22 process. Usually three to six months for

1 qualification for these components.

2 And we only supply, we do not supply
3 finished goods, we are only supplying customer
4 design components that go into further
5 manufacturing at their plants in the U.S.

6 MS. PETTIS: Thank you.

7 CHAIR BUSIS: It would also be helpful
8 if you, your testimony mentions a specific
9 example, a foot switch. Could you, you mentioned
10 what was bought in the United States, could you
11 describe the part that was imported from China,
12 also tell us about that?

13 MR. SPINELLO: Yes. A lot of what we
14 supply for foot switches are die castings,
15 they're machined powder coated. That the tooling
16 costs in China is much less than the U.S., and
17 just the component price itself is less.

18 So, it's a large value of the actual
19 foot switch itself is being saved. But many of
20 the components also, it's more cost competitive
21 to buy from the U.S. because they're bulkier,
22 they're not competitive to ship ocean freights.

1 Seventy percent of the components are
2 sourced in the U.S. also. And that helps with, a
3 lot of it is assembly, all of it is custom order
4 so they have to have delivery and they have to
5 keep stock so they can't buy it.

6 But it helps compete because it is a
7 significant value of the foot switch itself.

8 CHAIR BUSIS: Mr. Bishop, I think
9 we've finished our questions for this Panel.

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

13 Our first witness on this Panel is
14 Ryan Marino of the Tile Council of North America.
15 Mr. Marino, you have five minutes.

16 MR. MARINO: Good morning, Members of
17 the Section 301 Committee and thank you very much
18 for the opportunity to testify today.

19 My name is Ryan Marino and I'm the
20 standards development and research manager of the
21 Tile Council of North America.

22 TCNA has a longstanding relationship

1 with Clemson University where I earned my degree
2 in ceramic engineering. We are the trade
3 association for the U.S. tile industry.

4 Our member companies account for more
5 than 99 percent of U.S. tile production and over
6 99 percent of U.S. mortar, grout and related
7 installation product manufacturing.

8 As with many trade associations, the
9 tile council serves both as policy resource for
10 member companies and as a technical resource
11 conducting cutting edge research and working with
12 counterparts in other countries to establish
13 international performance standards for tile.
14 Indeed, as an engineer I conduct much of this
15 live research.

16 The U.S. tile industry is sizeable.
17 In 2013 our member company shipped \$1.4 billion
18 of domestically made tile and our tile producing
19 member companies employed more than 5,750
20 American workers.

21 The U.S. tile industry is also
22 vibrant. It includes both large and small

1 companies offering aesthetically pleasing
2 innovative products that compete alongside dozens
3 of family owned craft facilities.

4 As we indicated in our comments of May
5 11th, TCNA, on behalf of the U.S. tile
6 manufacturers, request that the administration
7 add ceramic floor and wall tile classifiable
8 under HTS 6907, to the list of products subject
9 to additional duties as a consequence of USTR's
10 301 determination.

11 Despite our industry size, it is
12 threatened by the growing presence of Chinese
13 imports in the market place. For this reason,
14 the inclusion of floor and wall tile would have
15 broad based, indeed perhaps universal support
16 among U.S. tile manufacturers and industry
17 suppliers and would be justified on trade policy
18 grounds.

19 Imports of Chinese floor and wall tile
20 merit inclusion on the list of products subject
21 to tariff for three reasons.

22 First, mislabeling. Porcelain tile

1 sells at a premium in the U.S. Both for the
2 quality of its decoration, made possible by
3 porcelain technology, and for its low water
4 absorption that provides excellent freestyle
5 resistance and strength.

6 TCNA believes that imports of Chinese
7 porcelain tile often do not meet U.S. or
8 international standards for porcelain, defrauding
9 the customer and damaging the tile industry
10 through inferior products and the resulting
11 complaints of poor performance. And by
12 depressing prices for genuine porcelain tile
13 products.

14 Second, IP violations. Ceramic tile
15 producers devote substantial time and resources
16 to product design and development. As a building
17 finish, ceramic tile is selected based on its
18 design in addition to performance.

19 We regularly hear U.S. manufacturers
20 complain of designs being copied by manufacturers
21 in China.

22 Third, underselling. According to the

1 latest international trade commission data,
2 Chinese tile imports are priced at \$.87 per
3 square foot. A dramatically lower price than the
4 \$1.52 per square foot for domestic shipments and
5 ceramic tile.

6 This dramatic price discrepancy, a 57
7 percent difference, is indicative of dumping,
8 particularly in light of the fact that some of
9 the best clay deposits in the world are located
10 in the United States, close to the manufacturing
11 facilities of TCNA members.

12 In sum, the U.S. ceramic tile industry
13 to threatened by unfairly traded Chinese product
14 and U.S. producers would wholeheartedly support
15 the inclusion of ceramic tile classifiable under
16 HTS 6907 to the list of products and subject to
17 additional duty.

18 Thank you for the opportunity to
19 testify today and I'll look forward to any
20 questions.

21 MR. BISHOP: Thank you, Mr. Marino.
22 Our next witness is Joe Blanco of Target

1 Holdings, Incorporated doing business as Target
2 World. Mr. Blanco, you have five minutes.

3 MR. BLANCO: Good morning and thank
4 you for inviting me here today. With the recent
5 tariffs imposed on imported steel under Section
6 232 of the Trade Expansion Act, USA manufacturers
7 have made safes -- or that make safes in the
8 United States and North America using U.S. Steel,
9 has seen their prices go up substantially forcing
10 price increases.

11 My largest selling safe lines have
12 announced prices with warnings more to come.
13 Some very substantial. The prices of Chinese
14 made safes, however, have not been impacted from
15 what I have seen.

16 When Target World first started
17 selling safes in the Year 2000 we sold safes
18 exclusively from Heritage Safe County that were
19 made in Grace, Idaho.

20 Heritage Safe Company no longer exists
21 in its original form. The company brought on a
22 Chinese investor and started making some of their

1 safes in China to be able to compete with low
2 price safes being imported from there. Today
3 Heritage is 100 percent Chinese owned and all of
4 their safes are made in China under the name
5 Heritage Security.

6 I've attached screen captures in the
7 submission that I made from Costco and Sam Club's
8 websites. You can see in these documents almost
9 everything they made sell is made in China,
10 including Heritage Security.

11 Over the years I've seen a number of
12 safe manufacturers go out of business because of
13 China competition or take the, if you can't beat
14 them, join them attitude. Where they have moved
15 portions of their manufacturing to China or just
16 imported 100 percent of their product.

17 As U.S. safe manufacturers begin to
18 succumb to Chinese pricing pressure, Chinese
19 manufacturers are able to gain more influence on
20 the U.S. safe market. They do this through a
21 number of ways, a few of which are, first,
22 partnerships with the U.S. safe companies.

1 They either have all or part of their
2 production done in China, often with substantial
3 control exerted from China.

4 Second, safes being manufactured in
5 China are often knocked off and re-labeled with
6 other brands and then offered for resale in the
7 United States. There are a number of importers
8 with no U.S. manufacturing base who only market
9 and sell products here.

10 You know what, I started on the second
11 page. That's okay. And I'll just start over.
12 The purpose of my testimony, by the way, is to
13 add, is to request that safes be added to the
14 list of products considered for tariffs on the
15 USTR annex.

16 I'd like to see high duties placed on
17 the safes. And for the items being imported from
18 China on the Harmonized Tariff Schedule 8303.

19 And just kind of going back a little
20 bit, about me a little bit, I am the owner of
21 Target World, as I was introduced. And we
22 maintain the largest retail display selection of

1 fire and security safes in the United States. Or
2 one of the largest I should say.

3 We focus on safes built with U.S.
4 steel, and I have dealt with most of the safe
5 manufacturers in the United States and have
6 visited their manufacturing operations. I feel I
7 have an excellent understanding of the industry
8 and the competitive pressures faced.

9 Until recently I was a chairman of the
10 board for Nation's Best Sports. The largest
11 volume sporting goods buying group in the United
12 States with over 1,200 member stores.

13 I was also chairman of the committee
14 that screens safe manufacturers for member buy-in
15 groups. I have a bachelors of science degree
16 from West Point with an academic concentration of
17 economics and a master of science from North
18 Carolina State in operations research.

19 Prior to owning Target World I managed
20 the largest manufacturer of chrome wheels for the
21 OEM U.S. market outlet. I've also managed other
22 manufacturing businesses with operations in both

1 the United States and overseas.

2 So, kind of going back to where I was.
3 Talking about how China manufacturers have been
4 able to gain more influence in the United States.
5 I first mentioned the partnerships.

6 The second, the knock offs of safes,
7 and finally, Chinese manufacturers price their
8 direct import safes at costs below which U.S.
9 manufacturers using U.S. steel can operate. This
10 puts pressure not just on manufacturers but also
11 on retailers like Target World who try to sell
12 U.S. made safes.

13 As a retailer of safes, I can sell any
14 line of safes that I like, but I prefer to sell
15 safes manufactured in the United States. And if
16 I cannot compete selling U.S. made safes built
17 with U.S. steel, I will either be forced to not
18 sell safes or start selling cheaper subsidized
19 imports from China.

20 Whether it's a market for Made in USA
21 products, consumers are price sensitive. If I
22 and other retailers like me stop selling U.S.

1 made safes, the U.S. safe manufacturing base will
2 continue to shrink. Along with the jobs and
3 other industry that benefit from it.

4 We have a choice, the unfair Chinese
5 trade practices should not be rewarded and the
6 American safe manufacturing base needs relief to
7 stay viable.

8 The recent imposition of tariffs for
9 imported steel under Section 232 of the Trade
10 Expansion Act, addresses the use of imported
11 steel to make U.S. safes, but it does not address
12 safes being imported into the U.S. market.

13 Because steel is typically the largest
14 cost component of safes, the importation of these
15 products needs to be addressed. Section 301 of
16 the Trade Act of '74 is a good way to do this,
17 and I ask that safes be added to the list of
18 products being considered for tariffs on the USTR
19 annex with an additional duty of at least 25
20 percent. Thank you.

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

22 Our next witness is Ray Crosby with Champion Safe

1 Company. Mr. Crosby, you have five minutes.

2 MR. CROSBY: Good morning. Thanks for
3 the opportunity to address the Panel. And, Joe,
4 thank you for being one of the supporters, one of
5 our retailers, of the safes that we manufacture.

6 Over the last 36 years I have been
7 involved in the founding and management of five
8 safe manufacturing companies. Fort Knox Safe
9 Company was the first in 1982, Liberty Safe and
10 Security Product in 1988, Champion Safe, 1998 and
11 Superior Safe in 2007 and Safeguard Security
12 Products in 2013.

13 These safe companies represent a
14 combined aggregate production of about four
15 million units, equate into roughly \$3 to \$4
16 billion in retail sales.

17 Today, Champion Safe is one of the
18 last surviving American domestic safe
19 manufacturers that has never imported a China
20 made safe.

21 Fifteen years ago, Utah was a safe
22 manufacturing center of our country, today it's

1 Ningbo, China.

2 I attend this hearing with
3 disappointment. I've seen a once strong American
4 safe industry now relegated to China. The rush
5 to China to get lower cost products has
6 devastated American safe manufacturers.

7 The demise of the American safe
8 industry is illustrated by reviewing Datamyne's
9 global import/export data. A copy of which is --
10 (Off microphone comment)

11 MR. CROSBY: Thank you for letting me
12 know. As you can see, from 2011 through 2016
13 there is an increase from 200,000 units, this is
14 imported China units, to 820,000 units and a
15 retail increase from \$101 million to \$410
16 million. A fourfold increase in five short
17 years.

18 After reviewing the docket in the
19 annex I find no inclusion for safes and vaults
20 listed under HTS 8303. I feel strongly that
21 safes involved should be included in the annex
22 for the following reasons.

1 First, the 232 steel tariff burdens
2 American safe producers with 30 percent higher
3 steel prices while China's safe exporters are
4 unaffected. A quality safe is a steel intensive
5 product of weight 40 to 70 percent steel.

6 The 232 tariff has significantly
7 increased Champion safe steel cost by 30 percent,
8 from \$0.45 a pound to \$0.60 a pound.

9 Champion Safe consumed 15 million
10 pounds of USA made steel in 2016. Hence a
11 projected cost increase of \$2,225,000 over the
12 next year.

13 Second, the low-cost market pressure
14 caused by saturation of China made safes prevent
15 American Safe manufacturers from raising prices
16 to pass 232 steel cost increases on to consumers.

17 Three, raising the price on raw
18 materials to USA manufacturing through tariffs
19 without raising tariffs on finished goods being
20 imported to China is contrary to the
21 administration's goal of protecting American safe
22 manufacturing.

1 In 1988 my brother and I were the
2 founders of Liberty Safe and Security products.
3 In 1989 our best-selling safe, Lincoln 25, it
4 weighed 540 pounds, had a dealer cost of \$718 and
5 it's retailed for \$999.

6 Move the clock forward 29 years,
7 Champion's best-selling safe is the Model T. It
8 weighs 500 pounds, has a dealer price of \$649 and
9 retails for \$899. And sadly, our best-selling
10 safe today has a dealer price \$67 less and
11 retails for \$100 less than a similar safe 29
12 years ago.

13 And to put this into perspective, if
14 you went down to buy a Ford pickup, 4-wheel drive
15 crew cab, we'll make it fancy, that would cost
16 you, this is 1989, it would cost you about
17 \$14,800. Today it's about \$60,000. For the
18 Chevy fans, it was \$13,700.

19 Because of, well, steel costs. In
20 1989 our steel costs was \$0.18 a pound. Today
21 our steel cost is \$0.58 a pound, a threefold
22 increase.

1 Because of low-cost labor, low-cost
2 steel and government subsidies, the Chinese
3 exporters increased duties will be practical and
4 effective at providing cost equalization and
5 returning American industry and jobs.

6 After 36 years in the safe industry --

7 MR. BISHOP: Mr. Crosby, your time is
8 expired, could you please wrap up?

9 MR. CROSBY: Yes, I'll wrap up right
10 now. To help rebuild American safe
11 manufacturing, Champion Safe requests the
12 inclusion of HTS 8303.

13 The summary reasons are, 232 tariff
14 provides a 25 percent to 30 percent steel cost
15 advantage to Chinese safe producers, low-cost
16 market pressures caused by imported safes prevent
17 American safe manufacturers from raising prices
18 onto consumers. By encouraging domestic steel
19 production through the 232 tariff, USTR must also
20 encourage downstream domestic consumption.

21 Fourth, manufacturing industries that consume raw
22 materials and produce finished goods create the

1 most economic value to our economy. Why not
2 return this wealth producing industry to the
3 U.S.? Thank you.

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

5 Our next witness is Garry Hartman with
6 Cheetah Chassis Corporation. Mr. Hartman, you
7 have five minutes.

8 MR. HARTMAN: Good morning. My name
9 is Garry Hartman and I'm the president of Cheetah
10 Chassis. I appreciate the opportunity to appear
11 before you today and I thank the U.S. Trade
12 Representatives and all those involved in the
13 Section 301 investigation for their hard work in
14 taking these critical steps to address the
15 Chinese unfair practices.

16 Today I'm here to discuss the harmful
17 impact the China practices of forced transfers of
18 technology, intellectual property, and innovation
19 had on the U.S. container chassis producers like
20 Cheetah Chassis.

21 Cheetah supports the USTR's
22 determination to impose additional duties on

1 Chinese products, to address unreasonable
2 practices that have burdened and restricted U.S.
3 commerce.

4 Cheetah requests that the container
5 chasses classified under HTS subheading
6 8716.39.0090 be added to the list of products to
7 be subject to additional tariffs.

8 Cheetah Chassis is an American
9 manufacturer of chasses and trailers based in
10 Berwick, Pennsylvania and Sumter, South Carolina.
11 We are one of the largest remaining U.S.
12 manufacturers of chasses and we are proud to
13 employ over 170 people at our two facilities.

14 Now remember the Strick Group, which
15 dates back to the 1930s. Strick was instrumental
16 in developing the first container chassis in the
17 1960s. Since then, we have remained an
18 innovative force in the industry and have
19 developed some cutting-edge chassis products and
20 designs.

21 Cheetah and the domestic chassis
22 container industry have been devastated by the

1 Chinese Government's policies and practice that
2 have forced technology, intellectual property,
3 and innovation transfers to Chinese firms. The
4 U.S. chassis industry is a prime example of the
5 affects that those policies have had on the U.S.
6 industries and producers.

7 When Chinese producers first entered
8 the market in 2008, they copied our designs, as
9 well as other U.S. manufacturers. Specifically,
10 we noticed that the Chinese producers are
11 offering container chasses that appear to be
12 identical to Cheetah's. They even included
13 pictures, pictures of our products in their
14 marketing materials and claimed them as their
15 own. However, when they did that, they forgot to
16 remove our logos from the pictures. And I
17 respectfully ask that you look at the back of my
18 testimony today that shows those pictures of our
19 chasses on their website.

20 According to official data, imports of
21 container chasses from China has increased over
22 140 percent in the last ten years. According to

1 an independent market analysis, chassis-specific
2 shipments from China has increased by over 300
3 percent over that same period.

4 Cheetah went from two full shifts,
5 employing nearly 500 people, to only one shift
6 currently, employing about 150 people in our
7 Pennsylvania facility and about 50 in our South
8 Carolina facility.

9 In particular, CIMC Intermodal
10 Equipment is one of our largest competitors and
11 part of the China International Marine
12 Corporation, one of the world's largest
13 manufacturers of transportation equipment. CIMC
14 is backed by two of the largest Chinese shipping
15 and logistics state-owned entities. CIMC was
16 principally responsible for appropriating
17 Cheetah's intellectual property and product
18 designs. Unlike Cheetah and our other domestic
19 manufacturers, CIMC does not manufacture chassis
20 it sells in the United States. It imports
21 partially assembled chassis and then completes
22 them when they arrive.

1 Not only did CIMC use our design to
2 gain market share, to make matters worse, CIMC
3 used unfair pricing to offer its container
4 chassis products at prices far below our prices,
5 indeed, often at prices that are below our cost
6 of production.

7 As a Chinese company backed by state-
8 owned entity, CIMC likely benefits from a wide
9 array of government subsidies, such as the
10 provision of steel for less than adequate
11 remuneration. We can compete against anyone in
12 the United States -- I'm sorry -- anyone on a
13 level playing field but we cannot compete against
14 this type government-sponsored unfair trade.

15 By using our designs and selling those
16 chassis at dump-subsidized prices, CIMC took
17 several large companies from us fairly quickly
18 and has continued as of today.

19 From the very beginning, our company
20 history committed to innovation of product
21 develop. However, if nothing is done to prevent
22 these types of unfair trade practices by the

1 Chinese government and its state-owned entities,
2 no amount of design and quality innovations with
3 save us. Without relief, there will be nothing
4 left to the U.S. container chassis industry.
5 Cheetah has already been forced into a small
6 portion of the market, as has other domestic
7 manufacturers have actually exited the market.
8 Left unchecked, CIMC will eventually take over
9 the entire market. At that point, the U.S. will
10 be completely dependent on Chinese state-owned
11 entities for intermodal transportation of goods
12 to the United States.

13 Thank you for your time and attention.

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

15 Our next witness is Tripp Hornick,
16 III, with LHSC, Incorporated. Mr. Hornick, you
17 have five minutes.

18 MR. HORNICK: Good morning and thank
19 you for the time. As Franklin wrote, Commerce
20 among the nations should be fair and equitable.
21 The laws, policies, and practices, and the
22 actions of the Government of China regarding the

1 manufacture and export of home textiles,
2 specifically, ready-made window treatments,
3 better known as curtains, drapery, and shades,
4 prevent this and have caused direct, undue and
5 intentional harm to both American businesses and
6 consumers.

7 The committee should impose tariffs of
8 25 percent on ready-made textile window
9 treatments imported from China, specifically, HTC
10 6303.

11 I have experienced the following
12 indisputable actions by the Chinese Government,
13 listed here in summary, in its willful creation
14 of an unfair and inequitable trade relationship,
15 while aiding and abetting unlawful acts by
16 Chinese manufacturers and exports, many owned and
17 controlled by the Chinese Government, which have
18 been wholly ignored by the WTO, willful theft of
19 utility patents properly filed and acknowledged
20 by the United States Patent and Trademark Office.
21 Of particular note, a patent of my personal
22 design developed in concert with the U.S.

1 Consumer Product Safety Commission to provide a
2 safety mechanism for Roman shade window
3 treatments; manufacturing exporting to the United
4 States, and selling in American retail stores,
5 products featuring stolen utility patents,
6 including the aforementioned.

7 The Chinese Government knows well an
8 American manufacturer cannot sue a retailer, as
9 it is the hand that feeds them. Manufacturing,
10 exporting to the United States, and selling in
11 American retail stores, products featuring USPTO
12 registered trademarks without the consent of the
13 owner, willful dissemination of business
14 confidential information to Chinese Government-
15 owned manufacturers, in direct violation of
16 executed nondisclosure agreements. Of note, I
17 have had a Chinese Government-owned subcontractor
18 attempt to sell me my own business confidential
19 information, not knowing that I was, in fact, the
20 end customer.

21 Providing subsidies to manufacturers
22 and exporters with the intent and direct results

1 of dumping product into the American market.

2 Breach of written contracts, treaties
3 and regulations by the Chinese Government-owned
4 manufacturers, resulting in significant losses to
5 American manufacturers, namely, but not limited,
6 to, falsifying quality records and shipping
7 product to the United States without
8 authorization to force payment.

9 Threatening executives, including
10 myself, with Chinese criminal action to force
11 payment for nonconforming goods which are in
12 breach of purchase orders, storming the offices
13 of American companies, including my own in
14 Shanghai, and preventing entrance for a period of
15 two weeks in order to force payment of
16 nonconforming goods in breach of purchase order
17 requirements, and in an attempt to show American
18 retailers that the supply chain of the American
19 company was broken.

20 Now I do not take lightly the strength
21 of these words, nor should anyone hearing them.
22 I am an American manufacturer, a 100-year-old

1 family-owned small business who does and will
2 continue to do business with China. I do not
3 represent a trade association providing fuzzy
4 math and making specious claims that they have
5 the best interests of the American consumer in
6 mind, nor am I a lobbyist, or an attorney. I
7 have placed my money and the security of my
8 entire extended family on the line to create
9 well-paying jobs and safe and desirable products
10 for the greatest client on the planet, the
11 American consumer.

12 We do not seek advantages above other
13 nations. We simply seek a fair and equitable
14 trading environment, a level playing field. We
15 do not seek to simply punish China and other
16 nations for their actions. Free trade is the
17 goal if it is truly free. The market, as it
18 should, will determine success.

19 Now it is important to note the
20 current tariff system directly discriminates
21 against American manufacturers with assembly
22 operations in our industry, term cut so, by

1 imposing a higher tariff on fabric imported into
2 the United States from all nations, including
3 China, versus ready-made product wholly
4 manufactured overseas.

5 My government, the United States
6 Government, is subsidizing Chinese manufacturers
7 at my direct expense and telling me not to create
8 American jobs.

9 We urge the committee to impose
10 tariffs of 25 percent on ready-made textile
11 window treatments imported from China. Such a
12 tariff will positively impact the American
13 consumer while decreasing overall cost by
14 ensuring the products they purchase have the
15 desired quality, life span, and safety they
16 desire and deserve. The tariff is targeted
17 proportionate and appropriate.

18 I am grateful for your time and for
19 all your efforts. Thank you.

20 MR. BISHOP: Thank you, Mr. Hornick.

21 Our next speaker is Jim Mischel with
22 Electric Mirror, LLC. Mr. Mischel, you have five

1 minutes.

2 MR. MISCHEL: Thank you. Good
3 morning. My name is Jim Mischel. I am CEO of
4 Electric Mirror, a family-owned U.S.
5 manufacturing business.

6 I appreciate the opportunity to speak
7 today on behalf of my family and our 300
8 employees in support of action under Section 301
9 of the Trade Act of 1974. I'm here from Seattle
10 to tell our story.

11 This may be some of the most important
12 minutes in the history of our company. My family
13 business started 20 years ago in our garage. We
14 dreamed of creating a company that would build
15 innovative new products here in America. It took
16 seven years for us to get out of the garage and
17 move to our first facility. Those first seven
18 years, we all worked with little or no pay.

19 Over time, through my family and our
20 employees' hard work, we have become the
21 recognized global leader in lighted mirrors,
22 mirror TVs, and mirrors with integrated

1 technology, such as Bluetooth and voice
2 assistance. You may have seen our products in
3 hotel brands such as Marriott, Hilton, Hyatt, and
4 Four Seasons, and in hundreds of retail stores
5 across the United States.

6 We have received numerous awards,
7 including the Presidential E Award for exports to
8 more than 90 countries. We have over 40 patents
9 and continue to focus on innovation.

10 Just over three years ago, when our
11 factory lease was coming up and we were having to
12 move, we were faced with an important decision.
13 Should we build a new factory here in America or
14 slow down our current U.S. operations and move
15 most of our production to China. For my family
16 and our team, it was an easy decision. We were
17 going to support our employees, our community,
18 create new jobs, and commit tens of millions of
19 dollars to build a factory here in America. I'm
20 happy to say we opened that factory, purchased
21 new equipment, created those new jobs, and made a
22 substantial investment to build products in

1 America.

2 But all that is under threat now. I
3 sit before you three years later and wonder was
4 that the right decision. In the last couple of
5 years, we have experienced a flood of infringing
6 products coming into America from China. Most of
7 our patented products have been copied. Many of
8 our product images have been stolen off our
9 website and then used by companies from China as
10 if they were their own. I recognize how you
11 feel.

12 We have lost tens of millions of
13 dollars due to China's unfair trade practices and
14 have seen the erosion of our margins. We have
15 laid off a substantial number of American
16 employees. We have spent over a million dollars
17 in legal fees to protect our intellectual
18 property and it simply isn't sustainable. We
19 face a whack-a-mole phenomenon, where one
20 company's imports are quickly supplanted by other
21 China suppliers.

22 While Chinese products flood our

1 markets, we are practically blocked through high
2 tariffs and other questionable practices from
3 exporting products into China. Their duties on
4 our products sold into China are two to five
5 times the rate of those same products coming into
6 the United States.

7 Was it a mistake to build that factory
8 in America? It was if our government isn't
9 willing to protect manufacturing companies like
10 my family's from China's currency manipulation,
11 intellectual property theft, export subsidies,
12 and unfair business practices.

13 I am not here to discuss the
14 theoretical implications of our trade imbalance
15 but the practical ones. Some say moving forward
16 with Section 301 will create a trade war.
17 Manufacturing companies like mine are already in
18 a trade war. It's unfair and we are losing.

19 Should our government fail to address
20 the unfair trade practices of China, should it
21 fail to implement the proposed actions under
22 Section 301, we will have no choice but to

1 forfeit the dream of made in America and quickly
2 move most of our production to China in order to
3 compete.

4 On behalf of Electric Mirror, I
5 respectfully request that Section 301 be
6 implemented and the Trade Representative add
7 lighted mirrors to be included on the list of
8 products covered by the Section 301 relief.

9 Thank you for your time.

10 MR. BISHOP: Thank you, Mr. Mischel.

11 Our next witness is Paul Rosenthal
12 with Kelley Drye and Warren on behalf of the
13 Glass Packaging Institute. Mr. Rosenthal, you
14 have five minutes.

15 MR. ROSENTHAL: Thank you. Good
16 morning, Mr. Busis and other members of the
17 Interagency Committee. My name is Paul --

18 MR. BISHOP: Paul, can you move a
19 little closer to your mike, please? Thank you.

20 MR. ROSENTHAL: My name is Paul
21 Rosenthal and I am appearing here today on behalf
22 of the Glass Packaging Institute, known as GPI,

1 and its member companies. GPI is the trade
2 association representing the North American glass
3 container industry, which produces an array of
4 consumer product packaging options for a variety
5 of industries, including food, beverage, and
6 cosmetics.

7 Anchor Glass, who is not a GPI member,
8 joins the statement in furtherance of lending
9 support to the industry position.

10 Over 90 percent of the domestic glass
11 container manufacturing industries' highly-
12 skilled hourly work forces are organized by the
13 United Steel Workers. As the majority of U.S.
14 container plants are located in lower
15 socioeconomic areas of the country, the pay and
16 benefits earned by these valued employees are
17 much higher on average when compared to nearby
18 jobs and careers.

19 GPI seeks the inclusion of glass
20 container products in the list of products to be
21 subject to additional duties in the amount of 25
22 percent. While glass container products may not

1 fall within the advanced technology priority
2 sectors of Made in China 2025, glass production
3 employs advanced technology and it is extremely
4 capital-intensive. Chinese producers of these
5 products have benefitted from an export-oriented
6 industrial policy that has caused considerable
7 harm to U.S. producers over time. For this
8 reason, they are similarly situated to other
9 products that have been included initially on the
10 Section 301 retaliation list.

11 For example, there is considerable
12 evidence that the Chinese glass container
13 manufacturers have, for decades, been supported
14 by various government subsidies. Independent
15 scholars have estimated that subsidies for the
16 entire glass industry may have totaled \$30
17 billion just for the period between 2004 and
18 2008. These government subsidies have resulted
19 in massive exports that target the United States.
20 The U.S. is China's largest export market, by
21 far, for glass container products and such
22 exports have grown significantly in recent years.

1 Exports from China to the U.S. in 2017
2 were more than four times as large as those to
3 China's second largest export market, Indonesia.
4 These exports even may be understated, as there
5 is credible evidence that some imports from
6 Canada may actually be of Chinese origin.

7 The Chinese highly subsidized export-
8 oriented glass container exports, which have been
9 deliberately targeting the U.S. market, have had
10 a substantial negative impact on U.S. producers.
11 GPI's comments provide detailed examples of these
12 serious consequences and I would like to briefly
13 highlight just one, which is jobs.

14 In the written testimony I submitted,
15 I noted that between 2005 and 2018 GPI member
16 companies have reported ten plant closures
17 attributed to Chinese imports, resulting in
18 estimated job loss of 3,500 workers. As of
19 yesterday, that number 10 moved to number 11, as
20 another plant was closed by one U.S. glass
21 producer and that affected another 250 jobs.

22 It's clear that if the Chinese

1 government does not cease its support for its
2 glass industry, there will be more plant closures
3 and job losses. The GPI, therefore, urges the
4 Administration to negotiate an end to the Chinese
5 Government targeting of the glass industry.

6 Understanding that the Chinese Government will
7 not immediately reach the same conclusion on its
8 own, we urge you to impose increased tariffs on
9 glass container products to create the leverage
10 needed to address these concerns.

11 The inclusion of these products is
12 appropriate in the context of this 301 action
13 because they would counter the impact of China's
14 unfair gains in the U.S. glass container market
15 as the result of its industrial policy and
16 provide much needed support to domestic companies
17 which have been hurt by the Chinese Government
18 policies.

19 Moreover, U.S. customers will not be
20 significantly affected by the tariffs, since
21 there is plenty of excess capacity that could
22 satisfy the U.S. needs.

1 On behalf of the Glass Packaging
2 Institute in association with Anchor Glass, I
3 want to thank you for allowing us to present
4 testimony today and I will be happy to answer
5 your questions.

6 MR. BISHOP: Thank you, Mr. Rosenthal.

7 Our final witness on this panel is
8 Mark Berman with Rockland Industries,
9 Incorporated. Mr. Berman, you have five minutes.

10 MR. BERMAN: Thank you to the U.S.
11 Trade Representative and members of this panel
12 for the opportunity to testify about the impact
13 of Chinese trade practices on U.S. manufacturers.
14 My name is Mark Berman. I am the CEO of Rockland
15 Industries.

16 I am here to request that you include
17 products covered by 59070060 and 59039025 in the
18 Section 301 action.

19 Rockland is a family-owned business
20 that traces its roots back to 1832, making it one
21 of the oldest continuously operating
22 manufacturing companies in the U.S. It is one of

1 the dwindling number of textile manufacturers
2 still making products here. We are headquartered
3 in Baltimore with a factory in South Carolina.
4 We provide approximately 240 jobs, most of which
5 are in an impoverished rural community.

6 Rockland manufactures the blackout
7 window covering fabrics that are found in almost
8 every hotel and motel room. We export these
9 products to over 90 countries, including China,
10 and have received the President's E and E Star
11 Awards.

12 In the past several years, we have
13 seen increasing volumes of Chinese blackout being
14 sold in the United States at decreasing prices.
15 The circumstances of this growth fit precisely
16 into the Trade Representative's criteria for
17 imposing increasing tariffs.

18 Rockland is the inventor and the sole-
19 surviving manufacturer of coated blackout window
20 covering fabrics and the driving force for
21 innovation. For example, Rockland developed new
22 technologies in manufacturing methods that

1 allowed the production of super-wide coated
2 fabric, where the width of the fabric is used as
3 the length of the drapery. This was
4 revolutionary, permitting the production of
5 seamless coverings for wide windows and greatly
6 reducing sewing costs. It took us five years and
7 over \$5 million to develop this technology.
8 Within six months of our introduction of these
9 new products, the Chinese were selling a similar
10 product.

11 Rockland also developed the
12 technologies, manufacturing methods, and
13 specialized equipment to put our blackout coating
14 directly onto the back of much heavier decorative
15 face fabrics, allowing one fabric to replace two.
16 Hotels realized the cost savings. Once again,
17 about six months after the introduction, we saw
18 Chinese producers copying our innovations.

19 Chinese competitors have been offering
20 these products in the U.S. at prices below
21 Rockland's cost of production. The only way for
22 them to do this is through Chinese Government

1 support. What's worse, the Harmonized Tariff
2 Schedule actually provides imported products with
3 an advantage over the domestically-produced
4 counterparts. Blackout fabrics may be imported
5 into the United States on a duty-free basis. The
6 raw materials, however, are subject to a high
7 rate of duty.

8 In the past, Rockland could buy 100
9 percent of its raw materials from U.S. producers.
10 Today, the fabrics upon which Rockland applies
11 its coating are insufficiently available in the
12 United States. We have no choice but to import
13 the raw material we cannot find here, much of it
14 from China, and pay a 15 percent duty. So
15 Rockland pays high duties on the very same raw
16 materials that the Chinese use to make an end
17 product that it sells in the U.S. duty-free.
18 China has clearly recognized the opportunity to
19 exploit this loophole in our laws.

20 The cost of a blackout window covering
21 fabric is a minuscule portion of the decorating
22 budget for a hotel. The incremental cost of

1 imposing a 25 percent duty on Chinese blackout
2 fabrics is a fraction of a penny a day over the
3 life of the product. As such, it would not lead
4 to hotels and motels to increase their room rates
5 and, therefore, would not have any impact on
6 consumers. Neither would the small difference in
7 price have a measurable effect on profitability
8 of either large or small hotels and motels or
9 hotel and motel chains. And while Rockland's
10 blackout fabrics are generally available to
11 consumers for home use, the market is small and
12 has not been exploited by China.

13 In addition, coated blackout fabric is
14 not used as a raw material to make any other
15 products in the U.S. Therefore, adding a duty to
16 its importation would not impact consumers or
17 jobs in the U.S. In fact, the converse is true.
18 Continuing to allow low-cost Chinese blackout
19 fabric to be sold in the U.S. market imperils the
20 existing manufacturing jobs that Rockland
21 provides.

22 Please make no mistake about it, not

1 only Rockland's business but its very existence
2 is imperiled by unfair Chinese trade practices.

3 We ask that the Section 301 Committee
4 add Chinese-produced coated blackout fabrics
5 under HTS 59070060 and 59039025 to the list of
6 the products subject to the proposed 25 percent
7 duty. Thank you for your attention. I would
8 happy to answer any questions you may have.

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

10 Mr. Chairman, that concludes direct
11 testimony from this panel.

12 CHAIR BUSIS: Sarah, could you start?

13 MS. BONNER: Hello. My name is Sarah
14 Bonner with the U.S. Small Business
15 Administration. This first question is for Mr.
16 Marino of the Tile Council of North America. I
17 actually have two.

18 And thank you very much for your
19 testimony regarding the impact on U.S. tile
20 manufacturers. Among the complaints of U.S. tile
21 manufacturers that you mentioned were that
22 Chinese manufacturers were copying their designs.

1 Have you heard of any copy designs being imported
2 into the United States?

3 And my second question is: Would
4 duties on tile products impact U.S. small
5 business that install tile products in any way?

6 MR. MARINO: Both great questions and
7 we will provide a detailed summary to answer both
8 in our submission after the hearing.

9 To answer your first question, I would
10 have to check back with some of our member
11 companies to see which of the products that they
12 feel they have been violated on, whether or not
13 those are products that are being sold in the
14 U.S. So that's something we will certainly get
15 back to you on.

16 With regards to the effect of
17 increased tariffs on the installed product, we do
18 not feel that that would be the case. In fact,
19 ceramic tile is meant to be a permanent finish.
20 And so when products are sold and the customer is
21 defrauded in such a way that damage occurs, they
22 actually are paying for that product again. So

1 it actually, in that way, would save money both
2 in the installation and also in the use of the
3 product.

4 MS. BONNER: Thank you.

5 MS. HOWE: My question is for Mr.
6 Crosby.

7 So you're requesting an additional 25
8 to 35 percent increase -- tariff increase on
9 Chinese-made safes, vaults, and related products,
10 including gun safes.

11 Have you conducted an assessment of
12 potential impacts on U.S. consumers? And if so,
13 what are your projections? And is this likely to
14 result in fewer gun safe sales in the U.S.?

15 MR. CROSBY: Thank you. That's a very
16 good question. I'm not sure I have all the
17 answers but I will try.

18 The 232 tariff burdens domestic
19 producers with a 30 percent steel increase. And
20 when you look at the steel on a 350-pound -- or a
21 safe with 350 pounds of steel, that will increase
22 the retail cost of that safe about \$100. And on

1 a safe with 500 pounds of steel, it will increase
2 the retail cost by about \$150. A thousand pounds
3 of steel in a safe will increase the cost by
4 about \$300.

5 And with the overwhelming market
6 saturation of the low-cost Chinese product,
7 American domestic manufacturers cannot compete.
8 The overwhelming presence has set a price
9 expectation that a good safe can cost maybe \$400
10 \$600 or \$700 if you go down to Costco. And
11 that's about the cost of our product to our
12 retailers. And so it will push the cost up when
13 you look at the steel.

14 There is also a big difference in the
15 quality of product that we see coming in from
16 China. And I think John Ruskin's oft quoted
17 statement, anybody can build it worse and sell it
18 cheaper, that really needs to apply here today as
19 well.

20 Now, I don't know if I answered the
21 totality of your question or not.

22 MS. HOWE: The second part of my

1 question was whether you anticipated that the
2 imposed tariffs would result in fewer gun safe
3 sales in the U.S.

4 MR. CROSBY: Well, let me speak after
5 36 years of making the boxes and setting up seven
6 manufacturing plants, to repatriate a stray
7 company, with its sales and distribution in
8 place, is not an expensive or a long-term
9 project. A safe manufacturer does not need to be
10 a capital-intensive business. A 60,000 square
11 foot building with \$8 million to \$10 million
12 worth of manufacturing equipment will turn out
13 200 to 300 safes per week. And you know it's not
14 like setting up a steel plant that costs \$10
15 million and ten years to do.

16 The setup time may give several
17 domestic office-only companies who have strayed
18 to China to undercut American competitors, some
19 short-term pain. But if these American companies
20 display the same initiative as they did when they
21 rushed to China, the long-term supply chain
22 problems can be minimized.

1 It might happen. You know running the
2 cost up -- you know there is a threshold of cost.
3 The difference between buying American and buying
4 Chinese is somewhere around 25-30 percent. And
5 yes, it could run the cost up. Anytime you run
6 costs up you get sticker shock. So it could
7 result in fewer safes.

8 MR. BLANCO: Can I contribute to that?
9 From a capacity standpoint, there is excess
10 capacity within the safe industry. I don't
11 represent any one manufacturer but I have
12 relationships with a lot of them.

13 For example, Liberty Safe right now
14 has one of their manufacturing lines that's
15 mostly idle. Granite Security out of Fort Worth,
16 Texas, they brought the manufacturing from China
17 back to the United States, built a facility and
18 then realized that they couldn't compete on
19 price. So, they moved back to China.

20 There is manufacturing capacity in the
21 United States. And so from an overall gun safe
22 standpoint, I really don't think it's going to be

1 impacted too much. Where it's going to be
2 impacted are going to be on the very bottom end
3 of the safe business, those low-cost safes.

4 The safes being imported from China,
5 for the most part, are thinner steel bodies.
6 They are built to a price, not to standard. And
7 so you know they look really good. Ray once used
8 a term that I really love. They are an illusion
9 of security. You know you buy a really nice
10 painted safe. It has a good logo on it. It
11 might say Field and Stream or something that is
12 attractive and consumers are very happy thinking
13 they have got a great safe.

14 But it's the very bottom end of the
15 safe market that will be impacted by this,
16 initially, I think. But the U.S. manufacturers
17 are very competitive. As Ray was saying about
18 the price of the safes from way back when he was
19 first with Liberty Safe to now, where he's making
20 Champion Safe, I am very familiar with both of
21 those lines because I carry them in my store.

22 I think the U.S. manufacturers are

1 very competitive and they will step up to meet
2 the demand.

3 MR. CROSBY: Let me just add one more
4 thing. We don't anticipate a long-term
5 disruption to the marketplace. It might be a few
6 months but it's not going to be several years.

7 And I just want to make one more
8 comment in a way of thank you to our panel today.
9 A week ago today, in fact right about now, my son
10 was sworn in as a new member of the Salt Lake
11 City Police Force. It's a select group. And on
12 the back of his badge was a statement by Plato,
13 the Greek philosopher. I think it is very
14 fitting here for today. He said it matters
15 little if the cobblers and masons fail but if the
16 guardians fail, our democracy will crumble. I
17 want to thank you for being good guardians.

18 And if you accept 83 into -- 8303 into
19 the annex, in my opinion, you'll become great
20 guardians. Thank you.

21 CHAIR BUSIS: I don't know if our
22 committee warrants the same kind of respect as a

1 first responder but we thank you for the thought.

2 Will, I'm not sure if we had a
3 question for Mr. Blanco. I think -- did he
4 pretty much cover it, I think?

5 MR. BOBSEINE: I think he did cover
6 it, yes.

7 CHAIR BUSIS: All right. So Mr.
8 Blanco, I don't want you to reveal confidential
9 information but I'm curious how you manage to
10 have a store that specializes, apparently, in
11 U.S. safes when the consumers currently can buy
12 cheaper products.

13 MR. BLANCO: There is a good demand
14 for made in the USA products. We advertise that
15 way. We push. Now, in my store, I sell more
16 than safes. We are a sporting goods store. I
17 sell hunting products. I have shooting ranges,
18 archery, camping. So I do have a lot of foreign-
19 made products. In fact, when you look at the
20 firearms industry, the U.S. Army has adapted the
21 6R. It's European, Glocks. So there are a lot
22 of foreign-made products at my store.

1 But with safes, I have been able to
2 focus on USA-made product because it is still
3 available. So there is plenty of competitive --
4 there is plenty capacity and very good products.
5 I like the products and I feel good about what I
6 sell to my customers.

7 The challenge is is that customers --
8 I don't always -- unless I get the customer in
9 front of me, I don't have that opportunity to
10 make that sale. When you go online to Amazon or
11 to one of the box stores and you look at the
12 safes and they look good, you know it's just
13 tough because it takes that customer out of the
14 market.

15 When a customer buys a safe, they
16 typically are going to keep it for life. Now, we
17 do have a lot of repeat business because they
18 bought too small a safe and they want another,
19 you know need more safes.

20 But yes, we're able to stay in
21 business by pushing made in the USA but we lose a
22 lot of sales. It's hard for me to quantify.

1 When I walk into my local Costco and there is a
2 Heritage Security safe right at the front of the
3 entrance and people are looking at it, I feel
4 like walking up and saying don't buy that but I'm
5 professional. I don't do that.

6 But just the amount of business that
7 we would gain, otherwise, would be I think
8 extremely significant.

9 And Costco and Sam's can still sell
10 safes. There are plenty of safes made in the
11 United States that are available for them to
12 sell.

13 MS. ROY: My name is Tracy Roy. I'm
14 from U.S. Customs and Border Protection. This
15 question --

16 MR. BISHOP: Closer to your mike,
17 please.

18 MS. ROY: Tracy Roy from U.S. Customs
19 and Border Protection. My question is to Mr.
20 Hartman, Cheetah Chassis Corp.

21 What are the expected impacts on
22 shippers and other downstream industries if these

1 new lines for HTS 8716.39.0090 are added to the
2 tariff list?

3 MR. HARTMAN: We don't believe there
4 would be any impact on our customers or the
5 shipping industry. There is plenty of capacity
6 in the United States. Prior to coming in today,
7 we've actually talked with our competitors and
8 they are all willing and ready to increase their
9 capacity.

10 Again, as I mentioned earlier, we
11 started building these container chasses in the
12 1960s and I have been with the company since
13 1974. We've supplied the United States for 30
14 plus years, not just us but our competitors, and
15 it has not been a problem.

16 So we wouldn't expect any problem at
17 all in our customer base or in the delivery of
18 the products that they use our trailers for.

19 CHAIR BUSIS: Thank you. Could you
20 also describe for the committee some more detail
21 on what these chasses are?

22 MR. HARTMAN: Sure.

1 CHAIR BUSIS: Are on trucks -- for
2 trucks under containers or where would we see
3 them?

4 MR. HARTMAN: You have to look close
5 because, as you're going down the highway, you
6 probably pass container chasses and you know both
7 Cheetah's and our competitors, and the foreign
8 chasses many, many times.

9 So you'll see two types of trucks
10 going down the highway. One is a dry van or
11 reefer truck. That's usually a white box. And
12 if you look underneath it, there is no main frame
13 rails. It is a monocoque design, which we
14 actually developed in the Strick Companies in the
15 1940s. So it's basically like an airplane. The
16 sides, and the roof, and the floor holds it all
17 together. That is a van trailer. That is made
18 by our company in Indiana, Strick Trailers.

19 The container chassis is a steel
20 frame, different configuration, sizes, lengths,
21 amount of axles. And it's basically when the
22 containers, whether it is domestic containers

1 from the U.S. railroads come off the trains, they
2 go on a chassis. And when the ships come in from
3 China, they go on chasses at the ports and they
4 are delivered either to their end user or to a
5 distribution center.

6 So it's a steel frame made -- not only
7 steel, has electrical harnesses. The amount of
8 steel in a chassis is about 6,000 to 7,000
9 pounds.

10 And the steel frame is painted. When
11 you see it without any container on it, it looks
12 sort of like a flatbed trailer without a floor.
13 When it does have a container, a lot of times the
14 chassis itself will be a different color than the
15 shipping box that is being carried.

16 MR. BOBSEINE: This question is for
17 Mr. Mischel.

18 What are the expected impacts on other
19 downstream industries that may make use of the
20 products if the lines you suggest are added to
21 the tariff list?

22 MR. MISCHEL: Thank you. I think a

1 number of positive impacts.

2 Basically right now how it's set up is
3 the companies that are investing in R&D are
4 completely being undermined in the industry.
5 Electric Mirror spends millions of dollars on
6 research and development. We are in the process
7 right now of considering shutting down our entire
8 R and D division. So that means new innovative
9 products won't be brought into our market.

10 There are a number of other U.S.
11 manufacturers that can definitely fulfill any
12 capacity needs, in addition to European
13 manufacturers. Electric Mirror, in the last two
14 years, has reduced its production from three
15 shifts down to one. We, alone, have the capacity
16 to meet the demands of the entire market.

17 One other aspect that I forgot to
18 mention during my testimony is many of the
19 products we're seeing flooding into the United
20 States don't meet even basic safety standards and
21 fail to meet UL requirements. These are going
22 into major multi-family apartments and hotels and

1 it's very concerning.

2 MR. BOBSEINE: Thank you.

3 MS. HENNINGER: Hello. Carol
4 Henninger from the State Department. My question
5 is for Mr. Rosenthal.

6 You were requesting to add glass
7 packaging products under subheading --

8 MR. BISHOP: I need you to speak
9 directly into your mike, please. We're not
10 picking you up.

11 MS. HENNINGER: Sorry about that. Can
12 you hear me?

13 You are requesting to add glass
14 packaging products under subheading 7010.90.0050.

15 Have you conducted an assessment of
16 how this might impact U.S. consumers? And if so,
17 what were the results?

18 MR. ROSENTHAL: I have not conducted
19 an assessment but I can give you our view on that
20 without any science. And that is, number one,
21 there is plenty of excess capacity in the U.S. to
22 supply the needs of our customers, the industry's

1 customers. There is also plenty of capacity that
2 is actually supplying the U.S. market from other
3 countries -- Mexico, Canada, and other sources.
4 So there will not be any shortage of supply.

5 And I will analogize, too, since I
6 work for both the steel and aluminum industries,
7 the 232 tariffs. When those were announced,
8 Secretary of Commerce Ross made a number of
9 appearances on television and interviews in which
10 he noted that the additional tariffs on steel
11 would add a fraction of a penny to a can of soup.
12 And having just been involved in a tin mill case
13 three weeks before, I was very familiar with that
14 math. His assessment, the Secretary of
15 Commerce's assessment was that adding a slight
16 additional cost to a can of soup would not affect
17 consumer demand for either the cans or the soup.
18 And the same held true with respect to his
19 assessment of an additional cost to an aluminum
20 can and the effect of a consumer who might buy a
21 six-pack of beer.

22 So the Secretary of Commerce's view

1 was raising the cost of packaging for consumer
2 goods such as those were not going to have an
3 impact on consumer demand for those products and
4 I think the same is certainly true with respect
5 to the glass packaging industry, which has lots
6 of excess capacity.

7 CHAIR BUSIS: Mr. Rosenthal, could you
8 address what the major inputs are for these glass
9 packages and whether you think China has some
10 sort of natural advantage for these inputs?

11 MR. ROSENTHAL: There is soda ash.
12 There is other -- there is culled other input
13 products that go into that.

14 What is interesting, there is a study
15 done about ten years or so ago by Haley and
16 Haley. I'm sure people who are sitting around
17 this room are familiar with their analysis of the
18 Chinese subsidies to a bunch of industries,
19 including glass, paper, steel, et cetera. And
20 they found that the Chinese don't have any
21 natural competitive advantage there.

22 They found out, in fact, there are a

1 lot of, at least at that time when the industry
2 was being targeted for expansion by the Chinese
3 Government, there are a lot of small and medium-
4 sized enterprises that were not particularly
5 competitive.

6 What's happened though is that, over
7 that time, the Chinese Government from 2004 to
8 2008 pumped in about \$30 billion worth of
9 subsidies. So they are more competitive now but
10 not because of any natural competitive advantage.

11 I haven't seen any more recent study
12 since 2008 to indicate whatever government
13 largess has been provided but there is nothing
14 that the Chinese do, no technology that they
15 have, no natural resources that they have that
16 make them any more competitive than the U.S.
17 industry. The difference is the attention and
18 government intervention that the Chinese
19 producers have received.

20 CHAIR BUSIS: That was very helpful.

21 Thank you. Maureen.

22 MS. PETTIS: Maureen Pettis,

1 Department of Labor. This is a question for Mr.
2 Hornick.

3 Your submission indicates that raising
4 the tariff rates in ready-made window treatments
5 will benefit, not negatively impact U.S.
6 consumers in numerous ways, including improving
7 product quality, safety, and value.

8 Can you expand on how you reached that
9 determination and could you also consider
10 providing a post-hearing submission that
11 references the underlying HS subheadings you wish
12 to have added?

13 MR. HORNICK: Certainly. I'd be happy
14 to detail that out in the post-hearing
15 submission.

16 There are a few facets on this. Your
17 all-in cost is reduced here in the United States.
18 I can manufacture one of my best products for
19 about \$2.10 cheaper than as a ready-made import
20 in the United States. That is due to my high
21 levels of automation, even though I am creating a
22 lot of great jobs here. JIT, Just in Time

1 manufacturing, so I'm not financing nine months
2 of inventory.

3 Quality -- no one -- let's compare
4 this to bedding for a moment. No one hangs two
5 sheets on a wall and says they have to be within
6 a quarter-inch tolerance in length. They sure do
7 on window treatments. The automation that we
8 provide in the United States ensures that quality
9 as opposed to the simple hand-sewn that is
10 happening in the United States. That cuts down
11 on returns.

12 It's cheaper in the long-run for the
13 American consumer, not necessarily up front.
14 Even though there will be cost reductions up
15 front on some window treatments for the American
16 consumer, you have to look at the all-in cost.

17 If something is unable to be washed
18 without absolutely being destroyed, and boy have
19 I seen a lot of cotton and blended fabrics from
20 China in our subsector not be able to get through
21 wash tests and also due to some of their toxic
22 chemicals such as formaldehyde, a consumer has

1 just lost their purchase after six months.

2 You know when I am able to manufacture
3 it here, I ensure it passes very rigorous tests
4 and we get responses 20 years later, almost every
5 day, that they are lasting well and people thank
6 us for them.

7 Let's also get to the end cost on the
8 retailer. The retailers have so much invested in
9 sourcing overseas that the argument is not about
10 the consumer pricing, it's about justifying the
11 jobs and the expense that they have overseas to
12 Wall Street. If those jobs aren't necessary in
13 China, the cost will go down, while keeping the
14 same markups and margins for the retailers in the
15 United States.

16 And one more point on this. You can't
17 compare home textiles like window treatments to
18 apparel. It's not a needed product. Everyone
19 needs a tee-shirt. Everyone needs underwear and
20 socks. Not everyone needs a curtain. That's I
21 think a really important point, that it is not a
22 must-have.

1 I hope I've answered this but all the
2 cogs are cheaper here in the U.S.

3 MS. PETTIS: Okay, thank you.

4 MR. HORNICK: Thank you.

5 MS. BONNER: This question is for Mr.
6 Berman of Rockland Industries.

7 In your testimony, you explained that
8 a duty increase would have minimal impact on
9 consumers. Can you expand on how you reached
10 that determination?

11 MR. BERMAN: Yes. The cost of the
12 textile that goes on the window in a hotel is --
13 well, depending on the -- will range from maybe
14 \$5 to \$15 a yard. The average life expectancy is
15 three years.

16 If you add a 25 percent tariff,
17 multiply it out by the number of days, the actual
18 cost per day is minuscule and not enough to cause
19 a change in hotel rates. And we can give you an
20 example where we actually show you the math.

21 MS. BONNER: Thank you. If you would
22 like to submit something further, you can. But

1 thank you.

2 CHAIR BUSIS: Mr. Bishop, I think we
3 have finished questions for this panel. Thank
4 you.

5 Okay, let's take a 12-minute break
6 until five after 11:00.

7 MR. BISHOP: We release this panel
8 with our thanks. And we stand in recess until
9 five minutes after.

10 (Whereupon, the above-entitled matter
11 went off the record at 10:54 a.m. and resumed at
12 11:06 a.m.)

13 MR. BISHOP: Will the room please come
14 to order?

15 CHAIR TSAO: Good morning. My name is
16 Arthur Tsao. I am an assistant general counsel
17 at USTR. We do have two new members to the
18 Section 301 Committee and I would ask them to
19 introduce themselves.

20 MS. BLEIMUND: Good morning. I'm
21 Emily Bleimund from the Office of Global Affairs
22 at HHS. Thanks.

1 MR. ENSOR: I'm Will Ensor from the
2 Council of Economic Advisors.

3 MS. PETTIS: I'm Maureen Pettis from
4 the Department of Labor, Bureau of International
5 Labor Affairs.

6 MR. BOBSEINE: William Bobseine,
7 Department of Commerce, International Trade
8 Administration.

9 MS. HOWE: Julia Howe, USTR, China
10 Office.

11 MS. HENNINGER: Carol Henninger, State
12 Department.

13 MS. ROY: Tracy Roy, U.S. Customs and
14 Border Protection, Office of Trade.

15 MR. O'BYRNE: I'm Bryan O'Byrne,
16 Office of Trade, Small Business Administration.

17 MR. BISHOP: Our first witness on this
18 panel is Matt Moedritzer with the Society of
19 Chemical Manufacturers and Affiliates. Mr.
20 Moedritzer, you have five minutes.

21 MR. MOEDRITZER: The Society of
22 Chemical Manufacturers and Affiliates appreciates

1 the opportunity to testify --

2 MR. BISHOP: Pull your mike a little
3 bit closer, please.

4 MR. MOEDRITZER: SOCMA is the only
5 U.S.-based trade association solely dedicated to
6 the specialty and fine chemical industry, a \$300
7 billion industry that is fueling the U.S.
8 economy. Our members play an indispensable role
9 in the global chemical supply chain, providing
10 specialty chemicals to companies in markets
11 ranging from aerospace and electronics to
12 pharmaceuticals and agriculture.

13 SOCMA is concerned that the proposed
14 additional 25 percent duty on products in the
15 annex to the Federal Register notice could have a
16 negative effect on the U.S. specialty chemical
17 manufacturing because: 1) various listed
18 chemistries are produced exclusively in China; 2)
19 specialty chemical supply chain modification is
20 particularly burdensome; and 3) and most
21 importantly, 40 percent of China's proposed
22 retaliatory list are these chemicals.

1 SOCMA agrees that the Chinese
2 intellectual property regime restricts U.S.
3 commerce. In fact, most of our sectors are
4 driven by IP. Nevertheless, SOCMA favors
5 resolution through constructive negotiation
6 before imposing broad-based tariffs that can
7 offset positive impacts from the American shale
8 gas revolution and 2017 tax relief legislation.

9 U.S. chemical manufacturers often
10 procure key materials in both domestic and
11 international markets for production of finished
12 chemicals and goods. Increased U.S. tariffs on
13 these raw materials would limit the ability to
14 produce finished goods at competitive
15 manufacturing costs, making it very difficult for
16 U.S. chemical manufacturers to offer a value
17 product at a competitive price globally.

18 While several of the 1,333 on the
19 proposed U.S. tariff list implicates chemicals,
20 some of those chemistries listed are chemical
21 intermediates that are produced exclusively in
22 China. If tariffs are implemented, costs to

1 specialty chemical manufacturers that rely on
2 those inputs could escalate to levels that render
3 domestic manufacturing uncompetitive and, in
4 other instances, greatly increase the cost of
5 manufacturing for life-saving pharmaceuticals and
6 other specialty chemicals in the United States.

7 Regarding pharmaceuticals,
8 approximately 90 percent of all prescriptions are
9 written now for generic drugs. For years,
10 downward pricing pressure on generic drugs has
11 precipitated a move to outsource production to
12 other parts of the globe where labor savings can
13 be achieved. India and China have been the
14 primary beneficiary of this movement, although
15 quality problems at facilities in India have led
16 to a greater reliance on active pharmaceutical
17 ingredient manufacturing in China. In many
18 cases, Chinese manufacturers have become the sole
19 global supplier of many APIs using over-the-
20 counter drug products, such as headache, cough,
21 and cold remedies. While these APIs present a
22 major cost factor for all generic medicines, they

1 are by no means the only cost driver.

2 Excipients, binders, cuttings, and a variety of
3 other specialty and fine chemicals are needed as
4 starting materials in pharmaceutical
5 manufacturing processes.

6 Tariffs on these chemicals would only
7 add to cost factors and will force increases in
8 prescription and over-the-counter retail drug
9 prices, which would adversely affect the Trump
10 Administration's recently announced plan to lower
11 the cost of drug prices. SOCMA, therefore, asks
12 that these and other specialty chemical
13 intermediates be removed from the proposed list.

14 As before mentioned, altering
15 specialty chemical supply chains is particularly
16 burdensome because alternative sources are finite
17 and a modification can require regulatory
18 approval. Specialty chemicals have purity and
19 performance demands that require particularized
20 expertise in infrastructure to manufacture.

21 Given the complex and costly process to produce
22 such products, duplicate plants and manufacturing

1 technologies are not readily available.

2 In the pharmaceutical industry, for
3 example, finding suppliers and qualifying new
4 supplier facilities and raw materials can be very
5 expensive and time consuming. The highly
6 regulated nature of this industry requires that
7 all such changes in suppliers receive prior
8 approval from the FDA and other world regulators.
9 Revising or initiating new drug master files and
10 amending abbreviated new drug applications to
11 document these changes can easily cost of
12 hundreds of thousands of dollars and take months
13 to years to accomplish.

14 New quality agreements with new
15 suppliers would need to be put into place. FDA
16 reviews, approvals, and inspections will also add
17 to the time it takes to shift production to new
18 suppliers.

19 The time required to make these
20 changes will almost certainly lead to short-term
21 and possibly long-term drug shortages for some of
22 the drugs impacted by the proposed tariffs.

1 Forty percent of China's proposed
2 retaliatory list targets chemicals. This is
3 SOCMA's foremost concern. American chemical
4 manufacturers are the top exporting industry in
5 the U.S. accounting for \$181 billion in 2017,
6 which amounted to 14 percent of all U.S. exports.
7 Also 30 percent of the more than 800,000 jobs in
8 the U.S. chemical industry are export-dependent.
9 While specialty chemicals are a sector to this
10 vital industry, our members make the products
11 that improve downstream manufacturing. In fact,
12 over 96 percent manufactured goods are touched
13 one way or another by chemistry.

14 Given the chemical industry's
15 heterogeneity, we urge the Administration to
16 consider the compound effects of the specialty
17 chemical industry and its many downstream
18 sectors. If the tariffs are implemented or
19 uncertainty continues, there will be less demand
20 for U.S.-made chemicals. Therefore, SOCMA urges
21 the Administration to work with industry and WTO
22 training partners to coordinate non-tariff

1 strategies to address China's IP theft, forced
2 technology transfers, and industrial policies
3 that restrict U.S. commerce.

4 These duties, if applied, would cause
5 disproportionate economic harm to U.S. interests,
6 including small and medium-sized specialty
7 chemical manufacturers. Thus, if the list is
8 implemented, before implementation SOCMA urges
9 USTR to work with U.S. ITC and U.S. Customs to
10 identify the individual chemical products
11 contained on many of the listed basket categories
12 and to reach out to consumers of such products to
13 be sure they will have reasonable alternatives to
14 China. This is a very difficult task, especially
15 for many of the smaller companies that SOCMA
16 represents, to cross-reference HTS numbers on the
17 301 list with chemicals that companies are
18 producing.

19 We are happy to see that the
20 Administration recently began what we hope are
21 constructive and sustained negotiations to
22 improve the manufacturing competitiveness of the

1 chemicals trade, an industry that is particularly
2 apt to grow economies and reestablish trust in
3 our societies.

4 I welcome any questions you may have
5 and thank you sincerely for your time today.

6 MR. BISHOP: Thank you, Mr.
7 Moedritzer.

8 Our next witness is Ralph Ives of
9 Advanced Medical Technology Association. Mr.
10 Ives, you have five minutes.

11 MR. IVES: Thank you. And thank you
12 for the opportunity to present the views of the
13 Advanced Medical Technology Association, AvaMed,
14 before this Section 301 Committee.

15 We provided the committee a detailed
16 written submission, which we hope will be the
17 basis for any decisions USTR makes in its
18 proposed action affecting our industry.

19 AvaMed supports the Administration's
20 determination to ensure that China abides by
21 international trade rules that have served the
22 global community very well since 1948. But for

1 our industry, the proposed additional tariff of
2 25 percent on imports of nearly \$3 billion of
3 medical technology products is the wrong option
4 at the wrong time.

5 Imposing tariffs on the imports of
6 medical technology products will not help our
7 industry. We an American success story. Much of
8 the medical technologies on the market today were
9 invented in the United States. We are winning by
10 the Administration's own metric, the trade
11 deficit. Our industry has consistently run a
12 merchandise trade surplus. Our industry's trade
13 with China in all medical technology products is
14 running only a negligible deficit. And our trade
15 with China on the products on the USTR list are a
16 slight surplus.

17 We rely on international trade,
18 including imports of components and semi-finished
19 products from China to retain our leadership in a
20 highly and increasingly competitive global
21 market. This is the wrong time to take action
22 affecting our industry. We share the

1 Administration's concerns about measures China
2 might adopt to capture our industry under Made in
3 China 2025. That is why we developed an action
4 plan first proposed by Ambassador Lighthizer to
5 address our main China issues. Our action plan
6 calls for comparable reciprocal market access for
7 medical technology trade between China and the
8 United States and includes specific actionable
9 issues that need to be resolved. We received
10 favorable comments about this action plan from
11 the relevant U.S. agencies.

12 We have been making progress with
13 China on some of the issues identified in that
14 action plan. We do not want progress to stop or,
15 even worse, go backwards because of medical
16 technology products on a USTR retaliation list.

17 Our concerns are compounded because we
18 are a heavily regulated industry in China.
19 Chinese retaliation for USTR's actions could
20 easily be taken by Chinese regulators in a number
21 of areas adversely impacting our industry and
22 undermining our ability to compete with Chinese

1 medical technology companies in China.

2 We respectfully request that import
3 tariffs not be implemented at this time on
4 medical technology HTS categories identified in
5 our written submission. We ask that our action
6 plan be the basis for advancing our issues in
7 China.

8 Thank you very much. I'd be pleased
9 to respond to the panel's questions. Thank you.

10 MR. BISHOP: Thank you, Mr. Ives.

11 Our next witness is Gozie Onyema of
12 Smiths Medical. Mr. Onyema, you have five
13 minutes.

14 MR. ONYEMA: Thank you to the Section
15 301 Committee for taking the time to hear our
16 comments and response to the proposed Section 301
17 tariffs.

18 My name is Gozie Onyema, Associate
19 General Counsel for International Trade
20 Compliance for Smiths Group. One of Smiths
21 Group's business division, Smiths Medical, is a
22 medical device manufacturer headquartered in

1 Minneapolis, Minnesota. Smiths Medical's 7,700
2 employees, who operate in over 30 countries
3 around the world, provide life-saving solutions
4 for the world's healthcare markets. Our products
5 are found in hospitals, emergency, and home and
6 specialty care environments. These products are
7 used during critical and intensive care surgery,
8 post-operative care, and for support in managing
9 chronic illness.

10 Smiths Medical will be significantly
11 and negatively impacted if the proposed list of
12 products imported from China under USTR Section
13 301 action is not modified. Of greatest concern
14 to Smiths Medical is the inclusion of these two
15 HTS sections: Section 9018, which covers
16 instruments and appliances used in medical,
17 surgical, dental, or veterinary sciences; and
18 Section 9019, which covers mechanotherapy
19 appliances, massage apparatus, psychological
20 aptitude testing apparatus.

21 These two sections include specific
22 items that are highly regulated by the U.S. Food

1 and Drug Administration and, at present, are
2 imported duty-free, namely, needles, catheters,
3 tracheal tubes and accessories, respiratory
4 therapy masks, filters, and bags. These items
5 are purchased by Smiths Medical from suppliers in
6 China and then are used either as standalone
7 medical devices, for example, needles and
8 tracheal tubes, or as components in other medical
9 devices that we manufacture, for example,
10 respiratory therapy masks, filters, and bags that
11 are included as part of a larger procedural kit
12 of devices.

13 Our facilities in Oakdale, Minnesota,
14 Olive Branch, Mississippi, and Dublin, Ohio use
15 these FDA-approved components from China to
16 provide life-saving medical devices to patients
17 receiving medical care in tens of thousands of
18 hospitals across the United States and to
19 patients in our served export markets around the
20 world. If the proposed tariff on these Section
21 9018 and 9019 components is implemented, Smiths
22 Medical will be compelled to seek alternative,

1 non-Chinese suppliers. This process is both
2 expensive and time-consuming, as it would require
3 significant changes to our supply chain, for
4 example, in the area of validating new suppliers.
5 And in the case of finished medical devices, it
6 might necessitate resubmissions of the impacted
7 product regulatory approvals from FDA and
8 potentially other regulatory bodies.

9 Smiths Medical's purpose is to provide
10 high-quality innovative solutions and superior
11 support to healthcare professionals and providers
12 to ensure safety, enhance patient outcomes, and
13 improve the total cost of care. The proposed
14 tariff jeopardizes all of this by introducing
15 additional complexity, time, and cost in a
16 substantial swath of our product portfolio.
17 Therefore, we respectfully request and urge the
18 USTR to exclude the aforementioned items
19 references in Sections 9018 and 9019 from the
20 proposed tariff list.

21 Thank you again to the Section 301
22 Committee. This concludes my statement. I'll be

1 happy to answer any questions.

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

3 Our next witness is Prasad Pinnamaraju
4 with Novast Laboratories. Mr. Pinnamaraju, you
5 have five minutes.

6 MR. PINNAMARAJU: Good morning,
7 respected committee members. I am Prasad
8 Pinnamaraju, CEO of Novast Laboratories.

9 MR. BISHOP: Can you speak a little
10 more directly into your microphone, please?
11 Thank you.

12 MR. PINNAMARAJU: Yes. Good morning.
13 I am Prasad Pinnamaraju, CEO of Novast
14 Laboratories. Our products, oral contraceptives,
15 or OCs, are included in the products subject to
16 tariffing. Thank you for the opportunity to
17 testify today about how tariffing OCs will cause
18 more harm than good.

19 Novast OC products represents 10 to 15
20 percent of the U.S. market. We will not be able
21 to sell through a 25 percent tariff.

22 Given our market share and the heavily

1 regulated nature of suppliers to the market,
2 there is a high risk of a shortage of supply, at
3 least for some period of time. This means, at
4 some point, a woman will go into her pharmacy and
5 not be able to obtain her birth control
6 medication. It is hard to imagine but any other
7 product under consideration for the 301 tariffs
8 so disproportionately targets women over men.

9 Novast develops and manufactures
10 generic drugs. We started our company in 2006
11 with the purpose of accessing the large Chinese
12 market and to provide lower cost quality
13 prescription drugs to U.S. consumers.

14 Novast also provides contract R and D
15 services exclusively to American drug discovery
16 companies. Intellectual property is critical to
17 them. We return the IP we develop to the
18 American companies. There is no IP or technology
19 transfer to Chinese firms or the Chinese
20 Government.

21 Since we were educated and worked in
22 the U.S., we go out of our way to use American-

1 made products. So when building in China, we
2 purchased the majority of the materials,
3 laboratory instruments, and equipment from
4 American companies. Even when Japanese or
5 Chinese equipment was available, we selected
6 American equipment to build our facilities. To
7 illustrate, we purchased equipment and
8 instruments from companies like Carrier, Trane,
9 York, Agilent, Walters, Honeywell, and several
10 other American companies across our country.

11 We procured more than \$10 million worth of
12 materials in 2016 and 2017 from American
13 companies to construct our facilities. We intend
14 to repeat the same during our planned expansion
15 over the next two years.

16 Our U.S. employees in Texas managed
17 much of the Chinese facility's operations. They
18 provide administrative, technical, and regulatory
19 support and business development.

20 Thus, we are using American-made
21 equipment and materials to build a plant to sell
22 into the Chinese market. However, the regulatory

1 approval process in China is not as efficient as
2 the approval process in the United States. As a
3 result, we probably need an additional two years
4 to complete the regulatory approval process in
5 China. Without access to the U.S. market for our
6 OC products, we will not have the revenue we need
7 to complete our expansion into the Chinese
8 market. As a result, we will not be able to
9 continue to buy materials and equipment from
10 other American producers.

11 As the president of the Association
12 for Accessible Medicines said, generic drugs are
13 the foundation of any successful effort to lower
14 health spending and increase patient access to
15 affordable medicine. And in this group of
16 experts, the federal government, the pharmacy
17 benefit managers, consumer groups, and others
18 agree that generic drugs drive system savings,
19 not costs. Studies show savings from generic
20 prescription drugs of almost \$1.46 trillion from
21 2005 to 2016. A 25 percent tariff will likely
22 make our generic OCs uncompetitive. This will

1 harm American women by limiting their access to
2 birth control and reducing our purchases of
3 equipment and supplies from other U.S. companies.

4 In closing, I respectfully submit that
5 singling out OCs will not achieve the objective
6 stated by the USTR. As previously stated, it
7 will likely result in a shortage of supply and a
8 period of time when some women will not be able
9 to obtain their birth control medicine.

10 Thank you for your consideration in
11 having me here. Thank you.

12 MR. BISHOP: Thank you, Mr.
13 Pinnamaraju.

14 Our next witness is Choon Teo of
15 Zhejiang Medicine Company Limited and Zhejiang
16 Novus Pharmaceuticals Company Limited. Mr. Teo,
17 you have five minutes.

18 MR. TEO: Good morning committee
19 members. My name is Choon Teo. I am the Deputy
20 Chairman --

21 MR. BISHOP: I need you to speak
22 directly into the mike for me please. Thank you.

1 MR. TEO: My name is Choon Teo. I am
2 the Deputy Chairman of the Board of Zhejiang
3 Novus Pharmaceuticals. Thank you for this
4 opportunity to appear before you today.

5 I want to focus my testimony today on
6 two unique products and the impact that the
7 proposed tariff under Section 301 would have on
8 the most vulnerable and needy of Novus' U.S.
9 patients.

10 First, Novus is in the process of
11 obtaining a new drug approval from the U.S. FDA
12 for vancomycin hydrochloride for injection as a
13 sterile powder in IV drips. I will just call
14 this product vancomycin for short. We are quite
15 far along in the approval process and we
16 anticipate that we will be approved in the next
17 few months. As discussed in more detail in our
18 submission, we have developed a remarkable
19 process for quickly and efficiently drying
20 vancomycin, which is an antibiotic, into a
21 sterile powder form. That powder can be used in
22 IV drips. The drying process will allow us to

1 become a reliable supplier of this important
2 antibiotic to the U.S. and global markets.

3 A few things about this process are
4 especially noteworthy. We use American-made
5 machinery and we do so with no support from the
6 Chinese Government, and we have none of the
7 intellectual property issues identified in the
8 Section 301 investigation. And while we are not
9 part of the problem identified in the Section 301
10 investigation, targeting our product will cause
11 significant harm to the U.S. patient. In
12 particular, vancomycin is the front line of
13 defense against MRSA, a disease that, as our
14 submission shows, goes hand-in-hand with the
15 opioid addiction epidemic. Unfortunately, the
16 bulk of the vancomycin is no longer manufactured
17 in the United States. This is not because of
18 intellectual property issue but, rather, the
19 razor-thin margin on the product due to an open
20 market competition. For these reasons,
21 vancomycin currently shows up on the FDA list of
22 drug shortage.

1 The drying process that Novus has
2 mastered has changed the economics of vancomycin
3 production. As a result, my company is close to
4 helping alleviate the shortage and bring down the
5 cost to patients, hospitals, and U.S. federal and
6 state government programs like Medicaid and
7 Medicare.

8 A tariff under Section 301 will hurt
9 these efforts. It will also leave the United
10 States heavily dependent on a sole supplier, an
11 India-based company that is ironically owned by a
12 Chinese company.

13 I fail to see how the outcome is good
14 for the United States. Being dependent on a sole
15 supplier is never good, as outages and out of
16 supply chain disruption will lead to critical
17 shortages.

18 With my remaining time, I would like
19 to bring one other product to your attention.
20 Coartem is a prescription medication used to
21 treat malaria in both adults and children.
22 Coartem contains two active substances,

1 artemether and lumefantrine, which work together
2 to kill the parasites that causes malaria. It
3 cures more than 96 percent of malaria cases,
4 including those in the area where the parasite
5 has become resistant to chloroquine, which
6 includes South America and Africa. This is why
7 we sell one million of such tablets to the U.S.
8 military annually.

9 Novus' Chinese plant is the only FDA-
10 approved source for such products. The fact that
11 this is made in China is not a function of the
12 policy at issue in the Section 301 investigation
13 or an alleged market distortion but because the
14 active ingredient in artemether is a Chinese
15 herb.

16 A tariff on Coartem would have
17 terrible consequences. Coartem is the only high
18 strength, artemether-based combination anti-
19 malaria therapy available for broad-scale public
20 sector procurement, due to the fact that it has
21 been prequalified by the WHO.

22 I understand that USTR used an

1 advanced algorithm to generate the list listed in
2 the Section 301 sanction. I would ask that the
3 Section 301 Subcommittee to apply a human touch
4 to that result and ask you if applying such
5 tariff to the last line of defense against MRSA
6 and malaria is sound public policy and good for
7 the American patient.

8 I respectfully state that it is wrong
9 to treat U.S. patients, including highly
10 vulnerable victims of the opioid crisis as
11 hostage in a conflict over trade. That is why I
12 ask that these two products be exempted from the
13 Section 301 duties.

14 Thank you for your time.

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

16 Our next witnesses are Zhengzhi Wang
17 and Jie Lian of the Patent Protection Association
18 of China. Gentlemen, you have a total of five
19 minutes.

20 MR. WANG: Good morning. Thank you
21 for the opportunity to appear at today's hearing.

22 MR. BISHOP: I need you closer to your

1 microphone, please. Pull your microphone closer.

2 MR. WANG: My name is Zhengzhi Wang,
3 representing Patent Protection Association of
4 China. The association has 500 Chinese companies
5 as its members and they do business across most
6 industries and the sectors in China. I found the
7 allegations on 2018 Section 301 report are
8 inconsistent with my experience as an IP lawyer.
9 I have been handling litigations on behalf of
10 international companies to protect the IP rights
11 in China through the Chinese judicial system for
12 15 years. One case I represented is like this.
13 A U.S. compound material manufacturer established
14 a company in China in 2007. To my knowledge,
15 said manufacturer is currently enjoying the
16 growing Chinese market and are planning to
17 establish its third factory in China. Also to my
18 knowledge, this company's IP rights have been
19 protected through the Chinese judicial system.

20 Last year the company, although
21 mastered solely by a U.S. firm, successfully
22 protected its IP rights by prosecuting the

1 wrongdoer who infringed on its IP rights. So in
2 the Chinese court, the wrongdoer had been
3 criminally convicted.

4 Additionally, in 1996, a transmission
5 manufacturer from California, United States
6 established a company in China, also as a sole
7 investor. To my knowledge, the said company has
8 been continuously improving its products and it
9 is exporting its products manufactured in China
10 to over 30 countries.

11 The above two cases I handled are two
12 clear examples where foreign firms have been able
13 to set up companies in China without forming a
14 joint venture with Chinese domestic company and
15 have been successfully protecting their IP rights
16 through the Chinese judicial system, even though
17 they are sole owner of the company's operating in
18 China.

19 It appears to be inaccurate to state
20 that the foreign firms are forced to do business
21 in China through a joint venture with a Chinese
22 domestic firm and that foreign IP rights are not

1 protected in China.

2 It is also inaccurate to state that
3 foreign-owned companies could not successfully
4 protect the IP rights.

5 In conclusion, it appears that the
6 proposed additional duties may have been based on
7 flawed grounds and are thus inappropriate.

8 Thank you.

9 MR. LIAN: Jie Lian, J-I-E, L-I-A-N,
10 Counsel for the PPAC.

11 The Trade Act leaves the President's
12 power to only take appropriate actions. So the
13 key issue here today is whether the \$50 billion
14 figure is appropriate.

15 It is not for two reasons. First, the
16 Administrative Procedure Act requires the agency
17 to bear the burden of proof by reliable evidence
18 that the figure is appropriate. Here,
19 examination of the record we see that there is no
20 evidence that the figure is supported by reliable
21 methodology and we see stories, anecdotes, and
22 speculations, even bias, or unreliable opinions.

1 For example, one of the findings that
2 U.S. firms in China has been discriminated
3 against because the Chinese law only requires
4 foreign companies to guarantee a licensing
5 agreement that the IP rights you are licensing
6 out actually belongs to you. Well, the PPAC
7 conducted a survey showing that a lot of Chinese
8 companies actually, as their usual practice,
9 requires all companies, whether or not you are
10 foreign or domestic, to give this warranty. Just
11 like before you purchase a home, you want to run
12 a title search, whether or not it is required by
13 law just to protect your legal interest and make
14 sure that you are actually buying from the true
15 sellers.

16 And the second reason the figure is
17 not appropriate is because well after the
18 issuance of the notice of this hearing, a lot of
19 things have changed. China has published a lot
20 of new policies further opening up the markets.
21 For example, the Chinese Government just
22 announced that after the start of the

1 investigation that the tariff imposed on medicine
2 treating cancer in China has been reduced to
3 zero.

4 And also after the issuance of the
5 notice for this hearing, China has announced its
6 massive retaliation measures.

7 So those two key factors, the
8 evaluating the impact of the imposition of this
9 tariff has not been considered because as of the
10 time of the initial proposal of this action,
11 those two key factors did not exist.

12 Therefore, we will conclude our
13 statement by this. When the society -- when the
14 U.S. society put one individual in jail, it
15 requires reliable evidence beyond a reasonable
16 doubt. Here, this committee is making
17 unprecedented decision, an historical decision
18 affecting millions of U.S. families and the
19 global economy. So, shall we not require a
20 stricter standard of proof and a higher level of
21 care in making this decision? And the PPAC's
22 position is that this high standard has not been

1 met for reasons stated above.

2 Thank you.

3 MR. BISHOP: Thank you, gentlemen.

4 Our next witness is Wayne Quinn with
5 Mindray DS USA, Incorporated. Mr. Quinn, you
6 have five minutes.

7 MR. QUINN: Thank you. Good morning,
8 Mr. Bishop and other panel members. I appreciate
9 the invite. Thanks for the opportunity to
10 assemble and give the medical device perspective
11 on the tariff strategy as a way of combatting
12 China's unfair trade practice.

13 My name is Wayne Quinn and I am the
14 president of Mindray DS USA. Mindray is a Class
15 2 medical device manufacturer and our North
16 American headquarters is based in Mahwah, New
17 Jersey. Founded in New York City, Mindray DS USA
18 is a wholly-owned private company that is a
19 subsidiary --

20 MR. BISHOP: Wayne, could you move
21 your mike a little bit closer, please? Thank
22 you.

1 MR. QUINN: We are a subsidiary of an
2 international market leader based in China. We
3 have previously been publicly traded on both of
4 the U.S.'s largest stock exchanges. As a result
5 of significant growth and reinvestment, we now
6 employ over 500 people in the United States and
7 have facilities located in San Jose, California,
8 Redmond, Washington, Nashville, Tennessee, and
9 Mahwah, New Jersey. We have been serving the
10 American healthcare community since 1964.

11 It is our understanding that Section
12 301 investigation of China's acts, policies, and
13 practices related to technology transfer,
14 intellectual property, and innovation was
15 designed to balance trade, illuminate forced
16 joint ventures, forced technology transfers, and
17 combat industrial initiatives such as the Made in
18 China 2025.

19 However, Mindray, like many medical
20 technology device manufacturers, has serious
21 concerns about the proposed tariff approach. We
22 question whether its broad design will achieve

1 its intended objective.

2 The Made in China 2025 industrial
3 program identifies ten industries where Chinese
4 Government hopes to develop breakthrough
5 technology, in part, through state assistance.
6 In reviewing China's proposed industrial program,
7 the key focus of this initiative appears to be
8 emerging technologies and innovations. However,
9 Mindray's business is centered on patient
10 monitoring, anesthesia-delivery units, and
11 ultrasound imaging systems. Although these
12 products were developed many years ago, they are
13 widely produced by various international medical
14 device manufacturers. They are impacted by the
15 Harmonized Tariff Schedule in subheadings
16 9018.12.00 through 9018.90.80.

17 It's important to note that these
18 technologies are not unique and they are not the
19 focus of China's industrial growth initiative.
20 Unlike emerging biotechnology or robotic surgery,
21 these products are mature, enhanced, and
22 perfected through decades of clinical

1 application. Most importantly, they are vital to
2 the U.S. hospital operations, as they routinely
3 assist clinicians in the delivery of quality
4 patient care.

5 Like many of our peers, Mindray
6 manufactures these products in China. This
7 integrated supply chain allows us to provide
8 value-based performance technology that
9 contributes to the delivery of healthcare within
10 the financial reach of today's challenging
11 hospital marketplace. We take great pride in our
12 ability to help the medical community continue to
13 deliver quality patient care, while they
14 encounter relentless financial pressure.

15 As the Administration is aware, our
16 nation continues to struggle with the rising
17 healthcare costs, along with broader effects on
18 communities and population health. Over 130
19 community hospitals have closed their doors since
20 2005, due to dwindling cash flows caused by
21 uninsured patients and declining reimbursements.
22 This inflates to three times this number if

1 facilities that reduce their services to long-
2 term care only are counted. This trend has
3 accelerated since 2010 and will likely to become
4 more challenging, as our population continues to
5 age. Many of these facilities are in rural
6 areas, where they tend to be the largest employer
7 in their community.

8 Therefore, the impact of the proposed
9 tariff program, as it relates to the healthcare
10 industry, should be more closely examined.

11 Imposing any level of tariff on these
12 mature medical devices will certainly present
13 hidden unintended consequences. It will
14 immediately and dramatically increase the
15 technology acquisition cost for healthcare
16 providers, serving only to add to the instability
17 of the hospital industry. This could lead to
18 further acceleration of facility closures,
19 creating broader unemployment of medical
20 professionals. It is worth noting that when a
21 hospital closes its doors, it not only affects
22 those employed but it also impacts that

1 community. More geographical healthcare
2 vacancies will emerge, forcing patients to travel
3 further from their communities to access much-
4 needed medical care. In fact, it is estimated
5 that 30 million U.S. citizens require over a one-
6 hour drive to access trauma and emergency
7 services, due to previously created vacancies
8 associated with hospital closures.

9 In addition, the proposed tariff may
10 force technology manufacturers to make dramatic
11 cuts to their cost structure, which will likely
12 include further staff reductions.

13 For these reasons, we hope that the
14 Administration will more closely review the
15 released Section 301 tariff proposal and consider
16 removing the above-stated medical devices from
17 the tariff list.

18 Thanks for listening and I would be
19 happy to answer any questions.

20 MR. BISHOP: Thank you, Mr. Quinn.

21 Our final witness on this panel is
22 Linda Rouse O'Neill with the Health Industry

1 Distributors Association. Ms. O'Neill, you have
2 five minutes.

3 MS. O'NEILL: All right, thank you.
4 Good morning, everyone. My name is Linda Rouse
5 O'Neill. I am the vice president of government
6 affairs for HIDA, which is the Health Industry
7 Distributors Association. It's tough to be down
8 here. And I also wanted to say ditto in terms of
9 what my other healthcare colleagues have told you
10 this morning. And I'm hoping that your big
11 takeaway is that healthcare is very unique and
12 pooling us into this type of tariff policy has
13 two big consequences from our perspective as
14 distributors on the cost of care, as well as our
15 ability as a nation to be prepared for public
16 health events.

17 So my members, as medical/surgical
18 distributors are bringing the products that you
19 see every day when you go to your dentist office,
20 your doctor's office, in the hospital. It's the
21 gauze. It's the gloves. It's the needles. It's
22 the surgical kits, et cetera, the capital

1 equipment, everything that you need for your
2 everyday procedures and surgeries are all
3 supported by healthcare distributors. We share
4 that goal of improving quality and efficiency for
5 our hospital customers and the patients they
6 serve, as well as the physician offices, the
7 nursing homes, as well as to people in their own
8 home. The continuum of care keeps constantly
9 moving and we serve from the hospital in the
10 acute care stay all the way down to when patients
11 are back at home and recovering.

12 The two main points I wanted to make
13 today are, again, the cost of care and our
14 ability to respond to public health events. If
15 the proposed healthcare products are ultimately
16 included on the 301 tariff policy, the cost of
17 care is only going to increase. Many of the
18 products, which you have heard in great detail
19 from colleagues earlier in the panel, are used in
20 every day surgeries, procedures. They are
21 supporting all of that, whether it is anesthesia
22 products, whether it is suture products, whether

1 it is wound care products, they are used all the
2 time and it is only going to increase the cost of
3 care. And we've been working really hard as a
4 supply chain to ring out inefficiencies and bring
5 costs down for our provider customers because, as
6 earlier stated, reimbursement is not going up,
7 especially for Medicare and Medicaid programs --
8 reimbursement is going down.

9 Therefore, we have become very highly
10 efficient and lean and mean when it comes to
11 supply chain and that is because we have also
12 gone global. Our supply chain for healthcare is
13 very global and is very complex. Some of our
14 successes include actually reducing the costs of
15 some of these products from what they were sold a
16 couple of decades ago. And we've only been able
17 to do that because of the efficiency and the
18 ability to source products from China.

19 China is about one of the top three
20 countries where we do source products in the
21 medical/surgical supply chain world. There was a
22 Department of Commerce study a few years ago

1 about that. And again, products might be made
2 elsewhere but the main point is there is not
3 enough of it made elsewhere to fill the gap that
4 would be created if all of our customers tomorrow
5 demanded not to have any of the products from
6 China.

7 A couple of additional points on that.
8 When you think about China being one of the top
9 three countries, about 15 percent of your average
10 hospital supply chain spend comes from the
11 products that are on this list that are proposed
12 for the tariff. So 15 percent of your hospital
13 supply chain spend would be impacted immediately
14 by that 25 percent tariff. Any sort of
15 implementation going forward on the tariff
16 proposal is really going to take away decades of
17 our work as a supply chain to bring down the cost
18 and bring in a more efficient supply chain to
19 support our customers and the patients that they
20 serve.

21 And again, a lot of products might be
22 made and be sourced in other countries. That's

1 not enough to fill the gap, again, if any sort of
2 needles, wound care, et cetera, the product list
3 is extensive so I won't go through that -- if our
4 customers were to say we only want products that
5 are not made in China, there is going to be an
6 immediate demand. There is going to be a spike
7 in demand and there is not enough product to fill
8 that gap. So the price is only going to go up
9 and we are going to have product shortages.

10 The other main point from the supply
11 chain's perspective is our critical concern about
12 our ability to be then prepared as a nation for
13 public health events. All the products that are
14 on that tariff list are used heavily, regardless
15 of the event, whether it is the recent hurricane
16 season, whether it is Ebola, whether it's H1N1,
17 whether it's the Boston bombing, you name it.
18 You need these certain critical products
19 regardless of the type of public event that is
20 happening and the commercial market as a key
21 partner to the federal government in responding
22 to those events.

1 Fully assessing how those proposed
2 tariffs will affect our nation's capabilities, it
3 is really critical to understand the level that
4 we have of concern on this issue. We have
5 significant public-private partnerships that are
6 designed to collaborate on supply chain
7 capabilities and we have been working on this
8 with the Strategic National Stockpile and the
9 Assistant Secretary for Preparedness and Response
10 since Ebola and building on, again, continued
11 lessons learned from the hurricane season.

12 Critical products such as vaccines and
13 diagnostic testing kits are also critical to
14 public health events in preventing additional
15 crisis.

16 In conclusion, we really respectfully
17 urge you to reconsider including healthcare
18 products in the proposed tariff and would urge
19 that you remove the healthcare products from
20 being proposed on the tariff list because of the
21 cost of on healthcare, the cost on consumers, and
22 the cost on potential public health emergencies

1 and our ability to respond.

2 Again, I appreciate the opportunity to
3 comment on behalf of the medical supply chain.

4 If there are any questions or if you need
5 additional information, I am happy to follow-up.

6 Thank you.

7 MR. BISHOP: Thank you, Ms. O'Neill.

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

10 MR. ENSOR: Mr. Moedritzer, your
11 testimony cites specific concerns about the
12 impact of the tariff on specialty chemicals that
13 are often manufactured exclusively in China and
14 that have downstream uses in pharmaceutical
15 manufacturing. Could you provide more
16 information about the downstream uses of those
17 products?

18 Additionally, could you provide
19 specific examples of the tariff lines at issue in
20 your rebuttal submission? Thank you.

21 MR. MOEDRITZER: Certainly. I'll
22 preface this with the fact that I'm somewhat new

1 to the pharma industry. But the starting
2 materials in pharmaceutical manufacturing
3 processes are, as you mentioned, our main
4 concern. The downstream products that they go
5 into are over-the-counter drugs and prescription
6 drugs.

7 And I can certainly -- I didn't
8 provide the HTS lines in this testimony today but
9 I can certainly provide those to you in the post-
10 hearing comments.

11 MR. ENSOR: Very good. Thank you.

12 MR. BOBSEINE: William Bobseine,
13 Department of Commerce. This question is for Mr.
14 Ives.

15 Are there any products on the proposed
16 list that would be particularly difficult to
17 source from suppliers outside China? In your
18 rebuttal submission, please note if there are any
19 specific tariff lines that raise particular
20 concerns for your members.

21 MR. IVES: Well we are an association
22 that represents all our members. So we surveyed

1 all of our members. The main concern was not so
2 much accessibility, that is providing patients
3 with medical devices, because our members will
4 make every effort to provide all their patients
5 with the necessary medical devices.

6 It was really the cost impact on the
7 membership. And just to give a little bit of
8 background, we tried to describe this in our
9 written submission, our members are not paid
10 directly from the consumers. So that it is an
11 insurance company, or Medicare, or Medicaid that
12 pays the hospital and the hospital pays for a
13 procedure.

14 For example, you might need a
15 pacemaker. Actually, you won't need a pacemaker.
16 I'll probably need the pacemaker. But the idea
17 is the patient will need a pacemaker. And that
18 person will go into the hospital and the hospital
19 will provide, insert the pacemaker and the
20 insurance company will reimburse the hospital.
21 And all part of that process is our companies are
22 supplying that pacemaker to the hospital and the

1 hospital pays the company.

2 So basically, at least in the short-
3 term, our concern is a cost issue. That is, we
4 will not -- our manufacturers for the most part,
5 will not be able to pass on the cost of the
6 increased duty because of the way the
7 reimbursement system works in the United States.

8 So I'm not sure. I think I answered
9 your question. There's not one particular line
10 item. And part of the problem of identifying
11 line items is, you probably know better than I,
12 the HTS system is not the best, particularly for
13 medical devices. It is highly aggregated.
14 There's 120 lines of HTS for our products. There
15 are two million medical devices on the market and
16 that's a World Health Organization number. So
17 you can see that it is very difficult for us to
18 say oh, there is the HTS eight-digit line item
19 that is going to be impacted because there may be
20 multiple products in that.

21 So I hope I answered your question.

22 MR. BOBSEINE: It appears that you

1 have done so as much as possible here. If there
2 is any clarification that could be made in the
3 post-hearing submission --

4 MR. IVES: Okay, well you know where
5 I am.

6 MS. HOWE: I know you have given the
7 caveats that it is difficult to use the HTS codes
8 and also that it is difficult to pick amongst
9 your members but in your written submission you
10 talked about how there are potential lags in
11 providing some of the medical devices, based on
12 what is in the tariff --

13 MR. IVES: Potential?

14 MS. HOWE: Lags, like time lags I
15 providing -- so to the extent that you can
16 provide that in your written submission where it
17 is most at risk, that would be great.

18 MR. IVES: Yes, it depends on the
19 product.

20 MS. HOWE: Right.

21 MR. IVES: And my colleague here from
22 Smiths identified concerns that Smiths would

1 have.

2 We are heavily regulated -- FDA. And
3 part of the concern is if we have to change
4 suppliers, that is not as simple as going to
5 Malaysia and going oh, well there is the same
6 widget there. We'll just stick it in the
7 pacemaker and go on our way.

8 We have to make sure that whatever
9 change we make is approved by U.S. FDA and that
10 takes time. We estimate it could take up to a
11 year to get that type of approval. So that is a
12 type of change.

13 Some of our smaller manufacturers are
14 just concerned about finding an alternative
15 source. I was talking to a small manufacturer
16 yesterday and he is sourcing his components
17 exclusively from China and he is talking to me
18 about well, what can he do.

19 So there is both the concern of the
20 SME members, and 75 percent of our members are
21 SMEs, about just finding that alternative source
22 and then the time it takes to develop a

1 relationship, secure a relationship, and also
2 then going to FDA and saying oh, by the way, we
3 are changing our component of this product and we
4 need to make sure that you, FDA, are fine with
5 that. So that is the type of lags we're talking
6 about.

7 MR. ENSOR: This question is for Mr.
8 Onyema. Can you explain for the record what
9 steps you would need to complete with FDA upon
10 changing suppliers in order to maintain your
11 marketing approval, and what percentage of your
12 supply chain would be impacted by the proposed
13 tariffs?

14 MR. ONYEMA: So, before any medical
15 device is introduced into the U.S. market, it has
16 to be submitted through what's called a pre-
17 notification notice to the FDA. And that
18 particular process can take up to several months
19 for the FDA to process.

20 In this case, where the request is to
21 change suppliers from China to, say, another
22 country, or bring it back into the U.S., to be

1 honest, it may not require a complete
2 resubmission of the notice, but it would
3 certainly require a supplement. And then that
4 supplement would then be subject to the approval
5 process, which again could take three to four
6 months.

7 And where we have a number of products
8 that could be impacted by that, we're definitely
9 concerned about the significance of that time
10 lag. Not only would it result in delays in
11 manufacturing, but as we've all stated on this
12 panel, concerns about getting product to the
13 ultimate customer, which are the patients.

14 In terms of your question regarding
15 what percentage of the supply chain would be
16 impacted by that, with respect to the devices and
17 the products that I mentioned in my testimony,
18 needles, catheters, tracheal tubes, and
19 accessories, those products are pretty much
20 substantially sourced from China. So there would
21 be a significant impact if required to shift
22 sourcing from China elsewhere with respect to

1 those products.

2 MS. HOWE: My question is for Mr.
3 Pinnamaraju. So I understand there are various
4 sources for OC, can you provide additional
5 information about how the proposed tariffs would
6 ultimately impact U.S. consumers?

7 MR. PINNAMARAJU: We currently command
8 -- we make about 24 OC products, and each product
9 we have a range of market anywhere from 10 to 15
10 percent. But if this tariff is introduced, it
11 will impact us very significantly at bottom line,
12 and we will not be able to take that.

13 To answer your question, you know, as
14 soon as we get out of the market, it's as
15 everybody on the panel said. It's not easy for
16 other companies to replenish, because we are a
17 highly-regulated market because every raw
18 material has to be FDA approved, FDA inspected.
19 So therefore, it takes significant time for
20 others to replenish that.

21 And secondly, we are also impacted
22 recently by FDA's building into efficiencies the

1 start GDUFA program where we pay U.S. FDA every
2 year to the tune of two million dollars. Prior
3 to this GDUFA program, we didn't have any
4 payments to the U.S. FDA. Today, we are impacted
5 by the recent GDUFA program fees, and then once
6 this 25 percent tariff comes, we are literally
7 out of business.

8 MS. BLEIMUND: Hello. This question
9 is for Mr. Teo. Could you provide any more
10 detail about the supply chain for vancomycin and
11 Coartem, including the alternative country
12 sources or suppliers?

13 MR. TEO: Yes. The majority of
14 vancomycin is divided into -- drug product is
15 first made into a drug substance before it is
16 made into a drug product. The majority of the
17 drug substance imported into the United States
18 now from China, over 70 percent.

19 And subsequently, the drug substance
20 gets converted into a drug product. Currently,
21 the U.S. has two manufacturers that makes the
22 vancomycin drug substance. Drug product, sorry.

1 Pfizer and Fresenius Kabi, a German company. And
2 there have been significant GNP issues on the FDA
3 website about these companies and their
4 manufacturing capabilities.

5 The biggest supplier of vancomycin
6 drug product to the United States is an Indian
7 company called Gland Pharma. Gland Pharma
8 recently was acquired by a Chinese company, Fosun
9 Pharmaceutical. So that's basically the
10 landscape.

11 As for Coartem, the innovator is
12 Novartis. Zhejiang Medicine Company is the
13 contract manufacturer for Novartis' sole
14 supplier. Coartem is the combination artemether
15 lumefantrine product. Is majority manufactured
16 in India. However, those are not made to the
17 same standard as per the FDA. So they're not
18 being imported into the United States.

19 CHAIR TSAO: Mr. Teo.

20 MS. BLEIMUND: I'll just follow up.
21 So you're saying that the Indian supplier is no
22 longer being used as a source for the U.S. market

1 for Coartem?

2 MR. TEO: Correct.

3 MS. BLEIMUND: So that means there's
4 only one source now?

5 MR. TEO: Yeah. Well, I mean, the
6 innovator source is the one that's approved by
7 the U.S. FDA Coartem. The NDA holder that is
8 Novartis, we are the contract manufacturer.

9 MS. BLEIMUND: Got it. Thank you.

10 CHAIR TSAO: Mr. Teo, you testified
11 earlier about supplying one of your drugs to the
12 U.S. Military? I think it's the --

13 MR. TEO: Correct, that's Coartem.

14 CHAIR TSAO: What effect, if any, will
15 the proposed tariff on your existing government
16 contracts or any future government procurement?

17 MR. TEO: Our contract is based ---
18 well we have a pre-negotiated price with Novartis
19 to supply a certain amount of Coartem to
20 Novartis, subsequently sell the product to the
21 U.S. Military. So we'll have to increase that
22 price, and subsequently, I'm sure that Novartis

1 will come back and increase that same price.

2 MS. PETTIS: Maureen Pettis from
3 Department of Labor. This is a question for Mr.
4 Quinn. What percentage of your supply chain
5 would be impacted by the proposed tariffs? You
6 predicted that the proposed tariffs in medical
7 devices would be impacted, would lead to an
8 increase in healthcare costs and job losses in
9 the United States, and what's the basis for your
10 concern? And could it be mitigated through the
11 use of products from alternative sources?

12 MR. QUINN: That's a good question.
13 As far as our supply chain, the majority of the
14 products are sourced in China. We do source them
15 internationally, but the pieces and parts of the
16 majority of that is sourced in China.

17 Like many of the manufacturers, our
18 peers, our competitors, the ability to compete in
19 the emerging market has put them in a position,
20 including us, to do the majority of our
21 manufacturing in China. Now, the byproduct of
22 that has been reducing costs, having those same

1 manufacturing facilities produce product that is
2 used in the United States, and it has greatly
3 assisted in the reduction of healthcare costs.

4 We could --- I could assemble for you
5 in written followup the associated detail from
6 hundreds of news publishings of how much the
7 hospital market is struggling right now. And I
8 think it's important to understand the very real
9 pressures that are baked into today's healthcare
10 market. It starts with the uninsured population.

11 At the end of 2017, 12 percent of that
12 population was uninsured. We just had the
13 legislation pass which will eliminate the
14 individual mandate. That will have more
15 uninsured people. They show up in hospitals only
16 when their condition becomes so acute, and it's
17 very, very costly to treat them. There's no
18 preventative care with that particular
19 population.

20 So it's very costly to treat them.
21 It's also not very good healthcare delivery.
22 When you look at some of the insurance plans, the

1 co-pays, the higher deductibles, that presents
2 itself with patients not paying those, and that
3 represents bad debt as well. Hospitals are
4 strapped with that bad debt.

5 As you continue to look at more
6 government plans as our population ages, we've
7 got an extremely aging population. Today it's 17
8 percent of our population. But 2030, it's one
9 out of every five. That's when you encounter the
10 majority of your healthcare costs.

11 That population also has a growing
12 disease state. When you look at the disease
13 state, half of the people are affected by either
14 heart disease, cancer, diabetes, or COPD. That's
15 25 percent of that population will have multiple
16 conditions. So you've got an extremely strapped
17 healthcare delivery system, and any increase to
18 that healthcare delivery system is going to
19 represent challenges.

20 And we've seen those challenges over
21 the course of the last ten years. They've
22 accelerated a whole lot over the last five years

1 with hospital closures, and I think the tariff,
2 albeit expeditious, will be a challenging, broad
3 approach and have adverse effects to the
4 healthcare delivery in the U.S.

5 MS. PETTIS: Thank you.

6 MR. QUINN: Thank you.

7 MS. ROY: Tracy Roy from Customs and
8 Border Protection. This question is for Ms.
9 Rouse O'Neill. Your submission references
10 public-private --

11 MR. BISHOP: I need you to talk
12 directly into the mic, please.

13 MS. ROY: Sorry. Your submission
14 references public-private partnerships related to
15 public health preparedness and response efforts.
16 Can you provide any specific examples of
17 partnerships that would be impacted by the
18 proposed tariffs?

19 MS. O'NEILL: Sure. So HIDA directly
20 with the Critical Infrastructure Program, which
21 is part of ASPR at HHS. We also work directly
22 with the Strategic National Stockpile. And our

1 work is all around trying to figure out ways to
2 be a little bit more elastic in the supply chain,
3 because we are just in time, as people have been
4 talking about we are not sitting on months and
5 months of product.

6 And part of the process that we've
7 developed with them is doing assessments on
8 products that are critical to any sort of public
9 health event, which these products on this list
10 are a good cross-section of a lot of those.

11 And so part of that partnership is
12 around what are some of the solutions that we
13 would be able to do together for the commercial
14 market to better support first responders in the
15 federal government or the state and locals in the
16 areas that are impacted, and vice-versa.

17 And I think adding cost to the system
18 is not going to be helpful, first of all. But
19 then second of all, it's really going to
20 exacerbate any product shortages that result of
21 the tariff, because there's not enough others to
22 fill in the gap. And we already don't have

1 enough.

2 If we were to have Ebola times ten in
3 this country, we didn't have enough things
4 because of the demand that we got from calls from
5 hospitals demanding months of personal protective
6 equipment that we did not have, because we,
7 again, were very lean. So adding these types of
8 tariffs on these partnerships that were already
9 on the products that we are working on these
10 partnerships, on better ways and more efficient
11 ways to help each other is, to my mind, the
12 biggest impact it's going to have.

13 MS. HENNINGER: Hello, I'm Carol
14 Henninger from the State Department. My question
15 is for Jie Lian and Zhengzhi Wang of the PPAC.
16 In your testimony, you gave two examples of
17 foreign firms establishing companies in China
18 without forming joint ventures.

19 But doesn't China's Foreign Investment
20 Catalog have an entire category of restricted
21 sectors whereby foreign ownership is limited and
22 joint ventures are required? And would foreign

1 firms seeking to do business in those sectors be
2 required to form joint ventures with Chinese
3 firms?

4 MR. WANG: Yes, in my testimony, I
5 gave these two examples. There is no requirement
6 for joint venture in the industries these two
7 manufacturers are in. But it is also true in
8 certain sectors and industries Chinese government
9 does require the joint venture.

10 I think we can --- everybody can see
11 that publication. It's open to the public. We
12 know this is Chinese government policy on that.
13 It changed from time to time. For every year,
14 they publish the new one.

15 MR. LIAN: If I may supplement on
16 that. Actually, several years ago, talking about
17 the restriction in investment, I personally, when
18 I was in my former firm, I personally worked on
19 an M and A deal between a Chinese firm and a
20 German firm. And the two firms got an M and A
21 deal, and they cleared the approval process from
22 both the German and the Chinese governments.

1 But you know, during the deal, the
2 U.S. government jumped in and saying that, well,
3 we think, after our evaluation, that your merger
4 deal violates our national security. So this
5 case is killed by the U.S. government.

6 So when we're talking about the
7 restriction on investments, I think all countries
8 have certain concerns you know of special
9 industries concerning national security. That's
10 not something bad or shameful. And we
11 particularly understand that both countries,
12 China and the U.S., has different perspective in
13 this matter.

14 However, I think at the end of the
15 day, we can quarrel about our --- I mean, this is
16 the PPAC's position that we can quarrel about the
17 differences all day long, but at the end of the
18 day, I think the key issue here for the hearing
19 is that whether or not the evidence, the reliable
20 evidence, supports the facts, the position that
21 although there is a high level dialog going on
22 right now, and with China continuously promising

1 new policies and changes to reach to a mutually
2 agreeable terms, why the imposition of tariffs is
3 still the best option for the American people.

4 I think that's a key question we have
5 to answer. And by examining the records of the
6 hearing and all the publicly available
7 information, we do not see the standard has been
8 met because of the significant impact of this
9 investigation. I mean, although the rule says,
10 the law says, well, administrative hearing that
11 strict evidentiary rule doesn't apply, but again,
12 the U.S. Supreme Court has said that, you know,
13 this fact doesn't mean that anything that has
14 been offered must be relied on.

15 So the question is, how much reliable
16 information we have to justify that when the two
17 nations are willing to negotiate, and actually
18 there are high-level negotiations going on, why
19 the tariffs are still the best options? Thank
20 you.

21 CHAIR TSAO: Mr. Lian, I have a
22 followup question to your testimony. I believe

1 you mentioned that the PPAC had done a survey of
2 Chinese firms with respect to the practice of
3 having warranty with respect to IPR infringement.
4 Now, is that, based on your survey, are domestic
5 firms required by law to obtain that warranty, or
6 does the law just require that guarantee of
7 foreign firms?

8 MR. LIAN: To my understanding, that
9 the Chinese domestic firms are not required by
10 law, although by my point is that in the real
11 practice, just like when you are purchasing a
12 home, for example, the law doesn't require you to
13 do a title search, but in practice, you still do
14 that just because you don't want to buy some
15 people who don't have the real title to the
16 property.

17 And so all what I'm saying is actually
18 this differences on paper actually doesn't cause
19 real discrimination in this nation, in China,
20 against foreign firms. And I think the
21 imposition of tariffs are a serious issue, and I
22 don't think this reaction --- I mean, this scale

1 of measures is justifiable to address this merely
2 difference on the paper. That's my position.

3 Thank you.

4 MR. WANG: May I add one further
5 thought on that? In this survey, actually, on my
6 -- based on my experience as a practicing IP
7 lawyer in China, every contact I make, every
8 contract I review, the articles will be the same.
9 The buyer will say, well, if the seller doesn't
10 give you such a promise, saying, well, this
11 entire ownership of this technology or patent,
12 nobody will going to buy, there's a model
13 contract made by the Ministry of Science.

14 I believe it most technology company
15 using that contract in China. When they do
16 technology transfer, they all use that model
17 contract. In that contract, you can easily find
18 such article saying, well, everybody should say
19 the ownership is in title.

20 MR. BISHOP: We release this panel
21 with our thanks, and we invite our final panel to
22 come forward, please.

1 Our first witness on this panel is
2 Gary Trapp with Cascade Wood. Mr. Trapp, you
3 have five minutes.

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

9 Until recently, Cascade Wood products
10 would be considered a strong reflection of the
11 American dream. The two principle owners, along
12 with their families, started working at Cascade
13 not long after graduating from high school.
14 After a number of years of hard work, and by
15 being willing to risk all, they bought the
16 company in 1978.

17 From that point forward, they ran the
18 company as if it were with focus on providing
19 well-paying jobs along with great benefits for
20 families in the community. They view the
21 employees as an extension of their family, and
22 are very concerned about the welfare of both the

1 employees and the community.

2 Indeed, many of the employees have
3 been with Cascade for more than 25 years, and for
4 some, their entire working career will be at
5 Cascade. Over the last 40 years, Cascade has
6 overcome many different challenges. These range
7 from the 1981-82 downturn in housing, reducing
8 restricted supply of raw materials in the 1990s,
9 an influx of South American competition in the
10 early 2000s, and the collapse of the housing
11 industry in 2008 and '09.

12 While each of these periods were
13 difficult, Cascade was able to manage and adapt
14 to the challenges and to continue to provide good
15 jobs for families in Southern Oregon. We're able
16 to do this through innovation, investment, and by
17 focusing on our areas of strength during these
18 difficult times.

19 Unfortunately, the challenge we face
20 today from cheap Chinese imports is far more
21 difficult than the previous ones, and poses a
22 great threat to Cascade and the 200-plus families

1 that are dependent upon Cascade.

2 The two main areas of concern are the
3 codes 440910, wood moldings primarily, and
4 441820, doorframes, primarily. Since 2003, the
5 combined imported value of these two codes has
6 risen from \$29,355,000.00 to \$284,666,000.00 in
7 2017. This translates into a total percent
8 growth from 2003 of 807 percent.

9 In comparing this to actual U.S.
10 housing starts over this period, this means the
11 combined number of Chinese moldings and frames
12 used for housing start rose from \$15.89 in 2003
13 to \$236.65 in 2017. While this may not seem like
14 a large increase considering the overall cost to
15 a new house, the loss of just a couple dollars
16 per start is devastating to Cascade and the
17 employees.

18 Of course, the natural question is,
19 what's driving the move to Chinese imported
20 moldings and frames? The answer is very simple.
21 Below-market prices. For example, currently, a
22 pair of molded, primed, and delivered doorframes

1 that is being imported costs around \$8.42 per
2 pair. Or to use the common measurement in our
3 industry, \$1,169.00 per thousand board feet.
4 These prices are barely above the cost of raw
5 material.

6 Most of the imported Chinese frames
7 are made from imported radiata pine lumber from
8 Chile and New Zealand, and based on the currently
9 published price of radiata 3 shop plus freight,
10 divide by percent of recovered wood, that would
11 mean their cost of material is approximately
12 \$1,007.00 per thousand board feet, or \$7.25 per
13 pair of frames.

14 This is before any labor and overhead
15 for cutting, joining, molding, priming, and
16 shipping costs to the United States. This means
17 they have about \$1.17 or a markup of 16.1 percent
18 to cover all of their manufacturing and shipping
19 costs, plus any profit. While labor costs are
20 certainly lower in China, it is very unlikely the
21 prices they are charging cover all their costs or
22 provide any profits for the seller.

1 Prices are simply designed to gain
2 market share and drive U.S. producers out of
3 business. The impact to these pricing policies
4 is already having an impact on U.S. production,
5 with a facility being closed this year in
6 Tennessee. Unfortunately, if nothing is done,
7 more jobs will be lost, and families hurt.

8 Although we have invested heavily in
9 creating one of the most effective and efficient
10 cutting systems for shop lumber, we cannot
11 compete with prices that are below product cost,
12 and respectfully request that you add the codes
13 440910 and 441820 to the tariff list with a
14 minimum tariff of 25 percent.

15 This will help ensure the continued
16 viability of both Cascade and other U.S. wood
17 product manufacturing companies and retain
18 valuable jobs for families in smaller
19 communities. Thank you again.

20 MR. BISHOP: Thank you, Mr. Trapp.
21 Our next witness is Jim Anderson with Moly-Cop
22 USA. Mr. Anderson, you have five minutes.

1 MR. ANDERSON: Good afternoon. My
2 name is Jim Anderson. I am the CEO of Moly-Cop
3 USA, and greatly appreciate the opportunity to
4 testify today. We support the administration's
5 actions to stop China's unfair trade practices.
6 If it is decided to impose additional duties on
7 Chinese products, we prefer steel grinding balls
8 should be included in that list of products.

9 Moly-Cop USA is the largest producer
10 of steel grinding media balls in the United
11 States. We produce these balls at our facility
12 in Kansas City, Missouri, which has been part of
13 the community since 1920. It provides critical
14 manufacturing jobs. The facility now accounts
15 for approximately 50 percent of U.S. grinding
16 media production capacity, and it's recently
17 received a \$13 million upgrade.

18 This plant is one of the most
19 technically advanced and productive grinding
20 media facilities in the world, and we're pretty
21 proud of it. Steel grinding balls are made from
22 high-carbon alloy steel balls for maximum

1 abrasion resistance and hardness. We source by
2 far the majority of these bars from U.S. steel
3 producers. And as a result, Moly-Cop USA of
4 course supports steel production jobs as well.

5 Moly-Cop's primary product is critical
6 to the input of the milling industry and milling
7 part of the mining industry. Steel grinding
8 balls are used in copper, gold, iron ore, and
9 other mining materials to break up ore extracted
10 from the ground to help liberate the minerals
11 that are needed. Therefore, domestic mining
12 companies depend on availability of steel
13 grinding balls to produce these important inputs
14 for the U.S. economy.

15 Considering all this, it is critical
16 that imports of cheap Chinese steel grinding
17 balls be subject to additional duties. Chinese
18 steel grinding balls imports have increased about
19 66 percent since 2015, capturing a growing
20 segment of the U.S. market, and are threatening
21 to rapidly expand even more in the near term.
22 This directly impacts Moly-Cop USA's sales,

1 because U.S. demand for steel grinding balls is
2 relatively flat.

3 The capture of market share by Chinese
4 imports directly leads to lost sales by Moly-Cop
5 USA. There is no question this is the result of
6 Chinese government's encouragement and support of
7 the steel grinding ball producers. China entered
8 the steel grinding ball market relatively
9 recently, but then rapidly increased its
10 production quality.

11 While Moly-Cop USA invested decades of
12 human capital and economic capital to develop the
13 capabilities required of a grinding ball
14 manufacturer, the Chinese produced these same
15 qualities in only a few years. This can only be
16 explained by Chinese government's support.

17 Moreover, we have reason to believe
18 the Chinese steel grinding ball producers
19 acquired information about Moly-Cop USA's
20 production process and technology. While we do
21 not know if the Chinese government was directly
22 involved, the acquisition of Moly-Cop USA's

1 knowhow by Chinese steel grinding ball producers
2 reflects the Chinese government's overall
3 encouragement to obtain foreign technology
4 through any means.

5 Another indication of the Chinese
6 government's support is China's massive
7 production capacity for grinding balls in their
8 country. Moly-Cop USA estimates that China now
9 has about 50 percent of the global media
10 capacity. This is more than three times China's
11 domestic demand. It could meet about 90 percent
12 of the global demand. There could be no market-
13 based explanation for this situation.

14 The Chinese steel grinding ball
15 capacity's rapid expansion over capacity is
16 directly linked to China's massive levels of
17 support in its steel industry. The committee
18 knows all too well the Chinese government directs
19 and controls virtually all aspects of the Chinese
20 steel industry by providing various subsidies and
21 other forms of support.

22 All levels of the Chinese government

1 continue to intervene, providing support to the
2 Chinese industry through tax incentives, grants,
3 preferential loans, and subsidized inputs. These
4 policies are coordinated through numerous
5 economic plans, including developing downstream
6 steel products such as grinding media balls.

7 Adding steel grinding media balls to
8 the list to be subject to the proposed additional
9 25 percent duty would greatly address these
10 unfair trade practices and their adverse impacts
11 on the U.S. economy.

12 The specific HTS numbers are provided
13 in Moly-Cop USA's May 11th comments. These would
14 be a practical, and I think a very efficient
15 means, to counter China's unfair practices by
16 mitigating the unfair competitive advantage of
17 the Chinese steel grinding ball imports.

18 We also do not believe that imposing
19 additional duties would cause any economic harm
20 to the U.S. interest because U.S. producers have
21 sufficient production capacity that can meet more
22 than the U.S. demand. Thanks for the opportunity

1 to speak, and I'd be happy to answer any
2 questions later.

3 MR. BISHOP: Thank you, Mr. Anderson.
4 Our next witness is John Perry with Altavian,
5 Incorporated. Mr. Perry, you have five minutes.

6 MR. PERRY: Good afternoon. Thank you
7 for allowing me to testify today. I am John
8 Perry. I am the Founder and Chief Executive
9 Officer --

10 MR. BISHOP: Hold your mic a little
11 bit closer for me, please.

12 MR. PERRY: -- of Altavian,
13 Incorporated, a United States manufacturer of
14 unmanned aircraft systems. In my remarks today,
15 I'll refer to unmanned aircraft systems as UAS
16 for short.

17 Altavian is located in Gainesville,
18 Florida, and has been building UAS since 2011.
19 We have 40 employees who bring their talents,
20 education, and hard work to bear every single day
21 for our customers. Altavian manufactures UAS for
22 commercial applications, including agriculture,

1 mining, and surveying. Altavian also serves as a
2 leading supplier of small UAS components to the
3 Department of Defense.

4 I am proud of the growth that Altavian
5 has achieved in this transformative industry.
6 UAS has proven to be a vital technology that is
7 creating both economic opportunities and serving
8 the public good. Already, UAS are empowering
9 farms to improve crops, assisting engineers to
10 build and maintain our critical infrastructure,
11 and helping to protect our war fighters.

12 I am eager for our company to play a
13 leading role for years to come. My optimism,
14 however, is tempered by the significant concerns
15 that I have regarding China's aggressive pursuit
16 of UAS dominance at a time when our industry's
17 full potential is only beginning to be realized.
18 The question before this panel today is whether
19 the United States should impose an additional 25
20 percent duty on Chinese UAS imports into the
21 United States.

22 My answer is an unequivocal yes.

1 Specifically, Altavian supports USTR's inclusion
2 of Harmonized Tariff Schedule subheading 88021100
3 and 88022000 on the list of products subject to
4 the proposes additional 25 percent duty.

5 Altavian also agrees with USTR's
6 proposed imposition of the additional 25 percent
7 duty on parts of airplanes, helicopters, and
8 other aircraft that are classified under HTS
9 subheadings 88031000, 88032000, and 88033000. In
10 support of Altavian's position, I would like to
11 make three main points to you today.

12 First, if you are looking for a
13 posterchild for the Chinese acts, policies, and
14 practices that led to this Section 301
15 investigation in the first place, China's UAS
16 industry is it. There is no question the Chinese
17 UAS industry benefits in a variety of ways from
18 Chinese industrial policies, including the Made
19 in China 2025 plan.

20 As a matter of fact, the Made in China
21 2025 plan specifically designates China's UAS
22 industry as a key sector. All levels of the

1 Chinese government have followed suit and have
2 provided the Chinese UAS industry with a variety
3 of preferential benefits.

4 As a result, Da-Jiang Innovations
5 Science and Technology Company, Limited, also
6 known as DJI, now commands a conservative 70
7 percent of the global UAS market. This is just a
8 point of departure for China's drive towards more
9 sophisticated UAS technologies as the expense of
10 American innovation.

11 Second, China's actions present an
12 existential risk to the UAS industry in the
13 United States. The reality is that a viable
14 market for American-made unmanned aircraft is
15 essential to achieve scale for opportunities in
16 autonomous systems, artificial intelligence,
17 advanced sensors, and data analytics. China's
18 acts, policies, and practices in support of its
19 UAS industry impede these legitimate business
20 objectives.

21 DJI's incumbency position gives China
22 access to tremendous amounts of data and metadata

1 from important segments of the U.S. economy,
2 including agriculture, energy, public safety,
3 homeland security, and real estate. This
4 profoundly effects the entire economy and the
5 national security of the United States, both in
6 ways that are apparent to us now, and in ways
7 that we won't be able to fully appreciate until
8 UAS technology further matures.

9 Third, the U.S. government should take
10 steps to address the risk that importers will
11 attempt to avoid payment of the additional 25
12 percent duty by misclassifying Chinese UAS at the
13 time of entry as toys. This risk is acute.
14 Publically-available ship manifest data revealed
15 that DJI already appears to have classified UAS
16 imports as toys.

17 This cannot be reconciled with how DJI
18 markets these aircraft or with how DJI
19 aggressively has sought to shape the emerging
20 regulatory and legal environment for commercial
21 UAS operations in the United States. China
22 should not be permitted to pursue the demise of

1 the American UAS industry at the very same time
2 that it aggressively shapes the way the U.S.
3 government regulates it.

4 The apparent misclassification of DJI
5 products as toys is contrary to a recent ruling
6 by U.S. Customs and Border Protection, which is
7 discussed in further detail in our written
8 comments. Use of the wrong HTS number by
9 importers would represent an effort to sidestep
10 announced duties and undermine the intent of this
11 301 action.

12 In sum, I would like to thank the
13 trade representative and the Section 301
14 committee for convening today's hearing.
15 Altavian supports the additional 25 percent duty
16 on UAS imports from China, which properly are
17 classified under HTS subheadings 88021100 or
18 88022000.

19 Likewise, Altavian supports the
20 proposed additional 25 percent duty on parts of
21 airplanes, helicopters, and other aircraft that
22 are classified under HTS subheadings 88031000,

1 88032000, and 88033000. Again, I would be
2 pleased to answer your questions. Thank you.

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

4 Our next witness is Jeffrey Pizzola of Americana
5 Development, Incorporated. Mr. Pizzola, you have
6 five minutes.

7 MR. PIZZOLA: Thank you. Thank you
8 for the opportunity to testify at this hearing
9 concerning the proposed action in the Section 301
10 case. My name is Jeff Pizzola. I'm the Chief
11 Financial Officer and Chief Operating Officer of
12 Americana Development, headquartered in
13 Reynoldsburg, Ohio.

14 Our company manufactures steel wheels
15 used on all types of recreational vehicles,
16 trailers, as well as riding lawn mowers, golf
17 carts, snow blowers, ATV, UTV, and other types of
18 utility and agriculture equipment.

19 We have three manufacturing facilities
20 located in Ohio, Indiana, and Georgia, and we
21 employ over 400 employees at these facilities.
22 We request that changes be made to the products

1 on the list in order to comply --- in order to
2 remedy current and potential future disruptions
3 in the U.S. wheel market. Specifically, we ask
4 that wheels be added to the list, and the steel
5 materials of chapter 72 be removed.

6 Steel, as the primary raw material
7 component, is approximately 62 percent of the
8 total cost, manufactured cost of a wheel. Our
9 company does not use imported steel, and in fact,
10 buy only U.S.-made steel. Because steel sheet
11 metal is a tangible commodity, increases in
12 duties on steel imported from China under the
13 Section 232 case have resulted in U.S. producers
14 raising their prices as well.

15 In my written submission, we provide
16 a chart which tracks the price of steel we paid
17 during the period from before and after the
18 announcement of the Section 232 action. Since
19 the start of the year, the price we pay for steel
20 used in the manufacture of our steel wheels has
21 risen by over 41 percent. It is likely to go
22 higher, and in fact, has went higher.

1 In contrast, steel wheels manufactured
2 in China are made from lower-cost steel not
3 subject to the increasing prices caused by import
4 duties, and additionally, are eligible for
5 multiple Chinese government subsidies as well as
6 tax refunds.

7 This imbalance has caused a severe
8 disruption of our domestic wheel industry, made
9 worse by higher --- currently higher U.S. steel
10 prices. American customers that we have, have
11 informed us that as a result of our increasing
12 prices caused by the inflated steel costs, they
13 will switch to purchasing finished wheels as well
14 as wheel assemblies imported directly from China.

15 By applying duties to raw steel but
16 not to finished wheels, steel wheels, the U.S.
17 government has created an artificial imbalance
18 that actually favors Chinese steel wheel
19 manufacturers over domestic manufacturers. In
20 order to remedy the existing disruption of our
21 industry as I have described, we ask that wheels
22 be added to the list of products subject to the

1 additional duties.

2 In order to avoid disruptions to our
3 industry, we also ask that steel products of
4 chapter 72 be removed from the list, because
5 duties on steel in addition to those already
6 imposed by the Section 232 will only serve to
7 make worse the disruption and adversity caused
8 within our industry.

9 Adding wheels to the list is a major
10 step towards leveling the playing field for U.S.
11 manufacturing, our U.S. manufacturing operations.

12 Also, due to the presence of non-
13 Chinese suppliers of wheels to the U.S. market,
14 as identified in my written comments, adding
15 wheels to the list will not cause additional
16 disruptions to our market or to the U.S. wheel
17 consumer. But if wheels are not added to the
18 list, as a result of the higher U.S. steel cost,
19 there will be a loss of jobs in the U.S. And
20 steel wheel manufacturing in the U.S. will not be
21 sustainable.

22 It is true that protecting steel

1 manufacturers with tariffs may protect steel
2 mills in the short term, but jobs in the wheel
3 factory are jobs also. If the tariffs are used
4 to protect raw material manufacturing jobs and
5 not used to protect the jobs of people who use
6 such raw materials, great long-term harm will
7 result.

8 More people are employed in the steel-
9 using industry than the steel-making business.
10 If you drive us out of business, there will be no
11 market for the output from the steel mills in the
12 end. In short, making our proposed changes to
13 the list is a win-win situation. A trade
14 representative's goals of incentivizing China to
15 correct its unfair trade practices without
16 causing harm to the U.S. economy will be
17 achieved.

18 And additionally, a great disruption
19 of the wheel industry that favors Chinese
20 manufacturers over U.S. manufacturers will be
21 corrected, and the American wheel manufacturing
22 jobs can be saved. Thank you again for

1 considering my comments, and at the end, I'm
2 happy to answer any questions.

3 MR. BISHOP: Thank you, Mr. Pizzola.
4 Our final witness on this panel is Drew Clock of
5 Galata Chemicals, LLC. Mr. Clock, you have five
6 minutes.

7 MR. CLOCK: Good afternoon. My name
8 is Drew Clock. I'm the Vice President and
9 General Manager for Galata Chemicals. Galata is
10 a major U.S. tin stabilizer producer. Our
11 headquarters are in Southbury, Connecticut.

12 We have a manufacturing facility in
13 Haynesville, Louisiana, as well as sales offices
14 in South Carolina, Florida, New Jersey, Texas,
15 and Ohio. I welcome the opportunity to appear
16 here today to discuss Galata's request that the
17 final Section 301 list to include tin
18 stabilizers.

19 Tin stabilizers are used in the
20 production of a wide range of products, primarily
21 derived from polyvinyl chloride, or PVC as most
22 people know it. Galata and other U.S. tin

1 stabilizer producers are being decimated by
2 China's protectionist policies and its low-priced
3 subsidized import of tin stabilizers.

4 Increasing tariffs on imports of
5 Chinese tin stabilizers is consistent with the
6 Section 301 findings. It will help show China
7 that its trade policies and its attempt to
8 develop and dominate the entire production chain
9 for higher-value products such as tin stabilizers
10 are no longer acceptable to the United States.

11 We believe imports of tin stabilizers
12 from China have increased significantly over the
13 past few years. The trade data is incomplete as
14 a result of changes in classification of these
15 imports as of 2017. More detailed data will be
16 provided in our post-hearing submission as well
17 as information concerning transshipments through
18 Hong Kong, thus concealing the true country of
19 origin of many of these products.

20 Importers not only undersell Galata's
21 prices by substantial margins, but they are doing
22 so at prices well below what reasonably should be

1 Chinese producer's cost of production. In its
2 written submission, Galata used actual price
3 quotes from Chinese manufacturers along with
4 different cost models based on the LME, London
5 Metal Exchange, and Shanghai Metal Market to
6 demonstrate how Chinese imports depress domestic
7 price levels and take U.S. market share.

8 Galata has also highlighted examples
9 of major lost customer accounts as a result of
10 Chinese mercenary trade practices. These
11 practices reflect China's broader intention as
12 found by USTR to dominate its domestic market and
13 become a global leader in a wide range of
14 products. In particular, as USTR emphasized,
15 non-ferrous metals are among these sectors in
16 China that have been identified for international
17 expansion.

18 Tin is a non-ferrous metal, just like
19 aluminum. The Department of Commerce found in
20 its recent Section 232 investigation on aluminum
21 that, quote, China's industrial policies
22 encourage development and domination of the

1 entire production chain, and, quote, China
2 imposes an excise tax that creates a dis-
3 incentive for the export of the primary aluminum
4 product.

5 China does the same thing with tin.
6 Tin is by far the largest input by value into tin
7 stabilizers. China has the world's largest tin
8 reserves and produces the most tin globally, yet
9 China unfairly restricts exports of tin ore and
10 concentrates as well as other primary tin
11 products through steep excise taxes on exports.

12 As a result, China has not exported
13 any tin ore concentrates whatsoever for the past
14 five years, and very little unraw, unalloyed, or
15 alloyed tin. In contrast, China exports
16 thousands of metric tons of tin stabilizers,
17 including to the U.S.

18 China encourages and facilitates these
19 increasing export volumes of higher-value
20 products by rebating VATN exports. Once again,
21 this is just what Commerce found regarding
22 aluminum in the Section 232 investigation.

1 China, quote, provides tax rebates on exports of
2 semi-finished or finished products.

3 In conclusion, Galata continues to
4 lose significant business and market share as a
5 direct result of unfairly priced Chinese
6 competition. As a result, there's underutilized
7 U.S. capacity. The U.S. tin stabilizer industry
8 could supply 100 percent of the domestic demand
9 for tin stabilizers immediately.

10 Increasing tariffs on tin stabilizers
11 would eliminate China's protectionist acts,
12 policies, and practices. It's called for in USTR
13 Section 301 findings. China cannot as easily
14 protect its tin reserves and primary tin products
15 on subsidizing the export of higher-value tin
16 stabilizers.

17 Importers and resellers of Chinese
18 products would also be forced to compete on the
19 same basis as the U.S. market. I welcome any
20 questions from the panel, and will gladly provide
21 additional written documentation.

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

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

3 MS. HOWE: This question is for Mr.
4 Trapp. So you have presented information that
5 Chinese suppliers are selling frames and moldings
6 at below-market price. Do you have any
7 information on how and why the Chinese suppliers
8 are able to sell these products at such low
9 prices?

10 MR. TRAPP: To be honest, the
11 information that I gave you shows --- is based on
12 trade publication that all lumber prices are
13 based on, random weights, and those prices,
14 again, they're using imported radiata pine,
15 primarily out of Chile and New Zealand, and it's
16 a rather simple calculation.

17 We know approximately what percent of
18 wood you're going to be able to use out of that
19 to turn into a frame, and that's the calculation
20 we presented. Is that it's amounting to around
21 mid-80s in the percentile of their final sale
22 price.

1 How are they able to do that? I have
2 no good answer for that other than we believe
3 that they're being subsidized with the intent to
4 take over the soft wood pine doorframe and
5 molding markets. It is a hot topic among all
6 U.S. producers. And again, as noted, it's
7 driving many of us out of business or closing
8 facilities.

9 I received a notice yesterday that
10 there's another facility in Oregon that's being
11 closed or shut down because of competition that,
12 well, prices that they can no longer compete
13 with.

14 MR. ENSOR: Mr. Anderson, this is for
15 you. How important is the U.S. market for
16 Chinese exports of steel grinding balls? What
17 percentage of the Chinese export of this product
18 is to the United States?

19 MR. ANDERSON: About --- well, the
20 United States produces about --- needs about
21 240,000 tons. The market is about four million
22 tons. And China is now approximately 18 percent

1 of the demand here.

2 MR. ENSOR: Thank you.

3 MS. HOWE: My question is for Mr.
4 Perry. How would imposing the proposed tariffs
5 on unmanned aircraft systems from China affect
6 U.S. UAS manufacturers and U.S. consumers?

7 MR. PERRY: So, to be clear, China's
8 dominance in the UAS market through DJI presents
9 a significant economic opportunity and national
10 security risk. So certainly, this tariff would
11 help to mitigate that.

12 More largely, the U.S. industry stands
13 ready to supply this technology. So despite the
14 uncompetitive environment already forcing many
15 companies out and coopting partnerships in the
16 United States with Chinese manufacturers, the
17 capacity is here, and not only from a
18 manufacturing standpoint from many technologies,
19 as mentioned in my testimony, that are crucial to
20 the future of this industry.

21 So, you know, I think the toy under
22 the Christmas tree? We are going to get better

1 toys. We're going to have more diversity in the
2 marketplace for consumers. But recognizing and
3 importantly support the fact that those same
4 systems of unmanned aircraft systems are going to
5 help build roads and bridges and increase crop
6 productivity and secure our country.

7 CHAIR TSAO: Mr. Perry, a quick
8 followup. You mentioned in your testimony that
9 China dominates approximately --- or, this one
10 company, DJI, dominates 70 percent of the global
11 UAS market? What is their share in the U.S.
12 market?

13 MR. PERRY: So I can follow up with
14 the exact figures. In our own internal
15 assessments, based on information from the FAA,
16 it's likely much higher than that, particularly
17 in the commercial market. It may be as high as
18 90 percent.

19 MS. ROY: This question is for Mr.
20 Pizzola. In your opinion, which measure would
21 have a relatively greater effect on your
22 business? The increased cost of steel or the

1 imposition of tariffs on imported Chinese steel
2 wheels?

3 MR. PIZZOLA: We've already seen a 41
4 percent increase in the price of the steel that
5 we pay. So to answer your question, we've
6 already had an impact. A further additional
7 tariff on steel would exasperate that, that the
8 cost that we pay for steel. So either way, we're
9 going to be impacted as steel goes up. I mean,
10 steel is close to 70 percent of the cost of our
11 product.

12 MS. ROY: I'm sorry, just so out of
13 the two, which one would impact your business
14 more? Would it be the steel or the wheels? The
15 tariff on --

16 MR. PIZZOLA: Paying more for steel is
17 going to increase the price of the wheels, the
18 cost. I mean, I can't add 40 percent to my
19 material cost on my wheel. And I'm at a
20 situation now where my material cost is
21 equivalent to the cost that I can import some
22 wheel sizes.

1 And to the point where our company
2 actually imports some wheels where we have
3 manufacturing capability, but we've been forced
4 to move it to an import --- to import that
5 product because I just can't afford to
6 manufacture that product in the U.S. Adding
7 tariffs to wheels, first of all, we have excess
8 capacity, and there is other importers of wheels
9 into North America outside of China.

10 We're currently operating at one-third
11 of our capacity. We have tooling that's millions
12 of dollars' worth of tooling that we could
13 utilize to manufacture wheels that we currently
14 import today, but we cannot do that with the
15 current cost of steel.

16 MS. ROY: Thank you so much.

17 MR. BOBSEINE: This question is for
18 Mr. Clock. You've testified that Chinese
19 suppliers are selling the chemicals in question
20 at questionably low prices. Do you have
21 information, any information on how the Chinese
22 suppliers are able to sell these products at such

1 low prices?

2 MR. CLOCK: It's really going to be a
3 similar answer to what was said earlier. We know
4 what the cost of the raw materials are. We
5 produce the raw materials. Galata Chemicals is
6 backward integrated all the way to tin metal and
7 to basic alcohols.

8 We do not buy intermediates. We make
9 them. And when a selling price of a Chinese
10 import is lower than my manufactured cost, it's
11 impossible. We've gone out and pulled
12 information from the Shanghai Metal Market. Tin
13 is a publicly traded commodity. It's on the
14 London Metal Exchange, and it's on the Shanghai
15 Metal Market.

16 The London Metal Exchange drives the
17 tier I tin supplier mines throughout the world.
18 The Shanghai Metal Market is for Chinese-produced
19 tin. Both of those markets change daily, and
20 they intersect and cross at some points in time.
21 If you take either of those markets, along with
22 the other inputs, the prices that are being sold

1 at on the CIF basis are at or below production
2 costs.

3 CHAIR TSAO: Mr. Clock, you mentioned
4 earlier that you said there are some Chinese
5 measures restricting the export of tin and from
6 exporting, leaving China. Would you mind
7 providing those Chinese measures to us in your
8 rebuttal submission?

9 MR. CLOCK: Absolutely. Those will be
10 in the details. They really detail specifically
11 on the HTS codes for the ore and the non-refined
12 tin. Once you move to that higher-value
13 products, that's when they want to begin to move
14 those products out. But China has the largest
15 tin reserves in the world, and they are keeping
16 them in country.

17 MR. ENSOR: Mr. Anderson, you said in
18 your testimony that you have reason to believe
19 that Chinese steel grinding ball producers
20 acquired information on your production
21 processes. Is that something you can provide in
22 followup materials?

1 MR. ANDERSON: You know, it's our
2 conclusions. We can follow up with the
3 information we used to conclude, for sure. For
4 sure.

5 MR. BISHOP: We dismiss this panel
6 with our thanks.

7 CHAIR TSAO: Since this is our last
8 panel, I'd just like to say I'd like to thank all
9 the witnesses who traveled far and near to be
10 here to testify. A couple of administrative
11 notes. The rebuttal submissions are due ---
12 rebuttal. The post-hearing rebuttal submissions
13 are due May 22nd, and again, thanks --- I want to
14 thank ITC staff for allowing us to use your
15 facility, and also thank all the Section 301
16 Committee members to be here for the last two and
17 a half days.

18 Without any further business, this
19 hearing is adjourned.

20 (Whereupon, the above-entitled matter
21 went off the record at 12:52 p.m.)
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Section 301 Tariffs Public Hearing

Before: US Trade Representative

Date: 05-17-18

Place: Washington, DC

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Court Reporter

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