

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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THURSDAY

JUNE 20, 2019

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The 301 Committee met in the Main Hearing Room of the U.S. International Trade Commission, 500 E Street SW, Washington, D.C., at 9:30 a.m., Megan Grimball and Philip Butler, Chairs, presiding.

PRESENT

PHILIP BUTLER, Chair U.S. Trade Representative  
 MEGAN GRIMBALL, Chair, U.S. Trade Representative  
 EMILY BLEIMUND, Department of Health and Human Services  
 KIM COPPERTHITE, Department of Commerce  
 PAUL FARISS, Department of State  
 MICHAEL FINN, Department of Commerce  
 MATTHEW FRATERMAN, Department of Labor  
 KEVIN GILMARTIN, Department of the Treasury  
 JANET HEINZEN, U.S. Trade Representative  
 VICTORIA KAO, Department of Commerce  
 JENNY MORGAN, Department of Agriculture  
 BONNIE RESNICK, Department of the Treasury  
 TRACY ROY, Customs & Border Protection  
 WADE SHEPPARD, Department of Agriculture  
 RICH STETSON, Department of Commerce  
 ARI SULBY, Department of State  
 JOHN VANDERWOLF, Department of Commerce

IAN WALLACE, Department of Commerce  
TIMOTHY WINELAND, U.S. Trade Representative  
AUDREY WINTER, U.S. Trade Representative

ALSO PRESENT

BILL BISHOP, International Trade Commission  
TYRELL BURCH, International Trade Commission

WITNESSES PRESENT

SYED MATEEN AFZAL, PDC Machines  
JOHN ALOFS, Eyewear by ROI  
TOBIAS BAUMGAERTEL, Sandler Nonwoven Corporation  
JACALYN BENNETT, Bennett & Company  
FRANK BODIN, Nordic Group USA  
Kenneth Bradley, Eschenback Optik of America  
Inc.  
DIMITRI CRETIKOS, Nelson Rigg USA  
KATHI DUTILH, Milliken & Company  
PETER ERDMAN, Hisense USA Corporation  
BERT ESHAGHPOUR, Wego Chemical Group  
DANIEL FABRICANT, Natural Products Association  
KIMBERLY GLAS, National Council of Textile  
Organizations  
JODI GRACEY, Trek Bicycle Corporation  
JULIE HECKMAN, American Pyrotechnics Association  
KIM HEIMAN, Standard Textile Co., Inc.  
DOUG HILL, AFX Helmets North America Inc.  
ROBERT HUBBARD, Team Three Group  
RALPH IVES, Advanced Medical Technology  
Association  
STEVE JACARUSO, Jack Rogers  
CHARLES JOHNSON, International Safety Equipment  
Association  
AJIT KHUBANI, Telebrands Corporation  
ALEX KOFF, Specialized Bicycle Components,  
Inc.  
KATHY LAVANIER, National Candle Association  
BRANDEE LEPAK, National Bicycle Dealers  
Association  
JOHN LOGUE, Royale Pigments and Chemicals  
MORGAN LOMMELE, Bicycle Product Suppliers  
Association/PeopleForBikes  
RYAN MCFARLAND, Strider Sports International

JOE MELI, PAJ, Inc.

ROBERT MEYER ZU WESTRAM, EMS-CHEMIE North  
America Inc.

MATT MOORE, Quality Bicycle Products, Inc.

STEVENSON MOORE, Phoenix Aromas & Essential Oils

BARBARA NEGRON, North American Natural Casing  
Association

LINDA O'NEILL, Health Industry Distributors  
Association

DANIEL PEART, Phantom Fireworks Companies

PATRICIA PHILLIPS, SNP, Inc.

CHRIS SACKETT, Bell Sports, Inc.

MICHAEL SAIVETZ, Richloom Fabrics

SCOTT SCHLOEGEL, Motorcycle Industry Council

(MIC)

LARA SIMMONS, Medline Industries, Inc.

SIDNEY STEIN, Stein Fibers, Ltd.

DENNIS TRICE, Mitsubishi Chemical Corporation

PAUL VITRANO, Indian Motorcycle and Polaris  
Industries, Inc.

CRAWFORD WAGNER, Jewelry Television

GREG WILLIAMSON, CamelBak Products LLC

JEAN YOHO, Sun Chemical Corporation

LU YU, China Chamber of Commerce for I/E of  
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1 P-R-O-C-E-E-D-I-N-G-S

2 (9:29 a.m.)

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

11 As explained in a notice published on  
12 May 17, 2019, the United States Trade  
13 Representative, at the direction of the  
14 president, is considering a modification of the  
15 action being taken in the investigation in the  
16 form of additional duties of up to 25 percent on  
17 a list of products from China with an annual  
18 trade value of approximately \$300 billion.

19 The purpose of this hearing is to  
20 receive public testimony regarding the proposed  
21 tariff action.

22 The Section 301 Committee will

1 carefully consider the testimony and written  
2 comments, including post-hearing rebuttal  
3 comments, and will then make a recommendation to  
4 the Trade Representative.

5 Before we proceed with testimony, I  
6 will provide some procedural and administrative  
7 instructions, and will ask the agency  
8 representatives participating in the hearing  
9 today to introduce themselves.

10 The hearing is scheduled for seven  
11 business days, concluding Tuesday, June 25th.  
12 Today is Day 4 of the hearings. We have  
13 scheduled 55 panels of witnesses with over 300  
14 individuals scheduled to testify.

15 The provisional schedule has been  
16 posted to the USTR Web site. We have eight  
17 panels of witnesses scheduled to testify today.  
18 We will have a brief break between panels and a  
19 50-minute break for lunch.

20 Each witness appearing at the hearing  
21 is limited to five minutes of oral testimony.  
22 The light before you will be green when you start

1 your testimony, yellow means that you have one  
2 minute left, and red means that your time has  
3 expired.

4 After the testimony from each panel of  
5 witnesses, the Section 301 Committee will have an  
6 opportunity to ask questions. Committee  
7 representatives will generally direct their  
8 questions to one or more specific witnesses.

9 As stated in the May 17th notice,  
10 post-hearing comments, including any written  
11 responses to questions from the Section 301  
12 Committee are due seven days after the last day  
13 of the hearing.

14 As noted the hearing is scheduled to  
15 conclude on June 25th, which means that all post-  
16 hearing comments are due by no later than July 2,  
17 2019. The rules and procedures for written  
18 submissions are set out in the May 17th notice.

19 Given the number of witnesses and the  
20 schedule, we request that witnesses, when  
21 responding to questions, be as concise as  
22 possible. Witnesses should recall that they have



1 a full opportunity to provide more extensive  
2 responses in their post-hearing submissions.

3 No cameras, or video, or audio  
4 recording will be allowed during the hearing.  
5 Written transcripts of this hearing will be  
6 posted on the USTR Web site and on the Federal  
7 Register docket.

8 We are pleased to have today,  
9 international trade and economic experts from a  
10 range of U.S. Government agencies. If you could  
11 introduce yourselves?

12 MS. ROY: Tracy Roy from U.S. Customs  
13 and Border Protection.

14 MR. FARISS: Paul Fariss from the  
15 State Department's Bureau of Economic and  
16 Business Affairs.

17 MR. STETSON: Rich Stetson with the  
18 Office of Textiles and Apparel at the U.S.  
19 Department of Commerce.

20 MS. HEINZEN: Janet Heinzen with the  
21 Office of Textiles at USTR.

22 MS. WINTER: Audrey Winter with the

1 Office of China Affairs at USTR.

2 MR. SHEPPARD: Wade Sheppard with the  
3 Department of Agriculture.

4 MR. GILMARTIN: Kevin Gilmartin with  
5 the Treasury Department.

6 MR. FRATERMAN: Matthew Fraterman,  
7 Department of Labor Office of Trade Policy and  
8 Negotiations.

9 CHAIR GRIMBALL: And I'm Megan  
10 Grimball from USTR and the Office of General  
11 Counsel. Mr. Bishop, we're ready to begin.

12 MR. BISHOP: Madam Chairman, our first  
13 witness on this panel is Michael Saivetz with  
14 Richloom Fabrics. Mr. Saivetz, you have five  
15 minutes.

16 MR. SAIVETZ: Good morning. My name  
17 is Michael Saivetz. I am the COO of Richloom, a  
18 company founded by my grandfather in 1957. This  
19 is my second time presenting testimony on the  
20 dire impact that Section 301 tariffs will have on  
21 our company and our customers.

22 Since my grandfather founded the

1 company 61 years ago, Richloom has become one of  
2 the largest suppliers of textiles in the U.S.

3 At our headquarters in New York, our  
4 designers and product development specialists  
5 create fabric to meet the needs of our U.S.  
6 customers.

7 Our staff in New York, Indiana, North  
8 and South Carolina work closely with customers to  
9 create products that meet their manufacturing  
10 needs. Those U.S. jobs depend on our extensive  
11 international supply chain, including imports  
12 from China.

13 Today, I want to specifically address  
14 the impact that tariffs on chenille and cut  
15 corduroy would have on Richloom and our U.S.  
16 customers.

17 Both of these products represent key  
18 inputs to the U.S. furniture industry and  
19 companies making a soft home goods, such as  
20 pillows, as well as companies supplying the RV  
21 industry.

22 Like Richloom, all of these industries

1 are already suffering from the last round of  
2 tariffs, which raised costs for key inputs and  
3 undermine their competitive position with respect  
4 to foreign competition.

5 I want to remind the Committee that  
6 both chenille and corduroy were targeted in the  
7 last round of Section 301 tariffs. At that time,  
8 the Committee determined not to impose tariffs on  
9 these two key products due to the economic harm  
10 that would have resulted.

11 The economics behind that decision has  
12 not changed. I urge you to stick by your prior  
13 analysis and refrain from imposing tariffs on  
14 either of these products.

15 New tariffs on chenille and corduroy  
16 would be particularly dire for the furniture  
17 industry, which is Richloom's primary customer  
18 for both textiles.

19 The U.S. furniture industry that  
20 relies on Richloom's chenille and corduroy  
21 compete directly with foreign furniture  
22 manufacturers. New tariffs imposed on fabric

1 inputs undermine their ability to compete with  
2 those foreign furniture makers.

3 Increased material costs resulting  
4 from these tariffs could raise the price of  
5 domestically-produced furniture significantly.

6 Indeed, I have seen estimates that the  
7 tariffs could result in a \$100 to \$200 increase  
8 in the retail price of a sofa. The competitive  
9 impact of such a price increase to U.S.  
10 manufacturers should be obvious.

11 U.S. furniture manufacturers will lose  
12 market share to foreign producers, putting  
13 American companies and American jobs at risk.

14 The impact will also be felt by  
15 American consumers. The increased price of  
16 furniture home goods will come directly from the  
17 pockets of American families, hitting low-income  
18 families particularly hard.

19 And Richloom will also be harmed. If  
20 our customers lose a market share, so do we. I  
21 want to be clear, this is not hypothetical. I  
22 have experienced it firsthand. After the last

1 round of tariffs in September of 2018, I saw the  
2 impact on my own business and on that of my  
3 customers.

4 In the furniture, soft home, and RV  
5 industries, prices increased and demand shrank.  
6 Jobs have already been lost in all of these. As  
7 their inputs costs rise, more and more of the  
8 activity of these industries moves offshore,  
9 jeopardizing good American manufacturing jobs.

10 Since the prior round of tariffs was  
11 imposed, Richloom has seen a slowdown in U.S.  
12 business as well, and the slowdown is not due to  
13 customers shifting purchasing to American-made  
14 textiles or non-Chinese textiles, it is due to a  
15 decline in the U.S. industries that rely on  
16 textiles as inputs.

17 At the same time, Richloom has seen a  
18 growth in our international business, as  
19 manufacturers that rely on textile inputs move to  
20 other countries. This shift in our business away  
21 from supplying U.S. customers has resulted in  
22 changes to our own operations.

1                   We have been forced to cut staff in  
2 U.S. customer support and distribution center,  
3 including our South Carolina facility in this  
4 photo. Further tariffs will only exacerbate the  
5 situation.

6                   We know from experience that tariffs  
7 will have an unintended consequence of harming  
8 U.S. manufacturing and pushing jobs offshore.  
9 I'm here to ask you not to make matters worse by  
10 imposing even more tariffs on the textiles that  
11 supply U.S. manufacturing industries.

12                  I'm happy to answer any questions and  
13 I thank you for the opportunity of being here.

14                  MR. BISHOP: Thank you, Mr. Saivetz.  
15 Our next witness is Kimberly Glas with the  
16 National Council of Textile Organizations. Ms.  
17 Glass, you have five minutes.

18                  MS. GLAS: Thank you. I'm pleased to  
19 be here today. NCTO represents the full spectrum  
20 of the U.S. textile sector, from fiber through  
21 finished sewn products, as well as suppliers of  
22 machinery, chemicals, and other products and

1 services with a stake in the prosperity of our  
2 industry.

3 China's rampant abuse of intellectual  
4 property rights and I.P. theft has gone on for  
5 far too long at the direct expense of U.S.  
6 textile industry and its supply chain, resulting  
7 in the loss and contributing to the loss of over  
8 million U.S. manufacturing jobs in this critical  
9 sector.

10 We have detailed this in our previous  
11 submissions to the Committee. To effectively  
12 respond to China's predatory trade practices in  
13 our sector, we believe the administration needs  
14 to address the exports from China that are  
15 disrupting our market and distorting our trade;  
16 exports of end items to the United States.

17 Underscoring why we are requesting  
18 these end items, finished apparel, home  
19 furnishings, and other made-up textile goods,  
20 they equate for 93.5 percent of U.S. imports from  
21 China in our sector, while fiber, yarn, and  
22 fabric imports from China only represent 6.5



1 percent.

2 China's growth in the U.S. textile  
3 market has been meteoric. It has become the  
4 single largest contributor to our U.S. trade  
5 deficit in our particular sector, which totaled  
6 nearly \$101 billion in 2018.

7 If the United States truly wants to  
8 resolve China's rampant IPR abuse, pillar sectors  
9 of the Chinese economy will need to be included  
10 on the 301 retaliation list.

11 Leaving sectors that are highly  
12 sensitive within China's economy off the list has  
13 actually weakened U.S. leverage throughout the  
14 negotiating process, delaying a long overdue  
15 remedy to the systemic trade problem.

16 It is for these reasons that NCTO's  
17 pleased the proposed Tranche 4 includes finished  
18 imported items for China, which have the most  
19 significant impact on U.S. employment,  
20 production, and investment.

21 We believe this move will lead to re-  
22 shoring of production in the U.S. and the Western

1 Hemisphere production platform, and will also  
2 address and mitigate China's rampant trade  
3 distortions.

4 Further, we believe that parties have  
5 benefitted from China's unfair trade practices  
6 have greatly exaggerated the potential impact on  
7 consumers that might result with higher prices  
8 associated with tariffs on end products.

9 There are literally hundreds of  
10 options to source and produce apparel around the  
11 world, many of which can be done duty free from  
12 our Free Trade Agreement and trade preference  
13 partners, particularly in the Western Hemisphere  
14 where the U.S. textile industry's top destination  
15 for our exports.

16 Tariffs are assessed at the price of  
17 the merchandise when sold for export to the  
18 United States, not the retail value.

19 While we support the inclusion of  
20 finished products on Tranche 4 for all the  
21 reasons I just mentioned, I want to stress that  
22 we have very serious concerns that certain

1 inputs, already vetted by the administration and  
2 removed from previous retaliatory tariff lists,  
3 are back on the list for proposed duties.

4 Adding tariffs on imports of  
5 manufacturing inputs that are not made in the  
6 U.S. and often made only in China, raises the  
7 costs for American companies and makes them less  
8 competitive with China.

9 Such a move would worsen our trade  
10 deficit with China and directly harm domestic  
11 textile manufacturing. Outcomes diametrically  
12 opposed to the administration's stated goals with  
13 the China 301 and the broader trade policy  
14 efforts.

15 We believe it would be illogical to  
16 reverse previous determinations that found a  
17 legitimate case for an exclusion, as such, we  
18 believe that the integrity of the earlier  
19 exclusion review should be upheld, and we urge  
20 the U.S. Government to institute a fair,  
21 transparent, and expeditious exclusion system for  
22 all retaliation tranches.

1           In addition, while we don't have time  
2 to fully discuss this topic in our oral testimony  
3 today, we want to highlight a significantly  
4 growing concern related to the 321 de minimis  
5 provision in light of the 301 retaliatory  
6 tariffs.

7           This creates a concerning and  
8 substantial loophole at a time when the  
9 administration is spearheading efforts to address  
10 China's unfair trade practices and we're asking  
11 the administration to apply retaliatory tariffs  
12 to de minimis shipments.

13           We are literally under attack in this  
14 area and you have no further to look than U.S.  
15 Government, our own efforts on IPR theft in this  
16 sector, which is the single largest sector for  
17 IPR seizures by DHS of any sector in years 2016  
18 and 2017.

19           By adopting these recommendations, the  
20 administration could provide a level of much  
21 overdue relief to an industry that has been  
22 directly targeted and heavily damaged by China's

1 industrial policy.

2 To the contrary, failure to include  
3 end products while keeping certain manufacturing  
4 inputs on this list for this sector will, in  
5 fact, be a significant net benefit to the Chinese  
6 and condone their illegal activity in the textile  
7 and apparel sector.

8 And one last point, earlier this week  
9 there was testimony given related to expanding  
10 GSP preferences to other countries around the  
11 world for textile and apparel in a way to "shift  
12 sourcing out of China".

13 We believe that the Chinese textiles  
14 -- expanding this program will be a significant  
15 detriment to the United States industry and will  
16 give China backdoor access to the U.S. market,  
17 since China would get a duty break of 65 percent  
18 of the value of all eligible products.

19 We strongly oppose efforts to give new  
20 duty breaks to Chinese textiles through GSP and  
21 we ask for your support with that matter. Thank  
22 you for the opportunity to provide input.

1                   MR. BISHOP: Thank you, Ms. Glas. Our  
2 next witness is Sidney Stein with Stein Fibers  
3 Limited. Mr. Stein, you have five minutes.

4                   MR. STEIN: I am Sidney Stein III,  
5 Vice President of Stein Fibers and I am appearing  
6 today to ask for the 301 Committee to remove  
7 flame-retardant rayon from the proposed Section  
8 301 tariffs.

9                   I am no stranger to this room. I've  
10 been in front of the ITC at least six times for  
11 dumping cases in this room. And also, please  
12 excuse if I misread, I am trying out new glasses,  
13 progressive lenses, and they do get me messed up  
14 from time to time. These doctors are all messed  
15 up.

16                   Stein Fibers has a straightforward  
17 mission, to meet our customers' fiber  
18 requirements by combining the most extensive  
19 stock and product offerings in the marketplace  
20 with unsurpassed responsiveness.

21                   Now, in our fifth decade, started in  
22 1976, we are among the largest suppliers and

1 producers of polyester fiberfill and non-woven  
2 fibers in North America, with annual shipments  
3 exceeding 500 million pounds.

4 As a customer-oriented company, Stein  
5 Fibers focuses on efficient logistic and  
6 excellent sales support. Based on these  
7 qualities, we have developed long personal  
8 relationships by consistently leveraging our  
9 network to support our client's needs.

10 With global sourcing strategies, long-  
11 term relationships, contacts to overseas  
12 suppliers, and domestic production facilities,  
13 Stein Fibers has distributed polyester and other  
14 related products, like rayon viscose, as well as  
15 a domestic producer with a green focus.

16 You may visit us online. Stein Fibers  
17 opposes the action by the United States Trade  
18 Representative to impose retaliatory tariffs up  
19 to 25 percent on import flame-retardant, which is  
20 FR, viscose staple fiber from China as part of  
21 the \$300 billion list.

22 This product is specifically

1 classified under Harmonized Code Schedule HTS,  
2 Line 5504.10.00, along with other types of  
3 viscose rayon staple fiber.

4 It was previously proposed as part of  
5 the \$200 billion list and was removed from the  
6 public comment process for that tranche. We are  
7 disappointed that this product is back on the  
8 list for proposed duties after being vetted  
9 previously.

10 While we applaud the administration's  
11 effort to address China's unfair trading  
12 practices, we strongly urge the USTR to focus on  
13 finished textile and apparel products as opposed  
14 to manufacturing inputs, like FR rayon, where  
15 increased costs have significant economic  
16 consequences for U.S. companies utilizing these  
17 inputs.

18 Among other end uses, FR rayon is a  
19 component in a mattress, which we all slept on  
20 last night, in the form of a barrier non-woven  
21 material that is necessary to comply with the CPS  
22 Code 1633 flammability test.



1                   This test was dictated, and this is  
2                   the most important part, by the Federal  
3                   Government over 15 years ago for mattresses in  
4                   order to be safer in case of fire.

5                   To give an idea of the impact of a 25  
6                   percent additional tariff on FR rayon fiber used  
7                   in mattress application, this fiber comprises 75  
8                   percent in a mattress and a single mattress has  
9                   25 pounds, a single mattress, of total fiber  
10                  content.

11                  For illustration purposes, we can  
12                  estimate the current FR rayon staple fiber is  
13                  worth \$1.10 a pound. A 25 percent tariff would  
14                  increase and raise that cost to over \$1.37, or  
15                  27-1/2 cents per pound increase, as a result of  
16                  \$5.16 per increase in a mattress would be  
17                  attributed to costs of FR portion in the mattress  
18                  alone.

19                  The U.S. mattress market has become  
20                  increasingly price sensitive and internationally  
21                  traded with the advent of construction that it be  
22                  compressed into small shape and shipped direct to

1 customers.

2 Raising costs on viscose rayon fiber  
3 for the mattress made in the United States will  
4 likely result in domestic market share for the  
5 use producers while hurting their supplies,  
6 including our company.

7 Given that improving U.S.  
8 manufacturers' competitive position in relation  
9 to China is a key goal of the 301 case, we do not  
10 understand the logic of increasing manufacturing  
11 costs.

12 There are no other products known in  
13 our industry that can be substitute for FR rayon  
14 because of what the government did. There is no  
15 FR rayon made in the United States.

16 As a result the U.S. manufacturers  
17 must rely on imported fibers, further given the  
18 safety concerns with flammability, mattress, and  
19 standards required by the U.S. Government, the  
20 quality and consistency of this fiber is key.

21 While limited amount of fiber is  
22 available in Europe and European Union, FR rayon

1 is produced mainly in China, which offers a  
2 superior product in this case.

3 In closing we request the USTR once  
4 again excludes viscose rayon as additional  
5 tariffs on this product that would, in fact,  
6 cause disproportionate economic harm to U.S.  
7 business and consumers. Thank you for this  
8 opportunity.

9 MR. BISHOP: Thank you, Mr. Stein.  
10 Our next witness is Tobias Baumgaertel with the  
11 Sandler Nonwoven Corporation. Mr. Baumgaertel,  
12 you have five minutes.

13 MR. BAUMGAERTEL: Good morning, ladies  
14 and gentlemen. My name is Tobias Baumgaertel.  
15 I'm the CEO of Sandler Nonwoven Corporation and I  
16 appreciate the opportunity to express strong  
17 opposition to the inclusion of viscose rayon  
18 fibers with the HTS Code 5504.10.00, on the  
19 proposed retaliation list.

20 Sandler Nonwoven Corporation is a  
21 wholly-owned and operated subsidiary of Sandler  
22 A.G., a German firm. Our operations in the U.S.

1 commenced in 2015, began with an initial  
2 investment of \$15 million U.S. dollars in Perry,  
3 Georgia.

4 The existing facility, the first stage  
5 of our U.S. expansion, which currently employs  
6 30 people and manufactures non-woven fabric roll  
7 goods that are used in the production of personal  
8 hygiene products.

9 Stage 2 will add a new building and an  
10 additional product line to expand into new  
11 products for a highly-innovative and globally-  
12 active industry.

13 This investment of \$65 million is  
14 expected to create 70 more new, clean, and safe  
15 jobs in Perry, Georgia. Mid to long-term, we  
16 will consider a Stage 3 investment to create 40  
17 to 50 more jobs for a total of 110 to 120 new  
18 jobs in Georgia.

19 In light of these potential tariffs,  
20 we now must review this investment. We believe  
21 that imposing increased duties on viscose rayon  
22 staple fibers would inflict serious economic harm

1 on U.S. interests, including Sandler Nonwoven  
2 Corporation.

3 It is well-documented and recognized  
4 by the Office of the United States Trade  
5 Representative, U.S. International Trade  
6 Commission, and other federal agencies that  
7 numerous U.S. companies, including Sandler, must  
8 import viscose rayon staple fibers from China and  
9 elsewhere because no domestic production exists  
10 after the 2005 closure of the last remaining  
11 viscose rayon producer, Liberty Fibers.

12 The lack of a domestic source for this  
13 necessary raw material has led numerous American  
14 manufacturers to seek import duty relief via the  
15 Miscellaneous Tariff Bill process.

16 In fact, ten provisions providing  
17 relief for viscose rayon staple fibers were  
18 included in the most recent MTB measure.  
19 Additionally, after considering the public  
20 comments, received and response to proposed List  
21 3, which was released on July 17, 2018, USTR  
22 ultimately removed viscose rayon staple fibers

1 from the final List 3.

2 As USTR considers imposing additional  
3 duties of up to 25 percent of viscose rayon  
4 staple fibers, Sandler would like to share more  
5 information about the substantial negative impact  
6 of these or other additional duties.

7 Viscose rayon fibers function as the  
8 absorbent element in many personal hygiene items.  
9 Viscose cannot be replaced by any other absorbent  
10 fiber without causing serious shortages and  
11 massive price increases because alternative  
12 absorbent fibers, such as cotton or lyocell, are  
13 much more expensive.

14 Furthermore, we expect our demand for  
15 viscose rayon fibers to increase by as much as  
16 100 percent in the wake of intense discussions  
17 about plant-derived materials, natural origins,  
18 microplastics, and marine littering.

19 Under the conditions of said tariff  
20 proposals, domestically produced raw materials  
21 would be costlier than imported material.  
22 Sandler will then no longer be able to proceed

1 with the previously explained investments.

2 It is our firm belief that tariffs on  
3 the fibers in question will also create cost  
4 advantages for overseas manufacturers of finished  
5 products, such as wet wipes, thus encouraging the  
6 import of such products into the United States.

7 This impacts domestic manufacturing  
8 further down the supply chain. Converters that  
9 use our inputs to manufacture consumer products  
10 may find themselves unfit to compete with imports  
11 that are not subject to corresponding tariffs.

12 In short, subjecting viscose rayon  
13 staple fibers with the HTS Code 5504.10.00 to the  
14 proposed retaliatory duties would impose  
15 significant economic harm in many U.S. companies,  
16 including Sandler.

17 With this in mind, Sandler Nonwoven  
18 Corporation respectfully requests that viscose  
19 rayon fibers be removed from the proposed Annex  
20 Section 1 target retaliation List 4.

21 Imposing tariffs on viscose rayon  
22 staple fibers will not eliminate China's adverse

1 acts and policies and these materials are not  
2 part of the products China seeks to promote in  
3 its Made in China 2025 program.

4 Instead of successfully leveraging  
5 change to China's negative trade practices, this  
6 proposed duty would cause significant damage to  
7 Sandler and many other U.S. companies without any  
8 benefit.

9 Thank you very much. I would be happy  
10 to answer any questions you may have.

11 MR. BISHOP: Thank you, Mr.  
12 Baumgaertel. Our next witness is Kim Heiman with  
13 Standard Textile Company Incorporated. Ms.  
14 Heiman, you have five minutes.

15 MS. HEIMAN: Thank you. Ten months  
16 ago, I spoke to this Committee on behalf of our  
17 hardworking, dedicated American textile workers  
18 in Union, South Carolina and Thomaston, Georgia.

19 Their jobs are threatened by the  
20 proposed tariffs on unbleached cotton fabric. I  
21 requested that three categories of unbleached  
22 cotton fabric be removed from Tranche 3.



1                   Standard Textile very much appreciates  
2                   that this Committee took our comments under  
3                   careful consideration and removed unbleached  
4                   fabric from Tranche 3.

5                   In doing so, this Committee  
6                   necessarily concluded that imposing additional  
7                   tariffs on unbleached fabrics would cause  
8                   disproportionate harm to one medium-sized  
9                   business.

10                  But your decision did much more than  
11                  that. Your decision provided us with the  
12                  confidence to further expand our domestic  
13                  manufacturing resources and deepen Standard  
14                  Textile's commitment to U.S. manufacturing.

15                  I am here today because by reversing  
16                  this decision and putting unbleached fabric back  
17                  on Tranche 4, the livelihoods of our American  
18                  manufacturing workers are again threatened.

19                  In the early 2000s, our 79-year-old  
20                  medium-sized, 4th generation, family-owned  
21                  business headquartered in the great Cincinnati,  
22                  Ohio, purchased two shuttered textile plants in

1 Union and Thomaston.

2 We reopened those closed plants, we  
3 brought textile manufacturing jobs back to two  
4 very deeply distressed communities, and I am here  
5 to ensure that those families, and those  
6 communities, are not forgotten.

7 Our supply chain is designed so that  
8 Standard Textile can control our proprietary  
9 manufacturing processes while at the same time,  
10 maximizing our ability to manufacture as much as  
11 possible in the United States.

12 Our U.S. value add includes, American  
13 cotton, American yarn, American finishing,  
14 American cutting and sewing, and American  
15 packaging.

16 However, due to the high cost  
17 differential, Standard Textile cannot move all of  
18 its weaving to the United States. Standard  
19 Textile accounts for over 97 percent of the  
20 unbleached fabric imported from China.

21 Why? Because our competitors import  
22 finish sheets from countries such as India and

1 Pakistan at a duty rate of only 6.7 percent. I  
2 assure you, unlike us, these competitors do not  
3 generate U.S. manufacturing jobs.

4 You might also be wondering why we  
5 don't simply source unbleached fabric or finished  
6 product from unrelated suppliers in other  
7 countries.

8 Importing unfinished fabric from our  
9 wholly-owned facility in China enables us to  
10 actually protect our own intellectual property.  
11 It also allows us to protect our proprietary  
12 manufacturing processes and the quality of our  
13 products.

14 Given that this investigation is  
15 intended to protect U.S. intellectual property,  
16 it would be an ironic result for you to compel us  
17 to outsource our intellectual property to third  
18 parties in India and Pakistan.

19 Most importantly, in reliance on this  
20 Committee's previous decision over the past ten  
21 months, Standard Textile invested an additional  
22 \$8 million in our U.S. plants, bringing our total

1 U.S. investment to \$75 million.

2 In addition, we increased our  
3 headcount at those facilities by more than 50.  
4 So today, we employ over 450 American textile  
5 manufacturing workers, where jobs are desperately  
6 needed.

7 Needless to say, Standard Textile was  
8 shocked and dismayed that unbleached cotton  
9 fabric is now back on Tranche 4. The stated  
10 objective of this administration is to bring  
11 manufacturing jobs back to the United States.

12 Your original decision allowed  
13 Standard Textile to pursue that objective by  
14 investing further in our U.S. manufacturing  
15 facilities by adding more manufacturing jobs.

16 If you reverse that decision now, you  
17 will, one, cause disproportionate economic harm  
18 to a single medium-sized business, two, you will  
19 jeopardize the jobs of 450 American manufacturing  
20 workers, and three, you will genuinely,  
21 seriously, and permanently undermine Standard  
22 Textile's efforts to bring manufacturing back to

1 this country.

2 Finally, I hope that you will think of  
3 these faces and their families as you consider  
4 our effort to reinvent the future of American  
5 textile manufacturing. Thank you.

6 MR. BISHOP: Thank you, Ms. Heiman.  
7 Our final witness on this panel is Kathy Dutilh  
8 with Milliken & Company. Ms. Dutilh, you have  
9 five minutes.

10 MS. DUTILH: Thanks for the  
11 opportunity to comment today. Milliken &  
12 Company, headquartered in Spartanburg, South  
13 Carolina, is a U.S. manufacturer of performance  
14 apparel and industrial fabrics, specialty  
15 chemicals, and floor covering.

16 Our company employs more than 5700  
17 associates. We operate in ten states. Over the  
18 past 154 years, we've drawn upon our textile and  
19 chemical expertise to develop hundreds of  
20 innovative products, which we sell in the United  
21 States and around the world.

22 The proposed additional duties of 25

1 percent on List 4 products will affect the  
2 continued innovation, competitiveness, and  
3 economic viability of global businesses.

4 Milliken sources products from China  
5 primarily to support its U.S. manufacturing  
6 operations. We request the removal of certain  
7 specific tariff subheadings from the proposed  
8 List 4, which cover products previously removed  
9 from the final List 3 after the public comment  
10 period.

11 At Milliken's request, 14 tariff lines  
12 were removed from the final List 3, 9 of those  
13 tariff lines were organic compounds listed in  
14 Chapter 29. These compounds are needed raw  
15 materials and chemical additives for our  
16 specialty chemical business.

17 Four tariff lines from Chapter 32  
18 included disperse dyes and vat dyes, and these  
19 inputs are colorants and dyes for our fabric  
20 division. One tariff line was for rayon fiber,  
21 listed in Chapter 55, this fiber, not available  
22 in the United States, is crucial to our non-woven

1 business.

2 USTR supported our request to remove  
3 these tariff lines for a variety of reasons,  
4 which we presented. Some of those products,  
5 there are no U.S. or global alternative supply  
6 other than China, or there's only one U.S.  
7 supplier with limited capacity, or producers are  
8 unable to assume the quality and liability of  
9 risks associated with the inputs.

10 The negative effects of the tariff  
11 increases on List 3 products important to  
12 Milliken have already been felt by all three  
13 business units. We've experienced a loss of  
14 market share because our Canadian and Mexican  
15 competitors are able to source the very same  
16 inputs at the lower duty rate.

17 More expensive imported inputs hurts  
18 U.S. manufacturers, makes them less competitive  
19 with other foreign producers, and puts U.S. jobs  
20 at risk.

21 In conclusion, we applaud the efforts  
22 of this administration to address the Chinese

1 policies and practices related to technology  
2 transfer, intellectual property, and innovation.

3 We support tariffs on finished  
4 textiles and home furnishing end products, and we  
5 favor an exclusion process for imported  
6 manufacturing inputs.

7 We urge you to accept our request to  
8 eliminate the tariff subheadings listed in these  
9 comments to assure Milliken a level playing field  
10 in the future.

11 We appreciate the attention this  
12 administration has given to the economic engine  
13 of this country, namely, U.S. manufacturing.  
14 Thanks for the opportunity to comment on this  
15 recent action.

16 MR. BISHOP: Thank you, Ms. Dutilh.  
17 Madam Chairman, that concludes direct testimony  
18 from this panel.

19 MS. HEINZEN: Good morning and thank  
20 you all for being here. I have a question for  
21 Mr. Saivetz. What percentage of Richloom's  
22 imports of chenille and corduroy fabric would you



1 estimate are used as inputs in U.S. manufacturing  
2 as opposed to, say, the craft industry or other  
3 home uses?

4 MR. SAIVETZ: Ma'am, thank you for  
5 your question. It's roughly about 75 to 80  
6 percent of those two categories are used as  
7 inputs to manufacturing in the U.S.

8 MS. HEINZEN: If these products are  
9 removed from the list, but other finished  
10 products incorporating these fabrics remain on  
11 the list, would that improve the competitiveness  
12 of the U.S. manufacturers you supply?

13 MR. SAIVETZ: I believe it would. As  
14 our product is used as inputs, it helps U.S.  
15 manufacturers and U.S. furniture manufacturers  
16 compete against offshore manufacturing, so they  
17 would be more competitive.

18 MR. GILMARTIN: This is Kevin  
19 Gilmartin again from the Treasury Department.  
20 Thank you for your testimonies this morning. I  
21 have one question for Ms. Glas and then one  
22 follow-up as well.

1           Can you expand on the challenges posed  
2 by what you called the loophole provision, in  
3 which the de minimis shipments from China are  
4 exempted from 301 duties. What impact do you  
5 believe this has had or will have on the  
6 administration of 301 products on -- 301 duties  
7 on Chinese products?

8           MS. GLAS: Thank you for your  
9 question. To expand a bit on my statement, and  
10 this will be submitted as part of our longer  
11 comments in this process, what we're asking the  
12 administration to do is to apply the 301  
13 retaliatory tariffs on Section 321 de minimis  
14 shipments, which are shipments of \$800 or less on  
15 a single product for a single day.

16           We believe that this is a significant  
17 loophole. Currently, these shipments, if they  
18 qualify for de minimis, you know, don't have  
19 duties attached to it. It will be, certainly,  
20 something that the Chinese will look to take  
21 advantage of as e-commerce has exploded over the  
22 last decade.

1                   You're seeing the totality through  
2                   CBP's analysis of de minimis shipments have  
3                   exponentially increased over the last few years.

4                   If retaliatory tariffs are applied on  
5                   finished product coming out of China, I think  
6                   more and more of the e-commerce sector will look  
7                   to take advantage of the duty-free savings by  
8                   using the de minimis provision, and this will  
9                   create an unintended loophole to some of the  
10                  actions that the administration is planning to  
11                  take.

12                  So we're asking this administration to  
13                  look at this extremely closely and to also apply  
14                  retaliatory tariffs on these de minimis products.  
15                  Thank you.

16                  MR. GILMARTIN: Thank you for that.  
17                  One follow-up as well. You also stated your view  
18                  that much of the apparel being imported from  
19                  China could be made in the Western Hemisphere,  
20                  where much of the production uses U.S.-made  
21                  fibers, yarns, and fabrics.

22                  Is there sufficient capacity in this

1 hemisphere to replace U.S. imports from China?

2 MS. GLAS: So right now, currently, we  
3 receive 40 percent of our imports for -- 40  
4 percent of our apparel is coming from China.  
5 That means 60 percent is coming from somewhere  
6 else in the world, including our Free Trade  
7 Agreement partners.

8 The U.S. fiber, yarn, and fabric  
9 manufacturing industry, 70 percent of our exports  
10 go to our Western Hemisphere trade partners and  
11 our trade preference partners.

12 Our industry is ready, able, and  
13 willing to add capacity to making more of those  
14 fiber, yarn, and fabric. We think that the  
15 region is well-positioned to take some of that  
16 market share, and we also believe that the other  
17 60 percent, as I noted earlier, where other  
18 apparel can be made, I mean, there's more than  
19 one option than China.

20 And I think you're seeing a lot of  
21 brands and retailers looking to diversify their  
22 supply chains beyond China, so we think this is

1 an opportunity that would help our U.S.  
2 manufacturing base.

3 MR. GILMARTIN: Thank you.

4 MR. FARISS: So thank you again to  
5 everyone for coming and testifying today. Just a  
6 question for Mr. Stein. From your vantage point  
7 as a supplier to the U.S. mattress industry, how  
8 have the additional 301 duties on mattresses  
9 imported from China as part of Tranche 3 affected  
10 the competitiveness of U.S. made mattresses, and  
11 in that same vein, has your business experienced  
12 any positive effects from the 301 duties on  
13 Chinese mattresses?

14 MR. STEIN: There is no -- to my  
15 knowledge, Chinese mattresses are not coming in  
16 at this point, today, to our knowledge. So  
17 that's the last part of your question.

18 So if you can repeat the first part.

19 MR. FARISS: Yes. So from your  
20 vantage point as a supplier to the U.S. mattress  
21 industry, how have the additional 301 duties on  
22 mattresses imported from China as part of Tranche

1       3 affected the competitiveness of U.S. made  
2       mattresses?

3               MR. STEIN: Well, anything -- I got to  
4       be honest with you, just like Kim said, right  
5       now, anything in the textile industry from China  
6       is hurting the U.S. market. No question about  
7       it; in finished apparel.

8               Mattresses, the FR rayon, as I said,  
9       there is nothing else being produced here. If  
10      the government is going to impose the FR  
11      flammability test, what are we going to do?

12              The only place it's made, in a big  
13      way, is in China and a very small way, in Europe.  
14      Europe cannot handle the amount of mattresses  
15      made here with their capacity of production of FR  
16      rayon. We need China.

17              If that answers your question, but I  
18      will add one other thing, I wear a few, two, hats  
19      here, my twin daughters own a store, and when  
20      they heard I was coming down here today, they  
21      said -- and I was looking -- and I do their  
22      books, and interesting, they buy garments from

1 the United States for little babies, they  
2 embroider names, when babies are born, and I  
3 noticed they were buying some from more and more  
4 Chinese imports.

5 And I said, why are you doing that?  
6 We can't compete with the domestic manufacturers.  
7 That says it all right there. We cannot compete  
8 with China. I'm too expensive. I can't compete  
9 with Amazon. Thank you.

10 MR. FARISS: Thank you, Mr. Stein.

11 CHAIR GRIMBALL: Mr. Stein, I have one  
12 follow-up question, you did mention that the  
13 European market has a limited ability to provide  
14 the FR rayon fabric or -- fabric, thank you, to  
15 the U.S. market. Could you be specific as to  
16 what --

17 MR. STEIN: Well, I'm talking about  
18 the fiber that goes in the mattresses.

19 CHAIR GRIMBALL: Oh, excuse me.

20 MR. STEIN: Not the fabric.

21 CHAIR GRIMBALL: Could you be specific  
22 as to the portion of the U.S. market that

1 European production could --

2 MR. STEIN: I am going to do more  
3 research and I'll make sure that we put that in  
4 the follow-up.

5 CHAIR GRIMBALL: Thank you.

6 MS. ROY: Good morning. My name is  
7 Tracy Roy. I'm from U.S. Customs and Border  
8 Protection. This question is for Mr.  
9 Baumgaertel. Good morning. In your testimony,  
10 you described the negative impact that inclusion  
11 on the 301 list of viscose rayon fibers would  
12 have on your company, which sources this product  
13 from China to make non-woven fabric for use in  
14 sanitary products.

15 What about the inclusion on the list  
16 of finished sanitary products from China? Would  
17 inclusion on the 301 list increase the  
18 competitiveness of your buyers who make these  
19 products in the United States?

20 MR. BAUMGAERTEL: Could you repeat the  
21 second part of the question, please, concerning  
22 the finished products?



1 MS. ROY: Okay. What about the  
2 inclusion on the list of the finished sanitary  
3 products from China? Would inclusion on the 301  
4 list increase the competitiveness of your buyers  
5 who make these products in the United States?

6 MR. BAUMGAERTEL: Absolutely, but we  
7 need to distinguish between the products we make  
8 which are raw goods being converted into finished  
9 products for the personal hygiene industry, but  
10 further down the supply chain, our customers  
11 converting raw goods into finished products, they  
12 might be more concerned about products being  
13 imported from China.

14 And if I could talk on their behalf,  
15 that, of course, would protect their business.

16 MS. ROY: Okay. Now I have another  
17 question for you. And in turn, would it result  
18 in a competitive boost for your company if  
19 viscose rayon fibers are not subject to 301?

20 MR. BAUMGAERTEL: I'm not sure if I  
21 got your question right. Did you say that an  
22 exclusion will be beneficial for our company?

1 MS. ROY: Yes.

2 MR. BAUMGAERTEL: Of course it will,  
3 because we are sourcing fibers globally. It  
4 doesn't matter where they come from. It could be  
5 Europe, it could be Asia, it could also be the  
6 U.S., depending on the fiber.

7 In this case, we are talking about the  
8 viscose fiber. If we are open to source  
9 globally, if we have access to any markets, and  
10 China is an important market for raw materials,  
11 such as viscose fibers, we will be for sure more  
12 competitive.

13 MS. ROY: Thank you.

14 MR. STETSON: Morning. I have a  
15 question for Ms. Heiman of Standard Textile  
16 Company. Thank you for your testimony. You  
17 noted that Standard's main competition for its  
18 finished sheets and pillow case products is from  
19 producers in India and Pakistan.

20 Do you also compete against finished  
21 products imported from China?

22 MS. HEIMAN: Yes. We also compete

1       against finished products imported from China,  
2       but today, we're really here to talk about the  
3       fact that our unbleached fabric that we bring  
4       from China to integrate into a vertical  
5       manufacturing process with the U.S. -- our U.S.  
6       plants, is really critical to us because we have  
7       over 75 patents and our products all have  
8       proprietary know-how behind them.

9               And if we are not able to manufacture  
10       the unbleached fabric in our plant using our  
11       patented processes and our patented know-how,  
12       then we're not able to really do what we need to  
13       do to stay competitive in this market. Does that  
14       answer your question?

15               MR. STETSON: Thank you. An  
16       additional question is, would the proposed  
17       inclusion on the 301 list of bed sheets and  
18       pillow cases from China improve Standard's  
19       competitiveness in the U.S. market?

20               MS. HEIMAN: No, it really wouldn't  
21       improve our competitiveness. Mainly because,  
22       again, I guess, today, we would have to then move

1 our purchasing to Pakistan or India.

2 Our competitors mainly buy in  
3 Pakistan, India, Bangladesh, and the duty there  
4 is only 6.7 percent. So everything would just  
5 move from China to these other countries, given  
6 that it's impossible to be competitive in the  
7 U.S. on those products, unless you have some  
8 proprietary know-how.

9 MR. STETSON: Thank you.

10 MR. FRATERMAN: Thank you, everyone,  
11 for coming and testifying today. My question is  
12 for Ms. Dutilh. You testified that the products  
13 Milliken sources from China were removed from the  
14 final List 3 and are now on List 4.

15 Has Milliken made any efforts to find  
16 alternative sources for these products, and if  
17 so, what has the results been?

18 MS. DUTILH: Don't know too many  
19 details about that, but I do know that our  
20 sourcing people are looking for other options,  
21 but there are still products that only China  
22 makes, especially in our -- for our specialty

1 chemical division, so organic compounds, and  
2 dyes, and pigments.

3 So the U.S., kind of, isn't in that  
4 space anymore, so it all migrated to China many,  
5 many years ago, so China, in many cases, is our  
6 only option.

7 MR. FRATERMAN: Great. Thank you.

8 MR. BISHOP: We release this panel  
9 with our many thanks and invite the members of  
10 our next panel to please come forward and be  
11 seated.

12 CHAIR GRIMBALL: Mr. Bishop, we'll  
13 start in one minute.

14 MR. BISHOP: Okay. Madam Chairman,  
15 our first witness on this panel is Dennis Trice  
16 with Mitsubishi Chemical Corporation. Mr. Trice,  
17 you have five minutes.

18 MR. TRICE: Good morning, Ms.  
19 Chairperson and Members of the Committee. I am  
20 Dennis Trice, Executive Advisor and former  
21 President and CEO of Mitsubishi Chemical America,  
22 Inc.

1                   Together with Japan's Mitsubishi  
2                   Chemical Corporation and our 21 U.S.  
3                   subsidiaries, MCA is a global leader in the  
4                   production of advanced chemicals for consumer  
5                   products, medical and industrial applications,  
6                   transportation, construction, and countless other  
7                   industries.

8                   As I testified when I appeared before  
9                   you last August, our company has been and  
10                  continues to be committed to growing our business  
11                  in this country.

12                  We have invested approximately 900  
13                  million US dollars in over 31 locations across  
14                  the United States over the past ten years and now  
15                  employ over 3000 skilled American workers.

16                  Our U.S. operation contribute billions  
17                  of dollars annually to the U.S. economy. Among  
18                  our most significant recent investments is a \$38  
19                  million state-of-the-art manufacturing facility  
20                  near Memphis, Tennessee, operated by our  
21                  subsidiary, MCI Solutions U.S., Inc.

22                  This Tennessee facility accounts for

1 virtually all U.S. production of formulated  
2 electrolyte lithium-ion batteries that power  
3 American-made electric vehicles, like the Tesla  
4 Model 3, and Nissan Leaf.

5           Among the key inputs for this plant  
6 are certain specialty chemicals, including  
7 certain lithium salts and certain carbonate  
8 esters. Currently, we import these products for  
9 China under HTS subheadings 2826.90.90 and  
10 2920.90.51.

11           China is the only viable source for  
12 these materials in the quantities and at the  
13 quality levels that we require. They are  
14 absolutely critical to the success of our  
15 investment in Memphis and our ability to  
16 manufacture electrolyte for lithium-ion batteries  
17 in America.

18           In turn, they make lithium-ion battery  
19 production in the United States possible at  
20 plants like the Nissan factory in Smyrna,  
21 Tennessee and the Panasonic factory in Reno,  
22 Nevada.

1                   Since USTR's decision last September  
2                   to exempt these products from proposed Section  
3                   301 tariffs, we've been able to increase  
4                   production at our Memphis plant and increase our  
5                   workforce there by 25 percent.

6                   And we're currently facing a decision  
7                   about whether to make even more investments  
8                   there. Thus, we were deeply concerned to see  
9                   that imports of lithium salts and carbonate  
10                  solvents from China are again being considered  
11                  for 301 type tariffs.

12                  Tariffs would be disastrous for our  
13                  investments in the future of the Memphis plant  
14                  and its workforce.

15                  And while we've been working to  
16                  develop new sources outside of China, this --  
17                  that is a multi-year effort that requires massive  
18                  investments and a stable investment climate.

19                  In the meantime, and for the next  
20                  several years at least, China is likely to remain  
21                  the sole viable source of many of these inputs  
22                  and their component chemicals.



1                   Accordingly, as I testified last year,  
2                   if Section 301 tariffs are imposed, we'll have no  
3                   choice but to pay them. The cost of even the 10  
4                   percent tariffs would be so high that it would  
5                   force us to reconsider our investments in the  
6                   United States and our plans to continue to grow  
7                   our manufacturing footprint in this country.

8                   Worse yet, the tariffs will not only  
9                   hit our U.S. operations, but those of downstream  
10                  U.S. industries, such as the lithium-ion battery  
11                  industry, the electric vehicle industry, and the  
12                  tens of thousands of Americans employed by these  
13                  industries.

14                  The tariffs will also greatly undercut  
15                  the efforts of U.S. manufacturers and other U.S.  
16                  industries to remain competitive and develop new  
17                  energy-efficient and high-performance products.

18                  They will also harm nascent efforts to  
19                  develop upstream resources, like lithium mining  
20                  and chemical refining by cutting off existing  
21                  U.S.-based demand for these raw materials.

22                  The U.S. Government should support the

1 growth of this fledgling industry domestically,  
2 both upstream and downstream, not create  
3 incentives to move it overseas.

4 At the same time, the tariffs are  
5 unlikely to address the Chinese Government  
6 policies discussed in USTR's Section 301 report.  
7 For years, we have been able to source these  
8 materials from China without encountering  
9 intellectual property rights infringement or  
10 force technology transfers.

11 On behalf of MCA and its over 3000  
12 U.S. employees, as well as the whole of this new  
13 emerging industry, we deeply appreciate this  
14 opportunity to present the facts.

15 While we understand and appreciate the  
16 policy goals of this Section 301 action to  
17 provide a level playing field for U.S. companies  
18 and all Americans, we respectfully submit that  
19 the proposed tariffs would have precisely the  
20 opposite of their intended effect if applied to  
21 imports of these specialty chemicals.

22 Accordingly, as it did last year, USTR

1 should once again exempt imports of lithium salts  
2 and carbonate solvents from the proposed 301  
3 tariff list. Thank you for your attention and I  
4 welcome any questions that you may have.

5 MR. BISHOP: Thank you, Mr. Trice.  
6 Our next witness is Jean Yoho with Sun Chemical  
7 Corporation. Ms. Yoho, you have five minutes.

8 MS. YOHO: Thank you, Section 301  
9 Committee, for the opportunity to testify today.  
10 My name is Jean Yoho and I'm the head of  
11 procurement for the Sun Chemical's pigments  
12 division.

13 Sun Chemical has been manufacturing  
14 pigments since 1907. Today, the performance  
15 pigments division is a global leader in pigment  
16 industry, offering a wide array of pigments,  
17 effects, and preparations for all the coatings,  
18 cosmetics, plastic, inks, and specialty markets.

19 Sun is the largest pigment  
20 manufacturer remaining in the U.S. and we have  
21 over 580 employees at eight manufacturing sites.  
22 We have noted six specific HTS subheadings from

1 Chapter 29 in our testimony and comments that we  
2 are asking to be de-listed.

3 Five of the six of the chemicals were  
4 proposed on Tranches 2 and 3, and then de-listed.  
5 Two of the six are only available in China.  
6 After the crucial inputs were de-listed, Sun  
7 relied on this and believed the USTR recognized  
8 that the 25 percent tariffs caused unreasonable  
9 economic hardship and that the chemicals are only  
10 available in China.

11 In the cases of 1,8 NAA, which is  
12 under 2917.39.08, and BONA, which is 2918.29.25.  
13 Sun is the grateful to the USTR for the previous  
14 recognition of hardship that led to the  
15 de-listing, but we must once again ask that the  
16 USTR de-list these six products.

17 Dissimilar to other industries,  
18 reformulating pigment formulation is not simple.  
19 And despite the downstream diversity, our  
20 chemical supply chain nearly always leads back to  
21 China.

22 The components used for chemical

1 manufacturing, unlike inputs to other industries,  
2 can be shifted to -- cannot easily be shifted to  
3 other manufacturers in other locations. It  
4 requires particular infrastructure and expertise  
5 to meet purity and performance demands.

6 Add in regulatory burdens and moving  
7 production back to the U.S. is not a viable  
8 option for many listed Chinese origin chemicals.

9 Our domestic manufacturing sites are  
10 already under extreme economic pressure to be  
11 competitive against foreign pigment  
12 manufacturers. Any additional economic burden  
13 could cause Sun to be forced to reduce staff or  
14 even restructure our manufacturing, thus causing  
15 reduction of jobs in Michigan, South Carolina,  
16 and Ohio.

17 Our Michigan plant, with 141 jobs, for  
18 example, would be particularly exposed because  
19 five of the six of the chemicals are used in the  
20 production of pigments at that facility.

21 To demonstrate our concern, I'd like  
22 to use lithol rubine, also known as pigment red

1 57:1, as an example. This pigment is widely used  
2 in the production of printing inks and various  
3 coatings.

4 There are many printing inks and  
5 coating producers in the U.S. and two of the  
6 largest producers of inks produces pigment  
7 domestically. There are two key intermediates  
8 required. One is produced in Cincinnati by Sun  
9 Chemical and the other one is only produced in  
10 China, and it's BONA.

11 BONA is on the dyes intermediates  
12 appendix to the tariff schedule, and thus, we can  
13 import duty free into the U.S. under 2918.29.25.  
14 Now this tariff, its HTS number is included under  
15 Tranche 4.

16 Our second notable example is perylene  
17 red, which Sun Chemical is the only U.S.  
18 manufacturer of this pigment. This pigment is  
19 used in decorative, and industrial, and  
20 automotive paints.

21 The key intermediate required is 1,8  
22 NN, and this is only produced in China. There

1 are no other producers. We already operate under  
2 a very competitive market against Europeans,  
3 Koreans, and Indian pigment manufacturers making  
4 this same product.

5 Adding a 25 percent tariff leaves Sun  
6 at a competitive disadvantage while creating a  
7 competitive advantage for our foreign  
8 competition, who will not be burdened with  
9 additional tariffs on China-only feedstocks.

10 The entire U.S. colorant industry was  
11 known to be endangered after the completion of  
12 the Uruguay Round in 1994. This was the reason  
13 the intermediate chemicals for dye appendix to  
14 the U.S. tariff schedule was created.

15 We therefore believe that any item on  
16 this appendix should be automatically removed  
17 from List 3 and not included in List 4.

18 Sun agrees with that the Chinese  
19 industrial policies restrict U.S. commerce,  
20 nevertheless, we support resolution through  
21 constructive and continued dialog, and at the  
22 very least, the ability to purchase these

1 products in the meantime at a cost previously  
2 thought to be stable after such tariff lines were  
3 de-listed from Lists 2 and 3.

4 Lastly, we have filed comments with  
5 the interagency's committee for future reference  
6 and note that Sun Chemical is a member of the  
7 Society of Chemical Manufacturers and Affiliates  
8 and our requested de-listings will be referenced  
9 in the SOCMA's testimony and comments as well.

10 Thank you sincerely for the  
11 opportunity to testify today and thank you for  
12 your tireless these past months, and thank you  
13 for your consideration.

14 MR. BISHOP: Thank you, Ms. Yoho. Our  
15 next witness is Patricia Phillips with SNP,  
16 Incorporated. Ms. Phillips, you have five  
17 minutes.

18 MS. PHILLIPS: Good morning, Chairman  
19 and Section 301 Committee. I am Pat Phillips,  
20 President of SNP, Incorporated, a small  
21 woman-owned and family-operated U.S. specialty  
22 chemical company based in Durham, North Carolina.



1                   It was founded by my father, a World  
2 War II veteran, in 1961. We supply synthetic and  
3 natural rheology modifiers and customized coating  
4 formulations to the paper, packaging, textile,  
5 and other industrial markets.

6                   On behalf of SNP's 20 team members, I  
7 thank you for the opportunity to appear to you  
8 today. SNP respectfully requests that USTR  
9 remove alginic acid, classified under HTS  
10 subheading 3913.10.00 from the proposed list of  
11 products subject to Section 301 tariffs.

12                   USTR already acted in 2018 to remove  
13 this HTS code for alginic acid from its proposed  
14 second list of products subject to the Section  
15 301 tariff, and all general duties on alginic  
16 acid have been temporarily removed through the  
17 miscellaneous tariff bill.

18                   Through these actions, Congress, ITC,  
19 and USTR have all expressed that alginic acid  
20 imported into the U.S. should not be subject to  
21 tariffs.

22                   Unlike other products currently are

1 proposed to be subject to the 301 tariff, alginic  
2 acid is a naturally-occurring compound. It's  
3 found in the cell wall of specific type of  
4 seaweed that naturally grows off the coast of  
5 China.

6 SNP imports the alginic acid to be  
7 manufactured into specialty chemicals which are  
8 used in paper making, paper coatings, textiles,  
9 printing, and certain specialty industries.

10 While SNP is supportive of the goals  
11 USTR and the administration have outlined in  
12 various reports detailing China's aggressive and  
13 discriminatory policies today, I'd like to  
14 outline the three reasons why alginic acid should  
15 be excluded again from the list of proposed  
16 tariffs.

17 First, a tariff on alginic acid will  
18 cripple SNP. Our family is proud that we have  
19 grown our small business to serve as the largest  
20 industrial supplier of alginic acid in the United  
21 States and there are no other domestic suppliers  
22 like SNP.

1           A majority of our production would be  
2 impacted, while providing our foreign competitors  
3 who supply U.S. customers with a competitive  
4 advantage, because our foreign competitors would  
5 not be subject to the tariff, it is unlikely that  
6 SNP would be able to pass our costs along to our  
7 customers if we wanted to remain competitive.

8           For approximately the last 50 years,  
9 SNP has been able to provide the U.S.  
10 manufacturing industries with alginate products  
11 necessary to meet U.S. consumer demand for green,  
12 biodegradable products.

13           Alginic acid is a sustainable and  
14 natural alternative to many petroleum-based  
15 synthetic polymers. For example, our alginic  
16 product's very unique natural properties make it  
17 a critical component to the paper maker trying to  
18 achieve compostability and recyclability for the  
19 environment.

20           As U.S. manufacturers seek to make  
21 green products, demand for alginate-based  
22 coatings have significantly increased, however,

1 the proposed tariff jeopardizes our ability to  
2 supply our U.S. customers.

3 Second, alginic acid is not available  
4 from any other suppliers outside of China in the  
5 quantities needed to supply SNP's U.S. customers.  
6 China is the principle area for where the  
7 majority of the brown algae seaweed is grown  
8 naturally and manufactured into a limited supply  
9 of alginic acid.

10 Furthermore, SNP is unaware of any  
11 U.S.-based harvesting and manufacturing into the  
12 alginic acid necessary to create our products.

13 Therefore, developing a sufficient  
14 seaweed supply and manufacturing capacity in the  
15 U.S., or anywhere else outside of China, is  
16 technically and economically infeasible.

17 Simply said, China's supply of alginic  
18 acid is necessary and pivotal to SNP and our U.S.  
19 industrial customers. Lastly, a tariff on  
20 alginic acid will not be -- and lastly, a tariff  
21 on alginic acid will not be effective in curving  
22 China's Made in China 2025 industrial policy.

1           Alginic acid is not among the list of  
2 advanced technologies that are targeted by  
3 Chinese Government policies. As such, we believe  
4 that targeting these tariffs on alginic acid will  
5 not curb China's predatory policies.

6           In conclusion, SNP respectfully  
7 requests that alginic acid be removed again from  
8 USTR's list of products proposed to be subject to  
9 the 25 percent tariff.

10           Our family is working hard to continue  
11 to grow and invest in our small business that my  
12 father started 58 years ago. Sadly, last week,  
13 the founder of our company, my dad, passed away,  
14 but this issue is so vital to our company, and to  
15 our customers that we serve, I had to be here  
16 today and I -- when I appeared last, he was very  
17 proud and he was really grateful that we were  
18 able to accomplish to get it off the list, and I  
19 know that he feels that way again today.

20           Thank you for your time and I'll be  
21 happy to answer any questions the Committee may  
22 have.

1                   MR. BISHOP: Thank you, Ms. Phillips.  
2                   Our next witness is Robert Meyers zu Westram,  
3                   with EMS-CHEMIE North America, Incorporated. Mr.  
4                   Zu Westram, you have five minutes.

5                   MR. MEYER ZU WESTRAM: Thank you very  
6                   much. I am Robert Meyers Zu Westram. I am the  
7                   President of EMS-CHEMIE North America. We are a  
8                   manufacturer of specialty polymers located in  
9                   Sumter, South Carolina, and we are producing  
10                  plastic material pallets that we are selling to  
11                  our customers and they are producing thousands  
12                  and different products in plastic materials from  
13                  these.

14                  We are supplying the automotive  
15                  industry, to the health and medical industry, and  
16                  a lot of other very important industrial  
17                  applications. All our raw materials are sourced  
18                  from U.S. sources here in the United States, with  
19                  one exception, which is dodecanoic acid, which is  
20                  coming from China.

21                  China is the only source of these  
22                  materials globally. There are just a few minor

1 suppliers which do not have enough capacity to  
2 meet these needs.

3 We are using, especially this raw  
4 material, for nylon material which is called  
5 nylon-612, which is used especially in the  
6 automotive industry for fuel line applications  
7 and pneumatic pipe applications.

8 So if the tariffs are applied for  
9 these long-chain acids, this means that we have  
10 to increase our prices to our customers and we  
11 are supplying more than 20 customers for the auto  
12 -- in the automotive industry, selling their  
13 products to the OEMs, GM, Ford, and  
14 Fiat-Chrysler.

15 It is for them, not possible, really,  
16 to transfer these price increases because of the  
17 nature of this automotive business and this  
18 long-term contract that they have.

19 So our customers are getting under  
20 pressure, they are losing competitiveness, and in  
21 the short term, they will need to look for other  
22 materials, for other sources, so other nylon-612

1 materials, which are then need to be imported,  
2 which would then cause an increase of the trade  
3 deficit again.

4 In a long-term or midterm scenario,  
5 they would out-phase these kind of products and  
6 use alternative materials. For EMS' means, we  
7 are losing business. We are under cost pressure  
8 then and our production capacity is not utilized  
9 anymore.

10 So we need to lay off employees and we  
11 will not invest in the planned capacity expansion  
12 that are currently on our two or three-year plan  
13 horizon. And we cannot develop any new and  
14 innovative materials based on this raw material.

15 I, therefore, request to remove these  
16 long-chain acids from the List 4 of the  
17 additional tariffs. Thank you very much.

18 MR. BISHOP: Thank you, Mr. Meyer zu  
19 Westram. Our next witness is Bert Eshaghpour  
20 with Wego Chemical Group. Ms. Eshaghpour, you  
21 have five minutes.

22 MR. ESHAGHPOUR: Thank you. Good day.



1 My name is Bert Eshaghpour. I'm the principle of  
2 Wego Chemical Group, Inc. Wego Chemical is a  
3 40-year-old family-owned business, specializing  
4 in import and distribution of specialty chemicals  
5 from China.

6 Our 100-plus loyal and dedicated  
7 employees have already been impacted by the trade  
8 dispute with China. Additional tariffs will  
9 continue to impact the health of our 40-year-old  
10 company and our dedicated staff of 100 employee  
11 professionals.

12 Further impact will be imposed on  
13 thousands of employees and workers of our  
14 1000-plus customers across these United States of  
15 America.

16 Tariffs upon these articles would harm  
17 Wego's ability to sell our products competitively  
18 and will drastically impact our customer's  
19 ability to meet the demands of customers across  
20 the United States.

21 Tariffs of List 2 and 3 have already  
22 impacted costs and supply chains across the USA.

1 Our customers tell us their planned investments  
2 and plant expansions are being delayed due to the  
3 uncertainties of competitiveness if these tariffs  
4 remain in place for long term.

5 Many of the specialty chemicals that  
6 we import are on the USA Miscellaneous Tariff  
7 Bill of 2018, that was signed by President Trump  
8 in October 2018, because they're only  
9 manufactured in China, and not manufactured in  
10 the United States.

11 Therefore, tariffs will only add to  
12 costs of manufacturers which will be passed on to  
13 their consumers. There are no alternatives or  
14 choices for these raw materials.

15 The specialty chemicals that Wego  
16 distributes go into a wide array of industries,  
17 including, but not limited to, the coatings, auto  
18 industry, food and paper industry, construction,  
19 and oil drilling industries.

20 As such, there's a very high  
21 likelihood that implementation of any further  
22 tariffs on specialty chemical products would

1 result in significant price increases for  
2 downstream U.S. manufacturers and consumers.

3 If the costs of additional tariffs  
4 cannot be passed on to consumers, the automotive  
5 coatings industry, the construction industry,  
6 would have to reformulate in the long run, some  
7 of the products, since there are no alternatives  
8 to China sourcing.

9 Reformulation is a costly and lengthy  
10 process with no guarantee of success and great  
11 risks of loss of performance and quality.

12 The U.S. chemical industry walked away  
13 from many of these specialty chemicals many  
14 decades ago and shutdown their facilities due to,  
15 A, environmental and safety issues, second, lack  
16 of competitiveness against the imported material,  
17 the average market consumption of these specialty  
18 chemicals are relatively small, and therefore,  
19 not worthwhile for U.S. chemical manufacturers to  
20 commit to such production, given their required  
21 capital requirements.

22 U.S. industry would have trouble to

1 restart production of these specialty chemicals,  
2 even if they were interested to do so. Most of  
3 these plants were dismantled or repurposed  
4 decades ago.

5 It would take two to five years to  
6 obtain necessary licenses and develop budgeting  
7 to produce any of these specialty chemicals in  
8 the U.S.

9 Meanwhile, U.S. auto industry,  
10 construction industry, oil industry, and all  
11 related industries will have a tremendous  
12 disadvantage and will not be able to compete  
13 against imported auto and construction chemical  
14 materials.

15 With such a wide ranging list of  
16 products and raw material subject to tariff, it  
17 is inevitable that the added costs will impact  
18 American families who are still struggling to  
19 recover from the last recession.

20 In some cases, their jobs can be at  
21 risk if their employers in the manufacturing  
22 sector cannot pass on costs and have to cut their

1 jobs.

2 If American manufacturers lose export  
3 business due to retaliatory tariffs, then they  
4 will have to cut their jobs. Thank you for the  
5 opportunity for me to present a mid-sized  
6 business owner's point of view in this attempt by  
7 our government to improve our trade relations  
8 with China. Thank you.

9 MR. BISHOP: Thank you, Mr.  
10 Eshaghpour. Our final witness on this panel is  
11 John Logue with Royale Pigments and Chemicals.  
12 Mr. Logue, you have five minutes.

13 MR. LOGUE: Thank you for allowing me  
14 to speak in front of the Committee today. My  
15 name is John Logue and I am the CEO of Royale  
16 Pigments and Chemicals and its affiliated  
17 companies, Shorechem and AWSM.

18 We are a specialty chemical  
19 manufacturer, distributor, importer, and  
20 exporter. We supply high-end performance  
21 chemicals into electronics, metals,  
22 pharmaceutical, agrochem, nuclear, gas

1 production, and aerospace.

2 85 percent of our chemicals we sell  
3 are sourced offshore, as they are no longer  
4 domestically manufactured in the United States.  
5 A majority of these chemicals toll manufacture in  
6 China.

7 Section 301 tariffs will significantly  
8 harm our ability to compete in the market and may  
9 eventually put us out of business. Royale and  
10 its affiliates represent \$15 million in sales and  
11 nine employees, which technically defines us as a  
12 small business.

13 These employers handle sales,  
14 marketing, quality, technical services. The rest  
15 of our business model is outsourced to other  
16 small businesses in the United States, including  
17 transportation, warehousing, finance, regulatory,  
18 compliance, legal, and accounting.

19 Indirectly, we employ close to 65  
20 additional people, the multiplier effect of  
21 putting us out of business is, 74 jobs will be  
22 eliminated.

1                   That's folks who work at our  
2                   converters, our accountants, truckers,  
3                   warehouses, engineers, and many more. I don't  
4                   think that's the intent of the administration.

5                   This is the second time that I've  
6                   appeared before the Committee to urge you to keep  
7                   the following product off the list, 2826.90.90,  
8                   other complex fluorine salts. We ask that you  
9                   remove it from the list for several reasons.

10                  The number one reason to remove it  
11                  from the list is that these are critical raw  
12                  materials no longer produced in the USA and they  
13                  go into high-end specialty chemicals that our  
14                  customers export around the world.

15                  Putting these items on the exemption  
16                  will help our domestic manufacturers downstream  
17                  remain competitive against global competitors,  
18                  many of them in China.

19                  Increasing our domestic manufacturing  
20                  costs plays directly into the Chinese 2025 plan  
21                  of creating a Chinese economy based on higher  
22                  value products. We may win the battle, but will

1 eventually lose the war as our higher end  
2 manufacturers lose their competitiveness  
3 globally.

4 Second, bringing production back to  
5 the United States on these products, if  
6 economically feasible, could take years to  
7 accomplish, and only if we had the capital  
8 administrative support long term.

9 In light of current legislative  
10 uncertainty, this seems incredibly risky for a  
11 variety of reasons, including regulatory  
12 compliance from all branches.

13 Thirdly, many of our customers have  
14 options to buy products out of Europe. There are  
15 no punitive tariffs on European chemical  
16 manufacturers. We will be forced to raise  
17 prices. The Europeans will most likely raise  
18 their prices, but not to the 25 percent level,  
19 just enough to take our business.

20 The end result would be lost business  
21 from my company and higher costs to U.S.  
22 companies that need chemicals not produced in the



1 USA to make their goods.

2 From an economic perspective, our  
3 business, we purchase approximately \$7 million of  
4 products from China on this HTS code. With the  
5 301 tariffs at 25 percent, that's an additional  
6 \$1.75 million of cost that we have to pass on to  
7 customers.

8 The price of many items in several  
9 markets within the United States will go up,  
10 including electronics, pharmaceutical,  
11 herbicides, aluminum products, construction  
12 materials, fire retardants, and aerospace  
13 defense.

14 This puts a huge financial strain on  
15 my cash flow with the outlay of cash while  
16 waiting for sale and payment. I had to deal with  
17 one of my customers who was importing a specialty  
18 chemical from China. It's only manufactured in  
19 China.

20 Our customer is fed up with the rising  
21 costs and unstable supply chain from China. They  
22 offered to pay the capital expenditure in higher

1 pricing for a couple years for us to put up a  
2 small manufacturing unit in one of our locations.

3 Unfortunately, they pulled out, as  
4 their cost position directly tenable to higher  
5 tariffs on their other products, went up and they  
6 had to pull the deal.

7 This would have diversified my  
8 business, created a new product to sell into the  
9 U.S. market, competing with a Chinese product,  
10 and I would have hired at least two additional  
11 sales reps.

12 All of my outsource business would  
13 have been experienced growth with me as a  
14 customer. We have been forced to abandon doing  
15 business in Europe due to barriers in entry due  
16 to regulations, requiring a payment of  
17 registration process in order to be able to sell  
18 product. This is called reach.

19 I had to tell longstanding customers  
20 that we would not be stocking products  
21 domestically in the United States because of  
22 pricing, competitive, non-competitive terms, when

1 compared to the outlay of cash.

2 The voice on the other end of the  
3 phone call when I told them of this decision to  
4 not stock products because of its pricing, was  
5 major in that my decision had major negative  
6 implications on their business.

7 Being in the chemical business is hard  
8 enough. Operating a business with so much  
9 uncertainty makes it much harder. It is  
10 illogical placing tariffs on products that have  
11 not been in the United States -- not been made in  
12 the United States in the last 20 years, with  
13 little likelihood of future productions.

14 I hope that the Committee will take my  
15 comments and business experiences in earnest and  
16 take the item listed below off the 301 list.  
17 Thank you.

18 MR. BISHOP: Thank you, Mr. Logue.  
19 Madam Chairman, that concludes direct testimony  
20 from this panel.

21 MS. COPPERTHITE: Good morning, Mr.  
22 Trice. I'm from Commerce Department and I have

1 the first question of the panel here. My name is  
2 Kim Copperthite, just so I introduce myself.

3 You testified that qualifying use for  
4 supply of the products you reference would be a  
5 length process, could you expand on what the  
6 qualifying process entails and how many years it  
7 takes?

8 MR. TRICE: Thank you. And let me try  
9 to clarify. The challenge is not just  
10 qualification, the challenge is supply. The  
11 supply of these materials are only available from  
12 China, practically. Over 80 percent of the  
13 capacity for this product is in China.

14 So from a qualification standpoint,  
15 it's kind of -- it's not really the critical  
16 issue. It's the ability to get the quantity and  
17 the quality of raw materials that we need.

18 MS. COPPERTHITE: Okay. And a  
19 follow-up question, to the best of your  
20 knowledge, do all lithium-ion automotive battery  
21 producers source such inputs from China?

22 MR. TRICE: Could you ask that

1 question again, please?

2 MS. COPPERTHITE: Sure. To the best  
3 of your knowledge, do all lithium-ion automotive  
4 battery producers source such inputs from China?

5 MR. TRICE: Actually, we are the  
6 primary producer of the electrolyte for the major  
7 producers of batteries in the U.S., primarily  
8 being Nissan in Smyrna and Panasonic in Nevada,  
9 who supplies Tesla.

10 So majority of what is used in those  
11 batteries today is coming from us. Of course, as  
12 we've said, our raw materials are coming from  
13 China.

14 MS. COPPERTHITE: Thank you.

15 MR. FARISS: So for those of you who  
16 weren't here earlier, my name is Paul Fariss.  
17 I'm with the Department of State. Thank you all  
18 for your testimonies today and, Ms. Phillips, my  
19 condolences for the loss of your father.

20 I just have a few quick questions for  
21 Ms. Yoho right now. You mentioned Mexico and  
22 Canada, could you just tell us where Sun's major

1 pigment competitors are located?

2 MS. YOHO: Thank you for the question.  
3 Our major competitors are, for the ink side of  
4 our business, with the 25 percent tariff, they  
5 are able to import Chinese-made pigments, make  
6 inks, and they do not have -- when they send them  
7 back to the U.S., do not have the 25 percent  
8 tariff goes with them because it changes the  
9 tariff code to a different heading.

10 So for our ink side that makes inks  
11 here using pigments, they have to endure this 25  
12 percent tariff. And so now they become  
13 uncompetitive against China and Canada.

14 Our other competitors are actually  
15 European pigment makers, Indian pigment makers,  
16 Korean pigment makers, and Chinese finished  
17 pigment makers.

18 MR. FARISS: Okay. And as a  
19 follow-up, so do all these competitors also  
20 source their reference input chemicals from  
21 China?

22 MS. YOHO: The two that I listed, BONA

1 and 1, 8 NA are only made in China and they are  
2 the primary intermediates needed to make perylene  
3 reds and BONA, red 57:1, so you can't mix those  
4 two pigments without those intermediates.

5 MR. FARISS: Okay.

6 MS. YOHO: And so everybody has to  
7 source them from China.

8 MR. FARISS: Okay. Thank you. And  
9 then, finally, you mentioned that moving  
10 production of these products back to the United  
11 States is not feasible, what elements of such  
12 production is the U.S. missing?

13 MS. YOHO: A lot of the  
14 infrastructures have been changed into other  
15 aspects. We actually looked at, two years ago,  
16 trying to make 1,8 NAA and the infrastructure was  
17 no longer available. We would have to bring in  
18 and do a high CapEx for machinery from Germany  
19 and China, plus the environmental cost from the  
20 waste stream lines made it completely  
21 uncompetitive to even begin to make this material  
22 here.

1 MR. FARISS: Okay. Thank you.

2 MR. GILMARTIN: My name is Kevin  
3 Gilmartin. I'm with the Treasury Department.  
4 Thank you all for your testimonies today. I  
5 appreciate your presence. I have a few questions  
6 for Ms. Phillips from SNP.

7 First, can you expand a bit more  
8 broadly on alginic acid and what types of goods  
9 it's an input for?

10 MS. PHILLIPS: It's used prolifically  
11 in the food and pharmaceutical industry and then  
12 in the industrial industry as a thickener and a  
13 rheology modifier.

14 The alginic acid has a unique  
15 characteristic of holding a tremendous amount of  
16 water. If you can think of seaweed, it's  
17 seaweed, and it holds and grabs water.

18 Well, that water retention component  
19 is very unique and it's very important, and when  
20 you're using specialty chemical and you're trying  
21 to produce products that need the water holding,  
22 especially in barrier types of coatings.



1                   So it's very unique and it's because  
2                   of the natural -- the nature, the way it produces  
3                   the seaweed, and what it imparts in the product,  
4                   which is the alginic acid.

5                   MR. GILMARTIN: And in your testimony,  
6                   you also noted that alginic acid is not available  
7                   from suppliers outside China in the quantities  
8                   that you need?

9                   MS. PHILLIPS: That's correct.

10                  MR. GILMARTIN: Can you expand a bit  
11                  more on those suppliers that do exist and the  
12                  extent to which SNP is able to have flexibility  
13                  in sourcing some of the inputs from those  
14                  suppliers?

15                  MS. PHILLIPS: Yes, the seaweed is the  
16                  Macrocystis laminaria species, it's a brown  
17                  seaweed, and it's only grown naturally in four  
18                  areas in the world, so, you know, off the coast  
19                  of Norway, off the coast of France, off the coast  
20                  of Chile, and off the coast of China, and we use  
21                  all of it, because it's only -- it's El Ninos,  
22                  it's weather, it's nature, you never know what

1 type of a crop you're going to have.

2 You never know what the pollution and  
3 the different things in the ocean are going to --  
4 how that's going to affect the yield, and so as a  
5 result, you have no options but to make sure that  
6 you have a supply of the seaweed when it's  
7 available, and China is the largest availability,  
8 and that's where we source it.

9 We wouldn't be able to supply our U.S.  
10 customers with the specialty chemical products  
11 that we produce from that raw material unless we  
12 had -- without China.

13 MR. GILMARTIN: Thank you.

14 MS. PHILLIPS: You're welcome.

15 MR. SHEPPARD: Hello. I'm Wade  
16 Sheppard from Department of Agriculture. I have  
17 a few questions for Mr. Meyers zu Westram. In  
18 your testimony, you stated that additional  
19 tariffs would increase the cost of your products,  
20 since there was no alternative that's approved by  
21 your customers.

22 Could you expand on what you mean by

1 approval? Are you referring to a certification  
2 process?

3 MR. MEYER ZU WESTRAM: Yes. These  
4 products are approved with a specific production  
5 location. So that means the automotive industry,  
6 for instance, in the U.S., they approve a  
7 production location, a product with a production  
8 location, and this is, in this case, it's in  
9 South Carolina, in Sumter.

10 So if products are imported, this  
11 needs an additional new approval process, which  
12 typically takes about a year and is very  
13 expensive.

14 MR. SHEPPARD: Another question for  
15 you. How would you gauge the possibility that  
16 such tariffs would induce the creation of DDDA  
17 outside of China?

18 MR. MEYER ZU WESTRAM: Well, this is  
19 a fermentation process. This is a very special  
20 bio-based material. There is just a small  
21 production in Germany from Evonik. I don't think  
22 that this production can be increased that much

1 that -- what the industry really needs.

2 I mean, there was -- this would  
3 probably take very long and this is a horizon  
4 which is, minimum, takes about five years,  
5 considering all these chemical plants that you  
6 need for this. All this process technology you  
7 need for this.

8 MR. SHEPPARD: Okay. One final  
9 question. Do you know if DDDA is used in the  
10 production of any other products, other than the  
11 ones you mentioned?

12 MR. MEYER ZU WESTRAM: In agro  
13 products?

14 MR. SHEPPARD: Other products. Yes.

15 MR. MEYER ZU WESTRAM: In other  
16 products. Yes, of course. DDDA is used for  
17 multiple applications. So we are -- our  
18 consumption at EMS-CHEMIE is about 5 percent of  
19 the global production.

20 So there are -- and I would estimate  
21 that about 40 percent is going to the plastic  
22 industry and the rest is going in coatings, in

1 cosmetics, and other applications.

2 MR. SHEPPARD: Thank you.

3 MS. ROY: Hi. My name is Tracy Roy.

4 I'm from CBP. This question is for Mr.

5 Eshaghpour. Mr. Eshaghpour, you outlined several

6 factors that has made U.S. production of the

7 referenced specialty chemicals uncompetitive,

8 including environmental and safety standards as

9 well as the small scale of production.

10 Can you expand on why China remains  
11 competitive and is it simply lower environmental  
12 standards or cost?

13 MR. ESHAGHPOUR: The decision why many  
14 of the domestic industry manufacturers to do away  
15 with their production, some of it spans over the  
16 last three decades, four decades, and some are  
17 more recent.

18 And general production capabilities in  
19 China have allowed them to be competitive and  
20 replace the global producers for some of these  
21 products.

22 And domestic industry, I feel that,

1 it's just personal opinion, the amount of dollars  
2 in many of these chemicals are not significant  
3 enough for them to have wanted to continue, and  
4 they moved on to produce other products that have  
5 larger dollar implications on their businesses.

6 And so they did away with the smaller  
7 products. Many of the products we handle are  
8 relatively small in the bigger picture and that's  
9 why it was not worthwhile for them to continue.  
10 They discontinued for those purposes.

11 MS. ROY: Thank you so much.

12 MR. ESHAGHPOUR: You're welcome.

13 MR. FRATERMAN: Thank you. Mr.  
14 Eshaghpour, I have a quick follow-up question.  
15 In your testimony, you mentioned that American  
16 jobs could be put at risk if the employers and  
17 manufacturing can't pass on their cost.

18 I just kind of wanted to gauge a time  
19 frame. How long do you think it would take for  
20 the job loss? Would it be an immediate effect or  
21 would it take some time, and if so, approximately  
22 how much do you think?

1 MR. ESHAGHPOUR: I think it's  
2 instantaneous --

3 MR. FRATERMAN: Instant.

4 MR. ESHAGHPOUR: -- because the impact  
5 of such 25 percent increase in cost cannot be  
6 absorbed along the chain of import, distribution,  
7 it will end up at the manufacturers that are then  
8 producing products that are going to the  
9 consumer.

10 That's where their problem will be,  
11 how to pass on; how quickly to pass on. I don't  
12 think it can be absorbed by most elements along  
13 the chain. It's just such a big, impactful  
14 change that it needs to be passed on very  
15 quickly.

16 MR. FRATERMAN: Great. Thank you very  
17 much.

18 MS. WINTER: Good morning. My name is  
19 Audrey Winter and this is a question for Mr.  
20 Logue, I believe you pronounce it. You toll  
21 manufacture these fluorine salts and my question  
22 is, can they -- you say that they're toll

1 manufactured, basically, only in China, but could  
2 they be toll manufactured elsewhere and does  
3 anyone else, any of your competitors, toll  
4 manufacturer them or manufacture them themselves  
5 elsewhere?

6 MR. LOGUE: We used to manufacture  
7 these products in the United States, but many of  
8 these plants, and as Mr. Eshaghpour was talking  
9 about, these are small production runs, small  
10 products, less than a million pounds, specialty  
11 products like Mr. Trice was talking about, and  
12 the cost of these capital expenditure of doing  
13 these products is extremely high because your  
14 infrastructure and plant infrastructure for  
15 making these products is large.

16 The EH&S, and the environment health  
17 and safety requirements for putting up a plant  
18 like this are prohibitive.

19 And as I said, you know, we used to  
20 have a plant in the United States, and it was  
21 from the 1930s, and we had to shut it down, and  
22 the Chinese put up a new plant, brand new, so



1 it's quite difficult to compete against the  
2 Chinese in manufacturing, you know, old plant to  
3 new plant.

4 And we've actually spent a lot of time  
5 looking at bringing some of these products back  
6 to the United States, but without certainty of  
7 what's going on, I mean, you can't rely on a  
8 tariff to protect you, protect your investment,  
9 you have to go on what the base costs are.

10 And it's, you know, a big capital  
11 expenditure to put these plants in. And they're  
12 small specialty molecules. And, you know, we  
13 just don't make these products in the United  
14 States anymore.

15 And they do take a long time to  
16 verify. Some of our products take three to four  
17 years. We just got one, we're about a week away  
18 from getting it qualified, but with the U.S.  
19 Government, and it's taken three and a half  
20 years, and it's only made in China.

21 That's a 25 percent tariff right on  
22 the top line of the United States Government.

1 MS. WINTER: So if I'm understanding  
2 you correctly, these particular salts are not  
3 made anywhere else, in other words, your  
4 competitors are also sourcing these salts from  
5 China.

6 MR. LOGUE: Most of our competitors  
7 are sourcing them out of China. They are made  
8 in, I believe, one location in Europe, but again,  
9 you know, the Europeans have something called  
10 REACH, which is a trade barrier, and we're kind  
11 of shocked that the Trump Administration hasn't,  
12 you know, said anything about REACH, and, you  
13 know, how much it costs to register products.

14 It's a barrier to entry and, you know,  
15 so basically, the Europeans, knowing that the  
16 price has gone up from China, just raise their  
17 prices.

18 So it creates -- it plays right into  
19 the 2025 plan for the Chinese. Our manufacturers  
20 are high-end manufacturers of very specialty  
21 products. It raises those prices and it makes  
22 our high-end chemical manufacturers uncompetitive

1 in a global market, which then makes Chinese  
2 manufacturers want to get into these marketplaces  
3 as well.

4 I mean, it's -- we win the battle, but  
5 lose the war.

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

10 (Pause.)

11 MR. BISHOP: Mr. Chairman, our first  
12 witness on this panel is Lu Yu, with the China  
13 Chamber of Commerce for I/E of Foodstuffs, Native  
14 Produce, and Animal By-Products.

15 Ms. Yu, you have five minutes.

16 MS. YU: Thank you. Your committee  
17 Section 301 is U.S. domestic law, the 301  
18 investigation that U.S. Government is imposing  
19 against the Chinese products is an action of  
20 unilateralism and trade protectionism. It's a  
21 violation of the WTO principles, and damages the  
22 multilateral trading system.

1           The current proposed tariff list by  
2           the U.S. government include 1,192 agricultural  
3           products, HTS codes. The total ex parte value of  
4           the above productions products in 2017 amounted  
5           to over \$1.9 billion U.S. If the U.S. levies 25  
6           tariff or above, HTS codes, agricultural  
7           products, it means unreasonable high tariffs will  
8           be imposed to all the agricultural products  
9           exported from China to the U.S.

10           As is known to all, the production of  
11           Chinese tea, Panax and other agricultural  
12           products ranks first in the world. Wild Chinese  
13           green tea, specialty teas, ginseng and the Panax  
14           account for over 90 percent of the total import  
15           of those products for the U.S. For more than 50  
16           percent of the products from China to the U.S.,  
17           there will be no replacements.

18           In the meantime, agricultural products  
19           that the U.S. imports from China are mainly raw  
20           materials, which help create a great number of  
21           employments for the U.S. food processing  
22           companies.

1           Agricultural products from China also  
2           contribute to stabilizing food price, add to the  
3           terminal consumer market, and adding to the  
4           variety of the foods on the dairy dining table of  
5           consumers.

6           The China Chamber of Commerce of  
7           Import and Export of Food Stuffs, Native Produce,  
8           and Animal By-Products have nearly 7,000 member  
9           companies across China. The overall food under  
10          agricultural products import and export value of  
11          its members accounts for 70 percent of China's  
12          total.

13          Therefore, on behalf of the China's  
14          food and agricultural industry, we recommend to  
15          remove the 1,192 agricultural products HTS codes  
16          from the proposed tariff list.

17          In April this year, on the Second Belt  
18          and Road Forum for International Cooperation,  
19          held in Beijing, China, Chinese President Xi  
20          Jinping announced at his keynote speech at his  
21          opening ceremony, that China will take a series  
22          of major reform, and opening up markets, and to

1 make stronger institutional and structural moves  
2 to boost high quality opening up.

3           These measures include the following  
4 five aspects: Expanding market access for  
5 foreign investment in more areas; intensifying  
6 efforts to enhance international cooperation in  
7 intellectual property protection; increasing the  
8 import of goods and services on an even larger  
9 scale; more effectively engaging the  
10 international macroeconomic policy coordination,  
11 working harder to ensure the implementation of  
12 opening up related policy.

13           The unilateral actions started and  
14 taken by the U.S. have caused a negative  
15 influence on agricultural products trade between  
16 the two countries. From January to April in  
17 2019, China's agricultural products exports to  
18 the U.S. have decreased by 24.1 percent, year-on-  
19 year. It's a series of five months consecutive  
20 decline from this member 2018.

21           The agricultural products imports from  
22 the U.S. to China, from January to April in 2019,

1 have decreased by 62.2 percent year-on-year, and  
2 there has been a ten months consecutive decline  
3 since last July.

4 It is not hard to see from the figures  
5 that there is no winner for trade disputes. Only  
6 by strengthening cooperation on an equal footing,  
7 with mutual benefits and mutual aspects, can  
8 China and the U.S. realize win-win outcomes.

9 Thank you for your attention.

10 MR. BISHOP: Thank you, Ms. Yu.

11 Our next witness is Stevenson Moore  
12 with Phoenix Aromas & Essential Oils.

13 Mr. Moore, you have five minutes.

14 MR. MOORE: Good morning, and thank  
15 you for this opportunity to appear today. I'm  
16 here on behalf of Phoenix Aromas & Essential  
17 Oils.

18 Phoenix is an importer and distributor  
19 of chemical products which are primarily used in  
20 food flavorings and fragrances. They're a New  
21 Jersey company. They've got about a hundred  
22 employees, and they've been around since 1994.

1           The majority of their products is  
2           vanillin, which is a synthetic flavor that's used  
3           in flavorings and fragrances. And the majority  
4           of where they import their product from is from  
5           China. As such, Phoenix is deeply concerned that  
6           imposing a 25 percent tariff on vanillin will  
7           harm Phoenix, its employees, its customers, and  
8           ultimately, the American consumer.

9           Just a, as an initial matter, vanillin  
10          was already listed as one of the goods subject to  
11          tariff last year. Phoenix submitted a comment to  
12          that, and through the hearing process, it was  
13          removed from the list of goods. We believe that  
14          removal was proper then, and we believe that it  
15          is proper now.

16          As I'm sure you're aware that the  
17          stated purpose and the whole reason that we're  
18          here today is to discuss what we can do and  
19          whether or not these tariffs will have an effect  
20          on halting China's unfair business practices that  
21          encourage forced technology transfer.

22          Vanillin is a synthetic vanilla flavor



1 that was discovered in the 1850s. The first  
2 commercial sale of it was about 20 years later.  
3 And the process that's used today to produce most  
4 of the vanillin that's sold was discovered and  
5 has been around since the 1970s. So the idea  
6 that we're looking at an area where there's going  
7 to be forced technology transfers is just not  
8 really the case here.

9 Second, the economic realities dictate  
10 that the tariff is not going to serve American  
11 interests. So, global vanillin consumption  
12 accounts for about 60,000 metric tons in 2018.  
13 And then synthetic vanillin consumption is about  
14 99 percent of that, so your normal, you know,  
15 natural vanillins, very small percentage.

16 In 2017, the United States imported  
17 \$51 million worth of vanillin, of which 37  
18 million was sourced from China. For comparison,  
19 the second, third and fourth largest sources of  
20 U.S. imports of vanillin combined only accounted  
21 for slightly more than \$12 million U.S. of  
22 product.

1                   This is a product of the reality of  
2                   just where the production occurs. So in 2017,  
3                   China produced 27,000 metric tons of vanillin --  
4                   sorry, 38,000. And in 2018, they produced  
5                   41,000. So, total global production that same  
6                   year was about 61,000 metric tons. So, you know,  
7                   close to 2/3 of the production is coming out of  
8                   China.

9                   And in comparison, North American  
10                  production, those same two years was, I believe,  
11                  like 1,240 metric tons and 1,290 metric tons in  
12                  2017 and 2018, respectively. Compared to  
13                  consumption, those two years, North America  
14                  consumed roughly 18,000 and 19,000 metric tons.

15                  So the reality is, is that domestic  
16                  production cannot satisfy domestic demand. So  
17                  this leads to a situation where Phoenix is going  
18                  to have to source its production from China, and  
19                  it's going to end up paying a 25 percent tariff,  
20                  on top of its 5.5 percent duty that it currently  
21                  pays.

22                  That cost is going to get passed on to

1 Phoenix's customers, who in the end are going to  
2 have to pass it on to the American consumer. In  
3 addition, Phoenix's customers, or our U.S.  
4 customers, right, they are companies who  
5 manufacturer things with vanilla flavor in them,  
6 or fragrance, right, they're going to have to pay  
7 this duty cost, whereas European producers who  
8 sell their products in the American market will  
9 not. They'll still be able to source their  
10 vanillin from China.

11 So, the idea that this is going to  
12 help, you know, halt technology, that's not going  
13 to happen in this case. The idea that this is  
14 going to benefit the American worker, that's also  
15 not going to happen in this case.

16 It's going to end up harming Phoenix.  
17 It's going to end up harming Phoenix's customers,  
18 and it's going to end up harming the American  
19 consumer as a whole. And because of that, we're  
20 respectfully requesting that it again be removed  
21 from the list of goods subject to tariff.

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

1                   Our next witness is Daniel Fabricant,  
2 with Natural Products Association.

3                   Mr. Fabricant, you have five minutes.

4                   MR. FABRICANT: Thank you. Thank you  
5 for the opportunity to testify.

6                   NPA was founded in 1936 to promote and  
7 protect the unique values and shared interest of  
8 retailers and suppliers of natural nutritional  
9 foods and natural products. We're the oldest and  
10 largest trade association in the space, with over  
11 1,100 members in retail, manufacturing, wholesale  
12 distribution of natural products, including  
13 foods, dietary supplements, health and beauty  
14 aids.

15                  NPA is the leading trade association  
16 for the dietary supplement industry, which is an  
17 estimated \$45-billion industry in the U.S.  
18 What's important in the context of today's  
19 hearing is to emphasize that our industry is made  
20 up mainly of small and medium-sized businesses.

21                  While the industry has existed for  
22 many years, it has only recently, really since

1 the mid '90s, transformed to a major engine of  
2 economic growth, going from 2 billion in 1994 to  
3 \$45 billion now.

4 Today, America's the undisputed global  
5 leader in dietary supplements, but that  
6 leadership position is certainly threatened, as  
7 these tariffs get put into effect. Three reasons  
8 our members are so concerned, and why we are  
9 exceeding over exemptions -- exemptions for over  
10 a hundred ingredients on the List 4.

11 First is, many businesses could be  
12 forced to close up shop altogether. That's not  
13 meant to be hyperbole. These tariffs are simply  
14 unsustainable and unaffordable for them, since  
15 China is the single largest global supplier of  
16 safe, reliable, cost-effective raw materials for  
17 their products.

18 Second is that these tariffs for our  
19 industry could have the exact opposite result of  
20 their intent. They could actually reduce  
21 finished product manufacturing jobs here in the  
22 us, and send those jobs overseas, as it would be

1 cheaper to do that than pay the tariffs being  
2 proposed.

3 And finally, our economic competitors  
4 in Europe, other parts of Asia and South America  
5 would be the big winners, as they'd be able to  
6 maintain supply for any differing demand for  
7 these products.

8 We're also seeking guidance from the  
9 government on how the exclusion process will  
10 work, what the standards will be for granting  
11 exclusions. Now, it's been almost a year since  
12 we testified at a similar hearing on List 3, and  
13 we still have no process for exclusions on List  
14 3.

15 The issue at hand is whether these raw  
16 materials are available in safe supply from other  
17 sources, and I'm here to tell you that they  
18 simply are not. China has, and will continue to  
19 be, the virtual sole source on the globe that  
20 handle large scale demand of finished product  
21 manufacturers in the U.S.

22 This is the result of years of

1 collaboration between our two countries,  
2 including the development of quality assurance  
3 programs, safety programs, good manufacturing  
4 practices and regulatory compliance. As a  
5 result, the largest FDA foreign office is located  
6 in China.

7 In short, we have largely built  
8 today's positive and proven supply chain, and we  
9 want to continue being the primary beneficiary of  
10 that hard work. This American innovation, like  
11 in so many other areas, is why we are the world  
12 leader. This is what drives future product sales  
13 for this industry.

14 This is why industry analysts  
15 currently project a 10 percent compound annual  
16 growth rate over the next ten years. That  
17 impressive future, and the jobs and economic  
18 growth it would provide, would go straight from  
19 the U.S. to our economic competitors if we're not  
20 provided the justified relief we're seeking.  
21 It's that simple.

22 So again, thank you for the

1 opportunity today to testify. Happy to answer  
2 any questions. This is a complex issue. We  
3 certainly applaud the administration's effort to  
4 help American jobs and businesses, and we want to  
5 work with you to maintain our global leadership  
6 in that area. Thank you.

7 MR. BISHOP: Thank you, Mr. Fabricant.

8 Our next witness is Frank Bodin with  
9 Nordic Group, USA.

10 Mr. Bodin, you have five minutes.

11 MR. BODIN: Mr. Chairman, the  
12 committee, first of all, let me thank you for  
13 taking the time to listen to my testimony. I am  
14 part of a request dated June 12th to ask the USTR  
15 to exempt certain items from Section 301 tariffs  
16 at List 3 and List 4.

17 I have attached the same attachment as  
18 in that application, ref Appendix A and B in this  
19 testimony.

20 I represent Nordic Group, from Boston,  
21 and the Hadley Company from Wareham in  
22 Massachusetts.



1           As stated, my name is Frank Bodin. I  
2 am a Norwegian citizen, but I have lived in the  
3 U.S. now for over 25 years. I'm educated in  
4 California, California State University at  
5 Fresno, and I worked, well 30 years now in the  
6 seafood business and 20 of them here in America.

7           I've also spent a large portion of my  
8 professional life living and working in Asia, and  
9 began producing and making seafood products from  
10 China in 1993. I have a long and broad  
11 experience in the global business of seafood, and  
12 in particular, the overseas processing for the  
13 American market.

14           The seafood products we are importing  
15 from China are based on raw material that are  
16 sold and sourced from third country to the  
17 Chinese processors, in cooperation with us.

18           In our case, it's mainly whitefish.  
19 It's primarily cod, haddock and pollock. These  
20 are converted into finished products that we  
21 import and sell into the distribution channels  
22 here in the U.S.

1                   It has been a cost efficient  
2 production for over 20 years, and benefits mainly  
3 the middle and lower income American consumers  
4 the most. Any cost increases will therefore hurt  
5 them more than any other. They find our products  
6 in their local family restaurants and fast food  
7 outlets, QCR. These segments are very price  
8 sensitive, and any increases in cost will quickly  
9 affect their sales.

10                   The raw materials are pure  
11 commodities, and the world market decides the  
12 cost value on a global scale. These battle  
13 between supply and demands is what determines  
14 what fisherman will get for their harvest at the  
15 end.

16                   Every decision maker in the value  
17 chain watches changes in supply as well as  
18 changes in demand, and the market has a tendency  
19 to react to news and information faster than the  
20 actual flow of products through the pipeline.  
21 Therefore, we already see and feel the impact of  
22 the tariff discussions.

1                   The import tariffs on our seafood  
2 products from China will have two consequences as  
3 far as I can see. It will first drive prices to  
4 the consumer up. The profitability in China, as  
5 well as in all parts of the value chain, are  
6 already squeezed, and there is no room to  
7 compensate any cost increase, least of all,  
8 tariffs.

9                   Therefore, the unavoidable consequence  
10 will be price increases. Thereafter, the price  
11 increases will cause a reduction in demand, and  
12 will inevitably lead to reductions in raw  
13 material prices globally, which again then will  
14 hurt fishermen in the USA, Europe and everywhere  
15 else.

16                   The impact on the Chinese economy will  
17 be negligent if not zero. There is very little  
18 consumption of these products in China, and the  
19 Chinese processing industry can easily divert,  
20 and sell products into Europe and other nations.  
21 These tariffs will therefore hurt us, the  
22 American businessmen, fishermen, as well as

1 consumer the most.

2 Products from China represent 35 to 50  
3 percent of the seafood we sell into the companies  
4 I represent. In a small margin business, any  
5 loss in volume will quickly turn a profitable  
6 business into an unprofitable business.

7 Just by the threat of tariffs, we've  
8 started to hatch and plan. Our pipeline, on a  
9 normal basis, can be six months or more. But  
10 we're already stockpiling to prepare for the  
11 worst.

12 This is already costing us a lot of  
13 money. Therefore, we are in some ways weakening  
14 ourselves to survive the impact of tariff, if it  
15 comes. But we do not see any other, or better  
16 alternatives.

17 We have begun work to change our value  
18 chain to the all the processing countries,  
19 however, we are finding that within a fairly  
20 short timeline, two, three years, it will be very  
21 difficult to establish comprehensive processing  
22 of products in other nations. Especially for

1 smaller to medium sized companies like ours, it  
2 can be close to impossible.

3 I sincerely hope I have contributed to  
4 the understanding and consequences of us, the  
5 smaller businessmen in the U.S. seafood business  
6 if import tariffs are implemented on seafood  
7 products from China.

8 As stated, I've been in the business  
9 for more than 30 years, and in the U.S. for over  
10 20 years. I came here because of the  
11 possibilities America can bring to me and my  
12 family. I have one American son, a Norwegian son  
13 studying and living here in the U.S., and my wife  
14 has just become an American citizen, and I'm  
15 planning to do the same within a few years.

16 Thank you very much for listening.

17 MR. BISHOP: Thank you, Mr. Bodin.

18 Our next witness is Barbara Negron,  
19 sorry, Barbara Negron, with North American  
20 Natural Casings Association.

21 Ms. Negron, you have five minutes.

22 MS. NEGRON: Members of the 301

1 Committee, my name is Barbara Negrón. I'm here  
2 on behalf of the North American Natural Casings  
3 Association, known as NANCA.

4 I am here to explain why natural  
5 casings, which fall under HTS heading 0504.00.00,  
6 covering guts, bladders and stomachs of animals  
7 other than fish, whole and in pieces thereof,  
8 should be removed again from the list of products  
9 subject to 25 percent duty.

10 Imported natural casings from China  
11 are crucial to U.S. producers of natural casings  
12 sausage. Tariffs will not influence Chinese  
13 practices with respect to tech transfer or IP  
14 protection, but harm the U.S. economy because the  
15 imported products is not available by U.S.  
16 suppliers.

17 NANCA is the association of U.S.  
18 companies that produce natural casings by  
19 cleaning, salting, packing them in the U.S.  
20 slaughterhouses. Our members are small, medium  
21 sized privately owned family businesses that  
22 employ over a thousand people in ten U.S. states.

1           NANCA promotes the trade of American  
2 casings around the world, and the sale of NANCA  
3 members is over \$475 million. Natural casings  
4 are animal small intestines, harvested during the  
5 slaughter of hog, lamb and sheep in the United  
6 States. But first, the raw, natural casings must  
7 be sorted according to size.

8           The sizing step is not performed in  
9 the United States, but imported natural casings  
10 from China are just reimported U.S. product sized  
11 in China, as part of the processing operation of  
12 NANCA U.S. members.

13           The hog, lamb and sheep casing  
14 industry are unusual because imported into the  
15 United States from China, are driven by exported,  
16 from the United States. In 2018, U.S. exports to  
17 China of natural hog totaled over \$257 million,  
18 while imported of the same product after sizing  
19 in China were \$112 million.

20           Because there is no sizing operation  
21 in the United States, there is no existing or  
22 potential U.S. industry that will be, will

1 benefit from the proposed 25 percent tariff. The  
2 U.S. producers and consumers of the sausage made  
3 in natural casings would suffer too.

4 Faced with additional tariff on the  
5 sized natural casing, NANCA's members and  
6 customers would not size natural casings in the  
7 United States because of the high cost of labor,  
8 tooling and real estate. Instead, these casings  
9 would be continued to be sized in China, giving  
10 an unfair advantage to European imports of sized  
11 natural casings, as they would not face the same  
12 increased costs.

13 European natural casings sausage  
14 makers are only the other major producer of  
15 natural casings sausages, globally. So, the  
16 proposed tariffs cede the natural casing market  
17 to Europe, at the expense of U.S. producers,  
18 jeopardizing U.S. jobs, and putting them at a  
19 disadvantage, vis a vis Europe.

20 Hog, lamb and sheep casings are low-  
21 tech product, and have been in production for  
22 thousands of years. There is no evidence China



1 misappropriated IP as to these products, or that  
2 these products benefit from China's industry  
3 policy, including Made in China 2025 program.

4 Also due to Ag Department  
5 restrictions, the U.S. natural casing industry  
6 and sausage makers that use imported natural  
7 casings in the United States are not permitted to  
8 import Chinese-origin products or natural casings  
9 due to African swine fever.

10 So imposing duties on reimported U.S.  
11 product does not affect the Chinese products, but  
12 harm U.S. sausage makers and NANCA members. The  
13 proposed tariff will help hurt NANCA, its  
14 members, its customers, and ultimately, the  
15 consumers.

16 Thank you very much for your  
17 attention.

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

19 Our final witness on this list is Wei  
20 Zhao, with Jilin Pharmaceutical USA,  
21 Incorporated.

22 Mr. Zhao, you have five minutes.

1                   MR. ZHAO: Yes, good morning, Chairman  
2 and this Section 301 Committee. I am Wei Zhao,  
3 president of Jilin Pharmaceutical.

4                   Established in 1996, we are a New  
5 Jersey-based company, with strong backgrounds in  
6 food production and quality control. We act on  
7 behalf of the U.S. manufacturers to purchase and  
8 to source ingredients that meet unique  
9 specifications. I thank you for the chance to  
10 speak at this hearing today.

11                   Alginate are the key component in  
12 noodles, sauce and the desserts, is critical for  
13 thickening and stabilizing properties in the  
14 finished product. Alginates are derived from  
15 alginic acid, a compound found in brown algae,  
16 also known as seaweed.

17                   We request that USTR remove alginates  
18 classified under U.S. HTS subheading 3913.10.00  
19 from the proposed list of the items subject to  
20 additional tariffs, again, due to the following  
21 reasons.

22                   First, there's no manufacturing base

1 for alginate in the U.S. China is dominant in  
2 the manufacture of the alginate because it is the  
3 biggest harvester and the processor of the brown  
4 seaweed. Seaweed is not harvested in the United  
5 States due to high cost and environmental  
6 regulations.

7           Meanwhile, the majority of alginic  
8 acid processors are located in Qingdao, a coastal  
9 area of China, where the seaweed is plentiful and  
10 close by for harvesting.

11           In addition to the lack of the  
12 seaweed, production of the alginate products is  
13 troublesome in the U.S. because it results  
14 tremendous amounts of the wastewater, something  
15 that Chinese manufacturer accept.

16           Secondly, alginate products is not a  
17 part of the Made in China 2025 program. The  
18 Chinese government designed industrial policies  
19 by targeting at once the technologies, such as  
20 semiconductor and IT, among others. Alginates  
21 are not a type of the advantage of technology.

22           In fact, alginates were discovered by

1 a British chemist in 1881. Videos regarding the  
2 manufacturing process of alginates are available  
3 as public information on the Internet.

4 Third, 301 tariff would harm U.S.  
5 industry and the consumers. Downstream products,  
6 such as noodles and the deserts that depends on  
7 the alginates are supplied by our U.S.  
8 manufacturers to supermarket and nationwide, and  
9 over 60 foreign countries, result workable  
10 substandards for alginate.

11 The tariffs would resulting in raising  
12 the cost of living for U.S. consumers, and to  
13 reduce our manufacturers' ability to compete in  
14 foreign markets.

15 Lastly, alginate has already been  
16 investigated and excluded by the U.S. Trade  
17 Representative during the review process in July  
18 2018 for additional tariffs on imports totaling  
19 \$16 billion from China.

20 Alginates appears on the first  
21 proposed list of 284 categories, and there was  
22 one note, only five items removed from the final

1 list after review. We believe that this is the  
2 words, expression by USTR that additional tariffs  
3 to alginates would be damaging to U.S. interest.

4 In conclusion, we request that  
5 alginates would be removed again from the  
6 proposed list Section 301 tariff list. The  
7 proposed tariffs will not have accomplished the  
8 goal of the administration, but would be harm to  
9 U.S. consumers.

10 Thank you for your consideration.

11 MR. BISHOP: Thank you, Mr. Zhao.

12 Mr. Chairman, that concludes direct  
13 testimony from this panel.

14 MR. SHEPPARD: Hello. Wade Sheppard  
15 with the Department of Agriculture. My first  
16 question is for Ms. Lu Yu.

17 In your testimony, you noted that, the  
18 impact of the 301 tariffs on Chinese agricultural  
19 exports, and highlight the importance of the  
20 Chinese market for U.S. agricultural. But given  
21 your organization's focus on bilateral trade, I'm  
22 just curious to know if you've also expressed

1 concerns to the Chinese government about the  
2 impact that their tariffs are having on U.S.  
3 products.

4 MS. YU: Thanks for your question.  
5 Just so you mention, you have -- maybe you have  
6 noticed that our Ministry of Finance have  
7 announced the publication, and to do the  
8 exclusion of the import from America.

9 So, the first lines is about \$15  
10 billion U.S. import from American. So we heard  
11 from our members. We organized several meetings  
12 among our members. We are preparing. We have  
13 already preparing for the apply for the exclusion  
14 of some products, like dairy products, like feed  
15 products, which we are based on facts, and also  
16 based on our members' reactions. Yes.

17 MR. SHEPPARD: Thank you very much.

18 MR. WALLACE: Ian Wallace, Department  
19 of Commerce. My question is for Stevenson Moore.

20 In your testimony, you noted that  
21 China is by far the largest producer of vanillin.  
22 Can you comment on how long it would take for

1 another country to ramp up production?

2 MR. MOORE: That'd be hard for me to  
3 say. I mean, Phoenix is a distributor. We  
4 import. We're not involved in the production  
5 process. What I can say is, I think it would --  
6 to hazard a guess, I think it would be quite a  
7 while.

8 For instance, the European market, I  
9 believe in 2018 they produced about 16,000 metric  
10 tons. They also had to actually import to meet  
11 their domestic demand. So they imported about  
12 2,000 metric tons. And they only export about  
13 208 metric tons. So that's the second largest  
14 producer, after China.

15 The third is India, which only  
16 produces a little bit less than 4,000 metric  
17 tons. If there's suddenly a 25 percent tariff on  
18 41,000 of 61,000 metric tons, I think it'll be a  
19 while before anybody is able to make up that  
20 difference.

21 MR. WALLACE: Thank you.

22 MS. ROY: Tracy Roy, from U.S. Customs

1 and Border Protection. This question is for Mr.  
2 Fabricant.

3 In your testimony, you describe the  
4 heavy reliance of your industry on sourcing  
5 dietary ingredients from China. Can you comment  
6 on what makes China unique in its ability to  
7 serve your industry's needs? For example, do the  
8 ingredients originate in China, or is China  
9 processing capacity especially robust?

10 MR. FABRICANT: It's a little bit of  
11 both. You had some ingredients that just the  
12 technology was only sucralose, which is a non-  
13 caloric sweetener, which is used in a lot of our  
14 products. The technology transfer was only done  
15 between companies here in the U.S. and China, to  
16 make the facility in China.

17 It's kind of a challenging chemical  
18 process, to say the least, and so it's a little  
19 bit of both. There's certainly, minerals were  
20 very heavily sourced from China. A lot of the  
21 botanicals on List 4 are heavily sourced from  
22 China, native to China, not that they can't be



1 grown elsewhere, but it's a bit of both.

2 MS. ROY: Thank you.

3 MR. FARISS: This is Paul Fariss,  
4 Department of State. Thank you again to all of  
5 you for your testimonies today. I just had a  
6 question for Mr. Bodin.

7 You mentioned in your testimony that  
8 there are significant challenges to adjusting  
9 your supply chains. Does the processing capacity  
10 currently exist in the United States or in other  
11 countries to absorb the volume of product that  
12 you process in china?

13 MR. BODIN: The simple answer is no.  
14 I can illustrate it like this. We have, in a  
15 city called Qingdao, that was mentioned before,  
16 just in the processing of whitefish that I'm  
17 involved with, you talk today about some 40  
18 factories established in China.

19 It's manual labor, most of it, but the  
20 investment is still -- they are increasing  
21 capacity, pledge freezes like air freezers,  
22 everything else you need. So to take that

1 capacity and lift it into any other nation is  
2 going to require a huge investment and quite a  
3 long time line.

4 Secondly, you have the training of all  
5 the other companies that are manufacturing, food  
6 safety issues, they're producing to  
7 specifications, et cetera, et cetera.

8 The third element that I can mention  
9 is a little bit of a story. We've already  
10 talking to people, for instance, in Vietnam. And  
11 the first thing they would say to us, coming in  
12 there now, is that, why are you coming here? Are  
13 you coming here because USA is threatening with  
14 25 percent tariffs?

15 And we have a little bit hard time  
16 answering that. And the follow-up question comes  
17 then, our understanding is that USA wants to go  
18 to zero percent in the future sometime. What  
19 will you do then? Will you go back to China,  
20 will you abandon us?

21 So, to convince them to do the  
22 investments is also very, very hard. So in other

1 words, I say two, three years. It might even be  
2 impossible, to be honest with you, to get the  
3 whole thing moved over.

4 MR. FARISS: Okay, thank you.

5 MR. GILMARTIN: This is Kevin  
6 Gilmartin with the Treasury Department. I have  
7 one question for Ms. Negron.

8 In your testimony, you note the  
9 detrimental impacts of African swine fever on  
10 exports of Chinese-origin casings. So due to the  
11 African swine fever concerns, do you already have  
12 contingency plans to move processing to other  
13 countries? And in general, to what other  
14 countries could sizing, could the sizing process  
15 be moved?

16 MS. NEGRON: Okay. First, you must  
17 understand that we are not importing Chinese  
18 casings because of the African swine fever. And  
19 secondly, you should understand that our casing  
20 facilities in China are dedicated only to the  
21 selection of casings from countries like the  
22 United States, Canada, for hog casings, that is.

1           Now, saying that we have looked into  
2           the fact of possibly moving it to other  
3           countries, but the Chinese casing selectors are  
4           quite accurate. They've been doing it probably  
5           for more than a hundred years. And to be  
6           competitive in the world market, especially  
7           against the Europeans, who also select in China,  
8           the accuracy of the work that is done in China is  
9           very, very important to us.

10           So when we are saying this, we are  
11           actually working with USDA. A team of USDA  
12           inspectors are on their way, actually tomorrow,  
13           to China to review our standards again. And we  
14           don't believe that moving it to another place at  
15           this moment would be beneficial for our industry.

16           MR. GILMARTIN: Thank you.

17           MS. WINTER: Hello. My name is Audrey  
18           Winter and this is a question for Mr. Zhao.

19           Welcome. Could you just -- one of the  
20           previous panelists, or one of the previous  
21           witnesses said that this brown algae grows in  
22           France, Mexico and Chile. Is that accurate also

1 from your perspective?

2 MR. ZHAO: Oh yes. You are mentioned  
3 that company up here just in the last count, as  
4 MP, right? Yes. The alginate is also called  
5 alginic acid. It is a name of the group of the  
6 material. And in manufacture from the brown  
7 seaweed, it's a special type of brown seaweed.  
8 It's mainly available in Chile and in China.

9 So, the public information indicate  
10 that, in the past couple of years, that China has  
11 harvest natural seaweed like, something like  
12 around 90,000 ton, and the same amount in Chile.  
13 But in the past couple of years, because five  
14 years ago, there's a shortage happened, because  
15 bad weather, and that make short, the seaweed  
16 shortage happened, that reminded the Chinese  
17 company, they send their people, set up during  
18 winter with the seaweed connecter in Chile, who  
19 can do their market.

20 So the last information indicate that,  
21 even in year for 2015, China import 100,000 tons  
22 of seaweed from Chile and Peru. The 90 percent

1 of them is brown seaweed that used for the  
2 alginate or alginic acid manufacture. So that  
3 meant the Chinese companies have been controlled  
4 almost 80, 90 percent of the brown seaweed.

5 But that made the production of the  
6 alginic acid and the alginate in non-China  
7 country become more and more difficult. Is major  
8 impossible.

9 MS. WINTER: So, you've mentioned  
10 Chile as a source of this seaweed. Is there no  
11 seaweed from France or from Mexico, as I believe  
12 I heard?

13 MR. ZHAO: I think in European  
14 countries, there's -- brown seaweed is available.  
15 The amount is smaller, much smaller. And I do  
16 believe, based on my knowledge, there's a  
17 manufacturer in the European country, they  
18 manufacture the alginate, but is a high-end  
19 material. Small volume, but it's very high  
20 priced. It's used for pharmaceutical and dental  
21 application.

22 And the seaweed I mention, in the, my

1 testimony, is for FCC grade. It's a low grade of  
2 the alginate for food production. And as MP  
3 mentioned, the alginate, alginic acid, is for  
4 technical grade. It's low grade, for technical  
5 application.

6 MS. WINTER: So European manufacturers  
7 of desserts and other things that use this  
8 thickening agent that comes from the alginates,  
9 they get their supplies from China as well. Is  
10 that correct?

11 MR. ZHAO: I understand that China  
12 exported the food grade alginate to European  
13 country at good quantity, but I don't know which  
14 company is the end user. But they did export to  
15 European country, the food grade alginates.

16 MS. WINTER: And if the tariff on  
17 alginates does go into effect, what impact -- I  
18 mean, wouldn't -- you know, is it viable for you  
19 to turn to these other sources of supply? And  
20 also, is there none of this seaweed growing in  
21 U.S. coastal waters? You say that, but I just  
22 want to confirm that.

1                   MR. ZHAO: U.S., in California, in the  
2 San Diego area, we do have the brown seaweed,  
3 that could use it for the manufacture for the  
4 alginate or the alginic acid. But because of the  
5 California environmental regulations, there's no  
6 harvest. Nobody collect the seaweed from the  
7 ocean.

8                   And some years ago, I have been trying  
9 to talk to the local company in California, and  
10 let them make investment. And they trying to buy  
11 the boat, to catch seaweed from ocean, and export  
12 to China. But they're -- finally, they told me  
13 that it, this project has been, you know,  
14 finished, because the government, the state  
15 government for California gave them a right  
16 license. They cannot do that.

17                   Thank you very much.

18                   MR. BISHOP: We release this panel  
19 with our many thanks. We will now take a lunch  
20 break and stand in recess until 1:05.

21                   (Whereupon, the above-entitled matter  
22 went off the record at 11:56 a.m. and resumed at



1 1:08 p.m.)

2 MR. BURCH: Would the room please come  
3 to order?

4 Mr. Chairman, I would like to note  
5 that Panel 28, all the witnesses are seated. And  
6 would you like to announce the new panel members?

7 CHAIR BUTLER: We'll let them  
8 introduce themselves when they ask questions.  
9 That'll be fine.

10 MR. BURCH: When they have a question,  
11 okay.

12 CHAIR BUTLER: Thank you.

13 MR. BURCH: Our first panel witness on  
14 this panel is John Alofs, with Eyewear by ROI.

15 Mr. Alofs, you have five minutes.

16 MR. ALOFS: Ladies and gentlemen of  
17 the Commission, I'd like to thank you for your  
18 time today. My John Alofs, and I'm founder, CEO  
19 of Eyewear by ROI.

20 My company designs, manufactures and  
21 distributes designer and fashion eyewear frames  
22 and sunglasses from our Phoenix, Arizona

1 headquarters to customers throughout the U.S.,  
2 Canada, Mexico, Australia, Japan, Taiwan, Korea  
3 and throughout Europe.

4 There are two main components to my  
5 testimony today, the first being medical and  
6 health related, the second consumer and business.

7 Eyewear and sunwear are widely used  
8 Class I medical devices regulated by the FDA.  
9 Prescription eyewear and the optical frames used  
10 to make them are the most widely used medical  
11 devices in the U.S. and throughout the world. 64  
12 percent of all Americans wear prescription  
13 eyeglasses, with 78.6 million pairs of new  
14 eyewear dispensed annually.

15 219 million Americans, or 85.7 percent  
16 of the U.S. population wear nonprescription or  
17 prescription sunwear. What other consumer good,  
18 let alone medical device can you name that's used  
19 by over 85 percent of American?

20 These sunglasses are designed to  
21 protect against exposure to harmful UV rays,  
22 which have been linked to cataracts and macular

1 degeneration. Increasing the cost of these most  
2 common of all medical devices would likely have a  
3 negative public health impact.

4 If consumers' costs go up, individuals  
5 would delay, if not refrain, from having eye  
6 exams. By delaying eye exams, eye-related  
7 conditions such as cataracts, macular  
8 degeneration, diabetic retinopathy and glaucoma  
9 could go undetected.

10 One hundred percent of our eyewear and  
11 sunwear production, which we manufacture under  
12 licensing agreement with our licensors is all  
13 done in China. Eighty-three percent of all  
14 eyewear and sunwear sold in the United States is  
15 produced and imported from China, primarily  
16 because there's no mass production of optical  
17 frames existing in the United States.

18 If you were to take off your glasses  
19 and look at the temple tip, chances are better  
20 than eight out of ten that the temple tip is  
21 stamped, made in China. The U.S. vision care  
22 market is a \$42 billion business with over 15

1 billion consisting of eyewear and sunwear.

2           The manufacture of eyewear frames and  
3 sunwear requires no significant technology or  
4 innovation, and so has nothing to do with the  
5 intellectual property and technological issues  
6 with China that President Trump is attempting to  
7 combat. Simply stated, eyewear and sunwear is a  
8 low-tech manufacturing process.

9           Over the years, I have investigated  
10 moving some of our production to countries such  
11 as Vietnam and Cambodia, but the quality of the  
12 goods coming from these optical factories were  
13 not up to our standards, and thus would have been  
14 rejected by our customers.

15           A 25 percent tariff on Chinese-made  
16 optical products will be neither practical nor  
17 effective means to alleviate China's unreasonable  
18 acts, policies and procedures.

19           If the proposed fourth list of tariff  
20 numbers, China 301 goes into effect, the result  
21 to my 33-year-old business would be devastating,  
22 causing me to lay off workers, raise prices to

1 existing customers, which would undoubtedly lower  
2 my sales, and I could possibly lose rights to  
3 some of my longtime licensees because we couldn't  
4 make the minimums.

5 Given the uproar over the 2.3 percent  
6 IRS excise tax on the sale of medical devices  
7 imposed to support Obama-Care, which Congress has  
8 twice voted to suspend until at least the end of  
9 this year, it's difficult to understand the  
10 reasoning behind imposing a 25 percent duty  
11 directly on medical devices, such as eyewear and  
12 sunwear.

13 The economic fallout from imposing a  
14 25 percent tariff, as proposed, could cause the  
15 U.S. economy to go into recession, and President  
16 Trump's chances of reelection going with it. As  
17 James Carville said during Bill Clinton's  
18 successful '92 campaign, it's the economy,  
19 stupid.

20 Thank you for your time.

21 MR. BURCH: Thank you, Mr. Alofs.

22 Our next panel witness will be

1 Crawford Wagner, with Jewelry Television.

2 Mr. Wagner, you have five minutes.

3 MR. WAGNER: Distinguished members of  
4 the Section 301 Committee, thank you for the  
5 invitation to appear today, and discuss the  
6 impact that additional tariffs on Chinese goods  
7 as put forth on List 4 would have on our company  
8 and our employees.

9 My name is Crawford Wagner, and I'm  
10 the chief financial officer of Jewelry  
11 Television, also known as JTV.

12 JTV is one of the largest retailers in  
13 the U.S., supporting over 1,400 jobs and  
14 headquartered in Knoxville, Tennessee. Our  
15 company is principally owned by our employees.  
16 JTV reaches consumers through the Internet and  
17 live TV programming, 24 hours a day, 7 days a  
18 week, to 82 million U.S. households.

19 The jewelry industry is unique in that  
20 most jewelry products cannot be sourced from the  
21 United States. JTV is thus largely dependent  
22 upon foreign sources for both raw materials and

1 established manufacturing infrastructure.

2 JTV procures 190 million annually in  
3 product from vendors outside the United States.  
4 These purchase are largely in goods not available  
5 from U.S. sources. Over many years and at great  
6 expense, JTV has built a complex global supply  
7 chain for raw materials, manufacturing and  
8 product development.

9 Approximately 46 percent of JTV's  
10 product, or 87 million annually is sourced from  
11 China. JTV serves a middle America demographic  
12 with an average item price of less than \$100, a  
13 price point not possible to achieve without a  
14 supply chain like JTV's.

15 Given this dependence, we are  
16 extremely concerned about the proposed List 4  
17 tariffs on products coming from China. We have  
18 identified 17 HTS codes that we must source from  
19 China today and in the foreseeable future.

20 We support the administration's  
21 efforts to level the global playing field when it  
22 comes to trade. There are indeed many bad actors

1 who have taken advantage of the United States.  
2 This unfairness, however, is not the case with  
3 China as it relates to the jewelry industry.

4 To the contrary. Chinese jewelry and  
5 raw material suppliers have been necessary  
6 partners in developing a robust and growing U.S.  
7 jewelry industry. Our Chinese vendors have  
8 unique raw materials and manufacturing  
9 infrastructure which doesn't exist in the U.S.

10 In fact, we have been very active for  
11 many years, and particularly during the past six  
12 months, in reducing our reliance on raw materials  
13 and manufacturing from China. Our head of  
14 international supply chain, who was originally  
15 from Jaipur, India, and now lives in the U.S.,  
16 has simply been unable to transfer our sourcing  
17 out of China to other Asian countries, due to the  
18 skillset gaps, regulatory burdens, and challenges  
19 in achieving the same kind of craftsmanship and  
20 tooling we receive in China.

21 Thus, we have great concern about the  
22 immediate and unphased implementation of



1 additional 25 percent tax, on top of a 5-1/2 tax  
2 we already pay on imports from China. Without,  
3 at minimum, a phased implementation, or a delayed  
4 transition period to allow for supply chain  
5 adjustments, the impact of a 25 percent cost  
6 increase to the direct consumer jewelry industry  
7 will be draconian.

8 It will negatively impact not only our  
9 employees in Tennessee, but could place our  
10 quality and affordable products out of reach for  
11 over one million middle-income American customers  
12 who depend on us. Simply stated, the harm caused  
13 by a 25 percent tariff on the 17 tariff code  
14 products identified by JTV would appear to rest  
15 with U.S. companies, employees and consumers, not  
16 China.

17 Unfortunately, we have recent  
18 firsthand experience with the effects of a new  
19 tax. Just last year, as a result of a U.S.  
20 Supreme Court decision, JTV became the subject of  
21 a new Internet sales tax. That new tax added to  
22 the cost of our products has resulted in a

1 roughly 10 percent reduction in sales, and a 1/3  
2 reduction in profitability.

3 In summary, with JTV's current  
4 commitment to a supply chain with manufacturing  
5 in China, we cannot change that supply chain on  
6 short notice. And a 25 percent tariff, on top of  
7 a 5-1/2 percent tariff, on top of a recently  
8 implemented Internet sales tax, will be draconian  
9 to our company, our employees and our customers.

10 Should the conclusion be to move  
11 forward with the List 4 tariffs, we feel strongly  
12 there is a case for industry exemptions. At the  
13 very least, we ask for a phased approach, and  
14 adequate time to make supply chain adjustments.

15 For the past 25 years, JTV has had a  
16 mission to open the world of jewelry and  
17 gemstones to every American. With the right  
18 policies in place, we hope to accomplish that  
19 mission for the next 25 years.

20 I'd like to thank the committee for  
21 allowing me to testify today, and we look forward  
22 to working with this administration, and members

1 of Congress to ensure that fair trade policies  
2 are adopted.

3 Thank you again, and I'm happy to  
4 answer any questions you have now or at a later  
5 date. Thanks.

6 MR. BURCH: Thank you, Mr. Wagner.

7 Our next panel witness will be Joe  
8 Meli, of PAJ, Incorporated.

9 Mr. Meli, you have five minutes.

10 MR. MELI: Good afternoon. My name is  
11 Joe Meli. I am vice president of Marketing and  
12 Brand Development for Prime Art and Jewel, or  
13 PAJ.

14 Based in Dallas, Texas, PAJ has  
15 supplied jewelry products to tens of millions of  
16 working class Americans for over 40 years,  
17 selling over 20,000 pieces of high-quality  
18 affordable jewelry each day.

19 The proposed duties on 13 categories  
20 of jewelry products on List 4, that are listed in  
21 PAJ's written testimony and comments, will have a  
22 debilitating effect on our business.

1                   This is because one, our ability to  
2 provide high-quality, affordable jewelry to U.S.  
3 consumers depends on the sophisticated supply  
4 chain, specific resources and skilled labor  
5 currently available from our China-based  
6 facilities, and two, there is no viable  
7 alternative location to replace China-based  
8 manufacturing of our products.

9                   As a result, the proposed additional  
10 tariff would negatively impact our employees and  
11 their families in the Dallas-Fort Worth area, our  
12 American retail consumers and their employees  
13 across America, and countless working class  
14 American consumers, including members of the  
15 Armed Forces.

16                   I'm here today on behalf of PAJ to  
17 implore you to remove these 13 jewelry  
18 subheadings from List 4, and this is why.

19                   First, setting up jewelry  
20 manufacturing operations in the United States is  
21 not an option because that capacity does not  
22 currently exist. Even if U.S. manufacturing

1 capacity were to be built up over many years,  
2 labor costs would be four to five times higher,  
3 and facility costs would be at least double,  
4 resulting in jewelry prices triple to the current  
5 price levels.

6 This would render jewelry we sell  
7 unaffordable to working class Americans. PAJ has  
8 already explored options other than China for its  
9 manufacturing base. We tried subcontracting  
10 manufacturing to other countries, including  
11 Thailand, but the quality, delivery time and  
12 consistency was unacceptable to both our U.S.  
13 consumer and U.S. retail customers, including  
14 Afi's, JTV, QVC, Kohl's, Macy's, Walmart and JC  
15 Penney.

16 In the end, we determined that China  
17 was the best location to meet our American  
18 consumer demand for affordable, high quality  
19 jewelry, and we've been able to meet that demand  
20 for the past 30-plus years.

21 Second, our decision to establish a  
22 wholly American owned manufacturing facility in

1 China ensures that our intellectual property and  
2 proprietary information are protected, and that  
3 we can continue to source the materials we need  
4 from our reputable parties.

5 If additional tariffs force PAJ to  
6 subcontract manufacturing to a third country, we  
7 could lose control of our IP, and rampant theft  
8 of designs would lead to a devastating loss of  
9 customers.

10 Third, many of our products depend on  
11 raw materials sourced from China. Our designs  
12 include various sizes and types of freshwater  
13 pearls, nephrite jade and cubic zirconia, cut  
14 from rock crystals. And these products are  
15 accessible mainly in China. Without direct  
16 access to these materials, the price of  
17 manufacturing becomes prohibitive.

18 Fourth, having a U.S. taxpaying  
19 manufacturing facility in China under common  
20 American ownership allows PAJ to ensure our  
21 continued compliance with local and international  
22 regulatory requirements. It also allows us to

1 hire and train the local labor force in the highly  
2 detailed and sophisticated process required to  
3 manufacture jewelry that meets American consumer  
4 standards.

5 We could lose oversight over these  
6 processes if we moved manufacturing sites and no  
7 longer had full control over our day-to-day  
8 operations.

9 We are a member of the Responsible  
10 Jewelry Council, and adhere to the Code of  
11 Practices, which addresses human rights, labor  
12 rights, environmental impact, mining practices  
13 and product disclosures. The Council and our  
14 largest retailers inspect our factory annually to  
15 ensure it meets their standards.

16 We cannot ensure we would pass their  
17 audits if we outsource our operations to third-  
18 party manufacturers in other countries.  
19 Relocating our manufacturing to another country,  
20 even if it was possible, would risk losing  
21 control of our longstanding record of protecting  
22 our IP, proprietary information, and maintaining

1 high standards, which we have achieved by using  
2 our American-owned manufacturing facility in  
3 China.

4 The impact of the additional tariff on  
5 PAJ is real and cumulative, because there are no  
6 alternative viable sources of manufacturing these  
7 products. There's a real chance that PAJ's  
8 employees will lose jobs, our customers'  
9 employees will lose jobs, and hundreds of  
10 American families will suffer.

11 Against that backdrop, the impact that  
12 the inclusion of these jewelry product categories  
13 on List 4 would have on leveling the playing  
14 field with China is minimal at best. While we  
15 support the administration's efforts to respond  
16 to China's policies that coerce American  
17 companies into transferring their technology and  
18 IP to Chinese enterprises as part of China's  
19 industrial plans, the items in the categories  
20 listed in my testimony and written comments, are  
21 not strategically important or related to such  
22 plans.



1                   In conclusion, I ask that the  
2                   committee consider that the workers of America  
3                   will bear the brunt of this well-intentioned  
4                   policy initiative, and balance that impact  
5                   against any benefit derived from including  
6                   jewelry products on List 4.

7                   Thank you for your time, and I'd be  
8                   happy to take further questions or provide  
9                   additional information.

10                  MR. BURCH: Thank you, Mr. Meli.

11                  Our next panel witness will be Steve  
12                  Jacaruso, with Jack Rogers.

13                  Mr. Jacaruso, you have five minutes.

14                  MR. JACARUSO: Good afternoon. I  
15                  first would like to thank the -- for you allowing  
16                  me to appear in front of you today. It's an  
17                  honor, and really great that I have the  
18                  opportunity to express my company's concerns with  
19                  respect to the potential increase in tariffs.

20                  I'm the chief operating officer of a  
21                  company called Jack Rogers. The brand was  
22                  founded in 1960, and became famous with someone

1 that you might know, Jackie Kennedy. She went to  
2 Capri, and brought back a sandal, with whip-  
3 stitched leather and iconic rondel, that would  
4 become the classic Jack Rogers sandal.

5 We've been manufacturing it in Florida  
6 since then, so since 1960. I'm here today to  
7 urge you from refraining from imposing additional  
8 tariffs on footwear and fashion accessories  
9 imported from China. We're currently paying 12  
10 percent duty, so it's a significant charge for a  
11 small company like ours.

12 We share your frustration that a trade  
13 deal has not been settled with China, and agree  
14 that more needs to be done, so like all nations  
15 are on the same playing field as the United  
16 States.

17 We continue to support your efforts to  
18 achieve a fair and meaningful deal with China, to  
19 ensure that U.S. companies, and U.S. workers they  
20 employ, can compete. That being said, we  
21 strongly oppose using shoe and accessories  
22 tariffs as a bargaining chip to secure the deal.

1           As a heritage brand starting in 1960,  
2 we produced a hundred percent of our product in  
3 the United States. Like most other companies, we  
4 started sourcing our products overseas. This was  
5 due to pricing, materials, capacity, and  
6 skillset. Our core product is hand-stitched, and  
7 it's very difficult to find the craftsmanship.

8           Currently, we still have 25 percent of  
9 our production in the United States, passed down  
10 from the generation from the original  
11 manufacturer, which is more or less at their full  
12 capacity. Therefore, we currently source in  
13 China and other countries as well.

14           Prior to your announcement, we began  
15 to diversify away from China. However, from our  
16 experience, it can take over a year before we're  
17 able to fully execute, and transition to other  
18 factories in other countries.

19           The mere threat of these tariffs has  
20 already caused us to scramble, to find other  
21 factories out of China who could possibly produce  
22 our product, and puts an unfair burden on a small

1 U.S. heritage company like ourselves.

2           Currently we have less than 40  
3 employees. It's hard to compete with large  
4 companies getting production space. Therefore,  
5 the tariff acts -- the tariffs affects small  
6 companies like us even more.

7           In addition, this process takes a  
8 significant amount of time, and is further  
9 challenging to our high penetration in excess of  
10 50 percent of our total production. The proposed  
11 change would have a significant impact on Jack  
12 Rogers' financial condition.

13           In fact, it could reduce our profits  
14 by over 40 percent. This would then require us  
15 to find other cost opportunities, which could  
16 result in employee layoffs. I'm concerned with  
17 these higher tariffs. We'll need to raise our  
18 prices, therefore risk lower sales. The outcome  
19 does not appear great for a company about to  
20 celebrate its 60th anniversary.

21           In our opinion, the short-term effect  
22 of this would be detrimental to the economy. It

1 is our strong hope that you can negotiate a deal  
2 without having these new taxes on U.S. companies,  
3 especially small companies such as Jack Rogers,  
4 who's already producing in the United States, the  
5 U.S. workers and the U.S. consumers, who are  
6 trying to protect this new agreement.

7 I thank you and appreciate your time.

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

9 Our next panel witness will be Jacalyn  
10 Bennett, of Bennett and Company.

11 Ms. Bennett, you have five minutes.

12 MS. BENNETT: Thank you to this  
13 distinguished committee for hearing my testimony  
14 today.

15 My name is Jacalyn Stuart Bennett. I  
16 am the owner, founder, president, CEO and head  
17 designer of Bennett and Company, which I founded  
18 over 37 years ago.

19 We are a small women's minority  
20 business of 40 employees, based in the city of  
21 Newburyport, Massachusetts, where we design  
22 lingerie, sleepwear and daywear, in our

1 Newburyport headquarters, which is housed in a  
2 17th century structure that was originally built  
3 to promote global trade.

4 I was the first American woman to open  
5 a wholly-owned factory in China after  
6 privatization in the 1990s. My factory  
7 manufactures highly specialized and constructed  
8 lingerie, sleepwear and daywear garments.

9 While many of my competitors closed up  
10 shop and moved their entire operations offshore,  
11 I chose to keep my design and technical  
12 headquarters in Newburyport, where we are one of  
13 the largest employers and taxpayers in the city.

14 I started my own company because I  
15 wanted to provide a safe environment for young  
16 female designers to work in, as I did not have  
17 this when I started my career in New York City in  
18 the 1970s.

19 As a woman, and an entrepreneur of  
20 Scottish, Irish, German and French heritage, my  
21 philosophy has always been to give back. I  
22 support and give back to over 60 charities in our

1 communities and throughout the United States.

2 I recently created a wellness center  
3 at our Newburyport public school system,  
4 benefitting over 2,000 students and their  
5 teachers, and Anna Jaque's Hospital has also  
6 asked me to create a wellness center.

7 We provide scholarships, internships,  
8 and -- at our facilities in Newburyport. The  
9 Fashion Institute of Technology in New York  
10 receives a large scholarship from me every year.  
11 This is my alma mater where I earned my master's  
12 degrees, and am the youngest recipient of  
13 lifetime achievement award in business and  
14 humanitarian efforts.

15 We provide scholarships to the  
16 Massachusetts College of Art in Boston, and the  
17 Northern Essex Community College in Haverhill.  
18 The support that I give today is only possible  
19 through the success of Bennett and Company.

20 In the 1990s, I worked in the city of  
21 Lowell, Massachusetts at the request of its  
22 mayor. We were trying to keep a local factory,

1 Lowell Lingerie in business. I placed a test  
2 order with that factory. After three months of  
3 working with the stitchers, they told me that  
4 they were not interested in sewing anymore.

5 The factory closed, and today the  
6 sewing industry has mostly left the United  
7 States. And it is not coming back. I have tried  
8 to set up sewing factories in ten other  
9 countries, including England, Ireland and Haiti.  
10 Nothing worked, so I decided to focus on building  
11 my factory in China, where the quality of work is  
12 highly evolved.

13 It took over 25 years to build my  
14 China lingerie factory to the quality and  
15 specifications that we are famous for. The type  
16 of product and level of complexity manufactured  
17 at our factory cannot be replicated or shifted to  
18 another country. We are heavily invested in  
19 China. These garments cannot be sourced anywhere  
20 else. Believe me, we have tried, and we have  
21 failed.

22 This garment does not contribute to



1 China's industrial policy. Imposing the China  
2 301 tariff List 4 on lingerie products that we  
3 import will have a devastating impact upon  
4 Bennett and Company. We will not be able to  
5 absorb any portion of the 25 percent, as we  
6 already pay 16 to 32 percent in duties to the  
7 United States.

8 Bennett and Company will be put out of  
9 business. Everything that I and my team have  
10 worked for over the past 37 years will be lost.  
11 My long tenured and cherished team will be laid  
12 off. What will happen to their families?

13 The intricately detailed lingerie  
14 products that we sew in our highly skilled China  
15 factory will no longer be available to the U.S.  
16 customer if this List 4 tariff is imposed. The  
17 support that I am able to provide to over 60  
18 organizations in our communities and in the  
19 United States will end.

20 The loss of our committed businesses  
21 to longtime vendors and suppliers will produce a  
22 devastating ripple effect. Please keep in mind

1 the loss that will be felt by each and every  
2 individual, their families, the communities, our  
3 country.

4 Please exclude lingerie, sleepwear and  
5 daywear from the China 301 List 4 tariffs. I do  
6 not believe that this little garment is going to  
7 hurt the United States in any way. But this  
8 tariff will put our small American minority  
9 entrepreneurial company out of existence.

10 Please allow Bennett and Company and  
11 our lingerie industry to continue to be an  
12 important contributor to Newburyport,  
13 Massachusetts and to the United States of  
14 America.

15 Thank you for your time. I am  
16 grateful for this honor.

17 MR. BURCH: Thank you, Ms. Bennett.

18 Our next panel witness will be Charles  
19 Johnson, with the International Safety Equipment  
20 Association. Mr. Johnson, you have five minutes.

21 MR. JOHNSON: Thank you. And thank  
22 you, Mr. Chair, and all the panelists, for this

1 opportunity to testify.

2           The International Safety Equipment  
3 Association represents the manufacturers and  
4 distributors of personal protective equipment and  
5 other safety technologies. For more than 80  
6 years, ISEA has set the standards for PPE  
7 technologies and supported the interests of its  
8 member companies that are united in the goal of  
9 protecting the health and safety of people  
10 worldwide.

11           Safety solutions made and marketed by  
12 our members represent the majority of products  
13 protecting American workers today. Our members  
14 are engaged in the production of a broad range of  
15 products from first aid kits and gas detection  
16 devices to safety glasses and high visibility  
17 vests.

18           As such, ISEA members have not reached  
19 a consensus in support of or in opposition to  
20 recent actions taken or proposed by the U.S.  
21 Government on tariffs to be placed on Chinese  
22 products. However, ISEA's membership has come to

1 an agreement that a subset of products we  
2 represent should be excluded from the fourth  
3 tranche of tariffs for 301 purposes on Chinese  
4 goods.

5 We've previous submitted a  
6 comprehensive list of the HTS codes we are  
7 requesting to be removed. Taken together, they  
8 represent four major categories: Hand  
9 protection, largely gloves, represented by 12 HTS  
10 codes, from seamless plastic gloves and medical  
11 rubber gloves, to sewn and formed hand protection  
12 solutions; eyewash, emergency eyewash and shower-  
13 related products and components, the HTS codes in  
14 question cover vital feed stock components in  
15 specific plumbing categories; garments and  
16 clothing, together representing 14 HTS codes,  
17 taken together representing high visibility  
18 products; and eyewear, taken together seven HTS  
19 codes, covering components such as lenses and  
20 frames, and whole products such as goggles.

21 In these four areas of occupational  
22 safety protection, there are specific factors

1 which lead ISEA to our request for removal from  
2 the fourth list.

3 The first is the unique impact that  
4 cost has on the provision of safety equipment  
5 that is widely used in these four categories.  
6 Increased tariffs applied to the four categories  
7 in question will add cost to all U.S. employers,  
8 and notably, for small and medium size employers  
9 in the non-regulated space.

10 Essentially, for any employer who is  
11 going beyond the requirements of occupational  
12 safety regulation, the impacts of higher priced  
13 safety equipment in these categories will be  
14 decreased safety protection.

15 In particular, small and medium sized  
16 employers, including the self-employed, who have  
17 unique regulatory requirements for their  
18 employees, may choose to not purchase PPE, or  
19 purchase lower priced and less protective PPE  
20 because of increased prices due to tariffs. The  
21 result will be less protection for American  
22 workers.

1           In addition to the impact on safety  
2 for U.S. workers, when employees have the option  
3 to downgrade protection equipment, much of the  
4 use of these products is mandated by OSHA and  
5 other federal, state and local regulation. As  
6 such, the demand is incredibly inelastic.

7           Employers that purchase a wide range  
8 of PPE often have a set budget, or an annual PPE  
9 budget. And precipitous increases in safety  
10 expenditure mandated by regulation will be  
11 difficult or impossible to absorb.

12           More importantly, for the HTS codes  
13 for gloves, safety eyewear and high visibility  
14 products, there is no substantial manufacturing  
15 in the United States, certainly not enough  
16 supply, to supply the levels needed to protect  
17 the nation's workforce.

18           For regulated safety equipment, for  
19 which there is no alternative to Chinese  
20 products, U.S. firms will be forced to bear the  
21 increased cost, due to tariffs, and no impact  
22 will be felt on Chinese firms who supply these

1 products.

2 For this reason, ISEA does not believe  
3 that imposing increase duties on these HTS codes  
4 would be a practicable or effective way to obtain  
5 the elimination of China's actions, policies and  
6 practices of forced technology transfer, or  
7 dumping of excess inventory.

8 These impacts would be  
9 disproportionately felt by small employers.  
10 Small employers who purchase PPE at retail would  
11 likely select lower price product that offers  
12 less protection from the hazards of the job.

13 Also, there would be impacts on the  
14 U.S. Government and other entities engaged in  
15 disaster relief and recovery. The items in  
16 question, specifically gloves, are essential for  
17 response and recovery from all types of  
18 disasters.

19 The proposed tariffs will make  
20 response and recovery more expensive for all  
21 actors, from the government down to homeowners.  
22 Medical gloves of rubberized rubber -- I'm sorry,

1 of vulcanized rubber, and gloves of seamless  
2 plastic are essential for public emergency  
3 response, and increased costs will affect the  
4 national stockpile.

5 ISEA again has not taken a position on  
6 the administration's current trade agenda, but  
7 for these four product categories, tariffs on  
8 Chinese products will have severe negative impact  
9 on occupational safety for American workers.  
10 Therefore, we ask again that these specific  
11 tariffs be removed from the final list.

12 Thank you for your attention.

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

14 And Mr. Chairman, this concludes our  
15 witnesses' testimonies.

16 CHAIR BUTLER: Thank you. And thank  
17 you for coming, and thank you for your testimony.

18 My name's Phil Butler. I'm with the  
19 U.S. Trade Representative's Office, Office of  
20 General Counsel. We're going to do some  
21 questions for you, and I'd ask that the agency  
22 representatives please introduce yourselves as



1 you as your question. Thank you.

2 MS. KAO: I'm Victoria Kao and I'm  
3 from the Commerce Department.

4 Mr. Alofs, thank you for being here.  
5 What were the factors that initial led to base  
6 all of your production in China?

7 MR. ALOFS: I'm sorry. I couldn't  
8 hear you.

9 MS. KAO: What were the factors that  
10 initially led you to base all of your production  
11 in China? And you had mentioned the poor  
12 quality, in terms of production in other Asian  
13 countries. In your assessment, why is that, and  
14 how could it be improved?

15 MR. ALOFS: The first part of your  
16 question, when I started the business, we were  
17 making most of our product in Italy. It got very  
18 price prohibitive. The Chinese took most of the  
19 materials and manufacturing machinery over to  
20 China. They're very fast learners. They do an  
21 amazing job, especially in the Pearl Delta region  
22 where our factories are.

1                   And so, while we've tested product  
2                   from other countries, everything is integrated.  
3                   China makes the metal pieces for the temple tips.  
4                   They make the acetate. They make the titanium.  
5                   It's all done right there, where other places  
6                   have to import different materials to try to put  
7                   it all together.

8                   And the work, the quality of the work  
9                   and the workmanship coming out of Shenzhen and  
10                  Guangzhou is basically second to none. And there  
11                  is no other place to go. They make 83 percent of  
12                  all the eyewear and 87 percent of all the  
13                  sunwear. It's not like there's another supply  
14                  chain I could go to.

15                  If this tariff takes place, I'll take  
16                  all 25 percent, I'll take the hit, and I will  
17                  pass it on to my customers, and they'll pass it  
18                  on to the American consumer, because I have no  
19                  place else to go.

20                  MR. ALOFS: So do you -- can the  
21                  processes in the other countries, other Asian  
22                  countries be brought up to snuff?

1                   MR. ALOFS: Well, like Cambodia,  
2 Vietnam, they do less than one half of one  
3 percent of the production that comes into the  
4 United States. So there's no place to go. I  
5 mean, they really can't take on any more product,  
6 take any more of the capacity.

7                   China owns the market. And they do a  
8 phenomenal job with it. And I wouldn't try to  
9 lower our quality and try something else. I have  
10 to keep it where it is. So it has to pass the  
11 test.

12                   MS. KAO: Thank you.

13                   MR. ALOFS: Thank you.

14                   MR. SULBY: My name is Ari Sulby from  
15 the Department of State.

16                   Mr. Matthews, you indicate, by my  
17 quick math of your testimony that 54 percent of  
18 your jewelry is sourced from other countries  
19 other than China. Would you be able to increase  
20 imports from these countries should the tariffs  
21 go into effect?

22                   MR. MATTHEWS: Well, we're in the

1 process of trying to do that, but largely  
2 unsuccessfully. As I mentioned earlier, the head  
3 of our international sourcing is actually from  
4 Jaipur, India. And I've had great hopes that  
5 India could really take on more volume. And  
6 largely, to this point, we've been unsuccessful  
7 of growing our Indian operations to the degree  
8 that I thought we could.

9           When we've looked at India, they  
10 really lack the skillsets of the same way in our  
11 industry that China has. The regulatory  
12 environment in India is very, very challenging,  
13 as far as growing business. And the  
14 craftsmanship and tooling is just not nearly the  
15 same as what we've experienced in China.

16           So even with great hopes, even with  
17 making investments, the growth there of the  
18 supply chain has just been really a fraction of  
19 what we've been able to achieve in China.

20           MR. SULBY: And the second question,  
21 if I might, you discuss how the raw materials and  
22 high quality manufacturing to make this jewelry

1 is unavailable in the United States. Could you  
2 elaborate on what type of manufacturing and raw  
3 material are needed that is unavailable?

4 MR. MATTHEWS: Sure. So really, the  
5 domestic jewelry infrastructure is nonexistent,  
6 really from a manufacturing capacity and from a  
7 supply standpoint. And there's a number of raw  
8 materials that are important to us that just, you  
9 know, our industry is largely, a big percentage  
10 of our business is colored gemstones.

11 Well colored gemstones are just not  
12 made in the United States. Colored gemstones are  
13 made in places around the world, including China.  
14 You look at freshwater pearls. The freshwater  
15 pearl industry has been developed in China.  
16 Almost all of the capacity is in China.

17 Chinese peridot, Chinese peridot is  
18 made in China. Aquamarine, there's others. This  
19 -- we just happen to be in an industry where  
20 those stones are not available in the U.S.  
21 Almost in every instance, it's from somewhere  
22 outside the U.S. and a lot of instances it's in

1 China.

2 MS. RESNICK: Thank you. My name is  
3 Bonnie Resnick and I'm with the Treasury  
4 Department. And I would like to ask a couple of  
5 questions of Mr. Meli, if I may.

6 Could you clarify the status of PAJ's  
7 commonly owned facility in China? Is it wholly  
8 owned by PAJ without a local -- I'm sorry. Is it  
9 wholly owned by PAJ, without a local Chinese  
10 partner?

11 MR. MELI: I do not have that  
12 information, but I'd be happy to supply it for  
13 you.

14 MS. RESNICK: Thank you. Another  
15 question. You mentioned the loss of intellectual  
16 property control related to subcontracting in  
17 third countries. Is it possible to secure  
18 control through the contracts themselves?

19 MR. MELI: Ideally, if that were  
20 possible, it could be done. Unfortunately, given  
21 the nature of the business that we do, the  
22 ultimate question is, do you control every step

1 of the manufacturing process from beginning to  
2 end?

3 As soon as you allow a third party  
4 into that process, that's where the porosity  
5 occurs. That's where intellectual property is  
6 lost. Because we own our facilities, we can  
7 control all intellectual property that flows into  
8 it and subsequently, out of it, to the greatest  
9 possible extent.

10 Given the fact that third-party  
11 countries would not have these restrictions, and  
12 again, we're not subject to the same regulations  
13 that we are currently under, no, we could not do  
14 that.

15 MS. RESNICK: Thank you. And also, is  
16 it your position that you can protect IP in China  
17 then, but not other countries? Is that how you  
18 would put it?

19 MR. MELI: I would say that, to the  
20 extent that it is at all possible to protect IP,  
21 under our operations and due to our facilities  
22 being American-owned, that's the greatest

1 protection we can offer, ourselves, as a company.

2 In the industry at large, no. It's  
3 extremely difficult to protect intellectual  
4 property, other than a wholly-owned facility.  
5 Absolutely, yes. Thank you.

6 MR. FRATERMAN: Great. Thank you,  
7 everybody for being here. Matthew Fraterman,  
8 Department of Labor, Office of Trade Policy and  
9 Negotiations. My question is for Mr. Jacaruso.

10 Can you expand on your statement  
11 regarding Jack Rogers' effort to diversify away  
12 from China? And how have such efforts been  
13 progressing so far?

14 MR. JACARUSO: Yes. You know, because  
15 of the lead times and everything else, and where  
16 the world's going with e-commerce, we're trying  
17 to expedite our product, to get it to the United  
18 States sooner. So we've looked at areas like the  
19 Dominican Republic.

20 We're actually -- and this is going to  
21 help us in lean times, but we're also looking at  
22 Vietnam and Brazil as well. You know, what we're



1       trying to do is diversify as we grow as a  
2       company. So, that's what, that's been the  
3       process. We don't want to be in all, you know,  
4       one place, because obviously there's risk there,  
5       obviously, with the tariffs is a perfect example  
6       of that.

7                   MR. FRATERMAN: Just as a quick  
8       follow-up, what obstacles are you currently  
9       facing in diversifying?

10                   MR. JACARUSO: You know, I think the  
11       biggest thing is time. You know, we're hand-  
12       stitched, and it's really a craft to stitch our  
13       whipstitch. So that's problem number one, where,  
14       you know, it really takes a skillset.

15                   So for instance, even our U.S.  
16       manufacturer currently sends it to Mexico, and in  
17       Mexico they actually hand-stitch it, and they  
18       have people that take the product home, and then  
19       come back a week later, and provide it to the  
20       tanneries.

21                   The second point is our size. You  
22       know, it's all about pairs, number of pairs. So

1 when we've tried to go to other factories outside  
2 of China, more or less the first thing they say  
3 is, how many pairs? And we just, we can't  
4 compete with the larger guys who's also  
5 scrambling to leave China as we speak. So that's  
6 probably the biggest challenge.

7 MR. FRATERMAN: Great. Thank you.

8 MS. ROY: Hello. My name is Tracy  
9 Roy. I'm from U.S. Customs and Border  
10 Protection. My question is for Ms. Bennett.

11 Hi, Ms. Bennett. Could you please  
12 elaborate on the difficulties involved in  
13 shifting production outside of China? And is it  
14 impossible to find skilled labor in other  
15 apparel-producing countries?

16 MR. BENNETT: Thank you very much for  
17 the question. I appreciate it. I started my  
18 career in 1973, when I graduated college. I  
19 started in India. I did start to try to work in  
20 India. I tried to build a factory in India. I  
21 built factories in Sri Lanka, the Philippines,  
22 Indonesia, Malaysia.

1           We are working with a joint, a former  
2 joint venture partner of mine that was a joint  
3 venture partner in Korea. So I have worked with  
4 about 14 different countries. And the type of --  
5 what I had to do, over the 40 years that I have  
6 been in this industry, is that I have had to  
7 leave countries because the quality or the  
8 quantities were too difficult or too small to  
9 actually manufacturer in the specific countries  
10 that I worked in.

11           People were not interested in doing  
12 hand-sewing, hand-beading, doing hand embroidery,  
13 hand sequin work. In India, yes they were,  
14 however, all of the orders that I placed in India  
15 were late, and were rejected. Hence, I ended up  
16 owning them.

17           So, I do agree with all the gentlemen  
18 that spoke before me. It is extremely difficult  
19 to do the kind -- anything that has hand work and  
20 hand-detailed, and also the quality, and the  
21 regulations that we've had to enforce in order to  
22 satisfy all of our -- all of the -- excuse me,

1 all of the stores that we supply in the United  
2 States.

3 We cannot do this elsewhere. And as  
4 I said, I've worked in 14 different countries. I  
5 started joint venture factories in ten different  
6 countries. Also, some of the countries were  
7 extremely unsafe for my 90 percent female labor  
8 force.

9 Most people are not -- are -- first of  
10 all, do not know about sewing, and we actually  
11 have to supervise the sewing in our factories,  
12 pattern-making, stitching, all of the detail work  
13 that we're famous for.

14 We've also had to change and shift the  
15 type of garments that we've made over the last 40  
16 years, from doing basic garments. All of those  
17 garments were moved to other countries by other  
18 people. We were not able to fight or compete.

19 So I ended up shifting my focus to  
20 niche business of highly, highly, highly  
21 complicated lingerie products, which over the  
22 last 27 years, through joint ventures in, other

1 joint ventures in China, and then my wholly-owned  
2 factory in China.

3 We put all of our facilities and all  
4 of our focus on creating factories in the nearby  
5 community, that they were able to do elastics and  
6 straps and bows and detailing, that in order to  
7 create a vertical process for time, and again,  
8 most of my garments are so complicated, they may  
9 have anywhere between 30 to 45 different  
10 components.

11 So having all of that componentry in  
12 one place is absolutely essential. If one bow  
13 doesn't match, it could eliminate and send -- my  
14 customers could send back an entire shipment,  
15 that we would not be able to -- I don't have a  
16 warehouse to store, you know, 2,000 garments.

17 MS. ROY: Understood. Thank you so  
18 much. If I could ask just one more question.

19 MR. BENNETT: Please, anything.

20 MS. ROY: What validation are you  
21 referring to with respect to a new factory?

22 MR. BENNETT: I don't have the money,

1 nor do I have the emotional time to start a new  
2 factory at my age. I am at the age of  
3 retirement, and frankly, I do sew, and I do train  
4 my employees and the people that I work with, to  
5 sew.

6 And all of the new team members that  
7 we bring into our China factory, I do train them  
8 to sew. I would not have the energy, nor the  
9 money that I put in. My entire everything has  
10 been put into this company. I would not be able  
11 to shift.

12 We have tried, and as I shared, we are  
13 working with -- we have one customer that has  
14 eliminated China as, you know, a possibility.  
15 And we have been trying over a few years now to  
16 work in Vietnam.

17 But the quality and the workmanship is  
18 really for T-shirts and knitwear, and it is not  
19 the kind of quality -- they could never make the  
20 types of garments that we make. They just  
21 wouldn't be able to, because we have tried. I've  
22 given test orders to Vietnam, and number one, the

1 samples come in six months late. And by that  
2 point my customers have moved on to a different  
3 season and are not interested.

4 MR. WINELAND: Thank you.

5 MS. ROY: Thank you so much.

6 MR. BENNETT: I apologize if that it  
7 was too lengthy.

8 MS. ROY: No. Thank you so much.

9 MR. BENNETT: Thank you so much for  
10 the questions.

11 MR. WINELAND: Hi. I'm Timothy  
12 Wineland from USTR.

13 Mr. Johnson, your written testimony  
14 primarily talks about the lack of any substantial  
15 manufacturing in the United States for safety  
16 products. Could you talk a little bit about  
17 other than China and the United States, alternate  
18 source countries for some of the products?

19 MR. JOHNSON: Thank you for the  
20 question. Instead of talking about the  
21 countries, which I can address, I can say that,  
22 for the four product categories we have

1 identified here, these are all product categories  
2 for which the safety, the regulated safety  
3 component of that particular product area is a  
4 subset of a much broader product category.

5 So for instance, high visibility work  
6 clothing that is in the regulated space follows  
7 the cut-and-sew apparel industry. So the same  
8 countries where the apparel industry has located,  
9 is exactly where we have to go for that  
10 expertise.

11 Similarly for protective eyewear, the  
12 protective eyewear brands and products are  
13 sourced from the same areas where eyewear, such  
14 as ROI, has located to produce. Eyewash and  
15 showers, the components that we need for those  
16 products are produced in the same place where  
17 plumbing products have relocated, and so on and  
18 so forth.

19 So we are an industry of specialized  
20 products that are following the broader trends in  
21 the broader category, in quite frankly, the same  
22 HTS categories that we've identified where our



1 products reside.

2 So, in all four of these categories,  
3 the vast majority of production is in China.  
4 Whether or not it could be relocated or would be  
5 relocated to where each of those broader product  
6 areas have moved, globally, is something that of  
7 course, many of our members are exploring. But  
8 we have not seen any -- I can't report on any  
9 major trend right now that would identify a  
10 particular country.

11 MR. BURCH: Mr. Chairman, we release  
12 this panel with our thanks. And would the Panel  
13 29 make their way forward?

14 CHAIR BUTLER: Thank you.

15 (Pause.)

16 MR. BURCH: Would the room please come  
17 to order? Our first panel witness for Panel 29  
18 is Syed Mateen Afzal with PDC Machines. Mr.  
19 Afzal, you have five minutes.

20 MR. AFZAL: Thank you. Good  
21 afternoon, esteemed committee members. I thank  
22 you for the opportunity to speak with you here

1 today. My name is Mateen Afzal. I'm part owner  
2 and CEO of PDC Machines located in Warminster,  
3 Pennsylvania.

4 We are a second generation family  
5 owned business for over 40 years. We manufacture  
6 industrial compressors and high pressure  
7 equipment that is used in a vast array of  
8 markets, including the industrial gas and  
9 renewable energy industries.

10 PDC works very closely with all the  
11 U.S. national labs and the Department of Energy  
12 providing key data on our compressor technology  
13 to further R&D efforts in hydrogen technology.

14 Currently, we employ over 80  
15 employees, have 75,000 square feet of  
16 manufacturing space, and have sales and services  
17 offices in Japan, South Korea, and China. We  
18 recently had the honor of receiving the  
19 prestigious E award from the Department of  
20 Commerce in recognition of our significant growth  
21 in exporting. Our company has always had a  
22 global reach with our product spanning over 51

1 countries and six continents worldwide.

2 In 2018, our total sales booked was 32  
3 million, an 18 percent increase from the prior  
4 year. We are projecting another 20 percent  
5 increase for 2019. Of the 32 million in sales  
6 booked, 65 percent is dedicated towards export  
7 revenue due to the enormous demand in growth in  
8 the hydrogen economy, particularly in China which  
9 equates to about 43 percent of total sales.

10 The Chinese market has a tremendous  
11 growth plan for hydrogen infrastructure over the  
12 next few years having a direct impact on our  
13 current and continued plans for our manufacturing  
14 capabilities and detainment and retention of our  
15 workers.

16 Although most of our direct suppliers  
17 are domestic, the source of stainless carbon and  
18 alloy steel material come from China. Please  
19 reference Exhibit A included with my testimonial  
20 for details on those cost impact.

21 In summary, material supply affected  
22 by the tariff on average have incased by 25

1 percent. To date, we have been able to work with  
2 our vendors to mitigate the overall price effects  
3 due to the tariff enabling us to absorb much of  
4 it completely in turn protecting our customer  
5 from increases no their purchase price.

6 On the customer side, however, Chinese  
7 customers are -- our Chinese customers are being  
8 taxed on importing our products as well and have  
9 experienced increases ranging from 5 to 25  
10 percent depending on the product. Please  
11 reference Exhibit B for these details.

12 The market competition is growing  
13 globally. China had strong government incentives  
14 and managed to buy local. In addition, our  
15 European competition is not subject to tariffs  
16 and are able to provide a more competitive price.

17 This, coupled with increase in supply  
18 costs, will price our equipment out of the market  
19 in China. In fact, they have already demanded  
20 that we absorb all of the price increases due to  
21 the tariff, including the import tax. This is no  
22 small ask of a small privately family owned

1 business such as ours.

2 We will not be able to bear the  
3 additional costs without adversely affecting our  
4 bottom line for much longer. Small privately  
5 owned businesses, like ours, are the life bread  
6 of this economy.

7 While we appreciate and certainly  
8 understand the intent of the policy, the adverse  
9 effects we are beginning to see will continue to  
10 drive our prices and costs up, open the door for  
11 foreign competition and in the end have the  
12 potential for staggering the growth of our  
13 business. I thank you for your time.

14 MR. BURCH: Thank you, Mr. Afzal. Our  
15 next panel witness will be Lara Simmons with  
16 Medline Industries Incorporated. Ms. Simmons,  
17 you have five minutes.

18 MS. SIMMONS: Thank you. Good  
19 afternoon. Thank you for the opportunity to  
20 represent Medline Industries. My name is Lara  
21 Simmons and I have the honor of serving as  
22 Medline's president of quality assurance and

1 regulatory affairs.

2 Medline is the largest privately held  
3 medical supply company in the United States. We  
4 sell over 200,000 different medical supplies,  
5 most of which are commodity in nature. Our  
6 products are used in every setting where patients  
7 receive health care.

8 Based out of Northfield, Illinois,  
9 Medline employs more than 15,000 people in the  
10 United States. We manufacture our products all  
11 over the world, including here in the United  
12 States where we've more than doubled our  
13 manufacturing footprint in the past five years.  
14 We now have 22 manufacturing sites here in  
15 America.

16 I'm here today to express our concern  
17 about the potential inclusion of medical supply  
18 products, most of which are FDA regulated Class I  
19 and Class II medical devices in the proposed  
20 Section 301 action. Attached to our written  
21 testimony is an annex indicating the specific  
22 HTSUS subheadings in the proposed action that

1 have concerned us and the representative FDA  
2 product code.

3 We believe that any tariffs on these  
4 products will not advance the Section 301 action  
5 goals, will have a disproportionate negative  
6 effect on our business, and will almost  
7 immediately increase cost to the U.S. health care  
8 system.

9 To give you an idea of the volume of  
10 imports on these critical medical devices,  
11 Medline alone imports more than 130 million  
12 isolation gowns, 290 million disposable operating  
13 room towels, and more than 4 billion exam gloves  
14 each year. Inclusion of gowns, surgical drapes,  
15 and exam gloves alone would result in nearly \$60  
16 million of tariff costs to our company and to the  
17 health care system.

18 Almost immediately the cost increase  
19 associated with these tariffs would be passed on  
20 to the hospitals, surgery centers, long-term care  
21 facilities, individual consumers, and government  
22 programs who purchase our products. Hospitals

1 operate on thin margins which makes absorbing  
2 these cost increases difficult.

3 Skilled nursing facilities, for whom  
4 gloves and incontinence products are over 50  
5 percent of their medical device spend, operate on  
6 even smaller margins. According to some studies,  
7 the national media and operation margin for  
8 skilled nursing facilities is one-half of a  
9 percent.

10 The Administration has engaged in a  
11 number of actions that are intended to reduce  
12 health care costs, however the imposition of a  
13 duty on products consumed by essentially every  
14 single health care provider would directly  
15 undermine any benefit from the other policy  
16 changes the Administration is implementing.

17 Finding alternative sources of supply  
18 for these products to minimize the cost impact of  
19 the duties is not a viable option in the near or  
20 medium term. These products are not made in the  
21 United States and some of these products are  
22 effectively available only from China. For



1 example, China accounts for more than 97 percent  
2 of the total imports of vinyl gloves.

3 Starting production in the U.S. or any  
4 third country would be a time consuming expensive  
5 process due to the FDA regulatory procedure that  
6 is required for these products.

7 Developing a compliant quality system  
8 for FDA regulated Class I and Class II medical  
9 devices requires, among other steps, facility  
10 registration, procedure, and process development  
11 and deployment, development and installation of  
12 environmental controls, facility upgrades,  
13 equipment purchase, installation, and process  
14 validation, and multiple rounds of audits to  
15 ensure regulatory compliance and to verify the  
16 effectiveness of the quality system. This  
17 process can take more than two years.

18 While there are some FDA approved  
19 production facilities outside of China, the FDA  
20 process is both facility and product specific.  
21 Even if there was sufficient production capacity  
22 outside of China, which for many of these

1 products there is not, this lengthy qualification  
2 process would apply.

3 Furthermore, tariffs on these products  
4 will not discourage Chinese technology transfer  
5 policies. Our imports are inexpensive, low  
6 technology, large volume products that are not  
7 subject to patents. The China 2025 strategy does  
8 not prioritize these low technology, low margin,  
9 high volume products.

10 I believe that the Administration  
11 recognize the impact tariffs would have on health  
12 care costs and that is why several of these  
13 products, including incontinence wipes, exam  
14 gloves, and underpants, were not included within  
15 the scope of the final List 3 tariffs. It is  
16 critical that these codes are once again removed  
17 prior to the implementation of this action.

18 To conclude, given that the proposed  
19 tariffs on these low margin products would not  
20 advance the Section 301 goals, tariffs would  
21 disproportionately harm our U.S. business and  
22 workers and tariffs would increase costs for the

1 American health care system and consumers, we  
2 request that these products be removed from the  
3 final Section 301 tariff list.

4 We have included the full list of  
5 subheadings we are most concerned about in our  
6 formal submission. Thank you very much for your  
7 time.

8 MR. BURCH: Thank you, Ms. Simmons.  
9 Our next panel witness would be Linda O'Neill  
10 with the Health Industry Distributors  
11 Association. Ms. O'Neill, you have five minutes.

12 MS. O'NEILL: Thank you, and good  
13 afternoon. HIDA very much appreciates the  
14 opportunity to testify before you this afternoon.  
15 HIDA is the Health Industry Distributors  
16 Association. We are the medical surgical trade  
17 association for those wholesalers, including  
18 Medline to my left, so you've got a tag team here  
19 in front of you.

20 Our members deliver medical products  
21 and supplies, manage logistics for the nation's  
22 doctors, hospitals, nursing homes, and all health

1 care settings across the country. We distribute  
2 everyday sort of medical products and services  
3 from gloves and gowns, diagnostics, laboratory  
4 services, and capital equipment.

5 Tariffs on critical health care  
6 products put a risk to our nation's public health  
7 preparedness. They don't even hurt -- they hurt  
8 us individual, as you heard from Lara from  
9 Medline, but collectively it puts at risk our  
10 nation's public health preparedness capabilities.

11 It also puts at risk the supply chain  
12 continuity to have these products available for  
13 our customers, as well as during times of an  
14 event. Simply put, the risk to health care and  
15 public health from tariffs far outweigh any  
16 benefit from trade and economics.

17 HIDA remains grateful to USTR for  
18 their willingness to remove some health care  
19 products, as you just heard, from the first  
20 proposed list, as well as the third proposed  
21 list. Of critical importance to us were the  
22 gloves and gowns, as well as the products that

1 Lara mentioned, that were removed from the  
2 proposed third list before it became final.

3 We would urge you to take a close look  
4 at that again. That was done with a lot of  
5 thought and collaboration with the agencies that  
6 that is impacted by the most. While we oppose  
7 all health care products being on that tariff  
8 list, we would encourage you to take a special  
9 look at the ones you had already previously  
10 removed for good reason.

11 HIDA agrees with what you heard on the  
12 previous panel from the International Safety  
13 Equipment Association about that risk to  
14 preparedness. Exam gloves, isolation gowns, et  
15 cetera, are used to protect health care workers,  
16 first responders, and patients from the spread of  
17 infectious diseases. Infection prevention  
18 products and diagnostics are also critical to  
19 responding to any type of pandemic or public  
20 health crisis.

21 I'm sure everyone's been seeing the  
22 headlines, Ebola is once again an epidemic on the

1 African continent. A single case coming here to  
2 the U.S. would substantially increase the demand  
3 for all these personal protective equipment and  
4 supplies overnight.

5 We saw that happen in 2014 when Ebola  
6 was here. We saw it in 2009 when we had the H1N1  
7 episode where the demand for gloves -- I'm sorry,  
8 masks increased 500 percent in a month.

9 Those are huge commodity type products  
10 that we are very depending on from China. Adding  
11 a 25 percent tariff at the type of time would  
12 absolutely critical and really hurt the supply  
13 chain.

14 Additionally, the inclusion of these  
15 products in the final tariff list would undermine  
16 recent public private partnerships that we've got  
17 designed to collaborate on supply chain  
18 capabilities and the work that we're doing with  
19 the Office of the Assistant Secretary for  
20 preparedness and response.

21 Additionally, at risk is just the  
22 continuity and availability of that supply in

1 general. Many products, there's no other country  
2 individually or in combination has any close to  
3 the manufacturing capacity to replace what we get  
4 from China.

5 Health care in the U.S. has benefitted  
6 from a global supply chain that actually drives  
7 down the cost of these products. It's important  
8 that we understand the complexities of the U.S.  
9 health care supply chain so tariffs and trade  
10 policies do not unintentionally threaten the  
11 product availability and impact our preparedness  
12 capabilities.

13 China is one of the top three  
14 countries where we get medical products. That  
15 goes up drastically depending on the product. As  
16 you heard about, gloves especially are almost 100  
17 percent manufactured in China. The same is true  
18 for some of the other personal protective  
19 equipment like gowns.

20 There are not alternative  
21 manufacturing facilities. And, as you heard from  
22 Lara, it takes months, if not years, to setup any

1 sort of separate shop because of the FDA  
2 regulatory requirements.

3 In addition, because these are such  
4 low commoditized type products, tariffs will also  
5 have the unintended consequence of disrupting  
6 what today is a highly efficient low cost supply  
7 chain. These critical products are readily  
8 available at low demand -- I'm sorry, high  
9 demand, low prices. They are low margin  
10 commodity products. They are going to be sold at  
11 a loss.

12 While we'll be selling -- setting down  
13 the cost down the chain that is not going to be  
14 easily absorbed by our customers who are the  
15 hospitals and nursing homes who are on fixed  
16 reimbursement quite a bit for Medicare and  
17 Medicaid. Faced with operating at losses, some  
18 manufacturers could be forced to re-access their  
19 ability to stay in that market.

20 HIDA believes that including health  
21 care products on the final tariff list will  
22 negatively impact the safety of health care



1 providers and their patients, as well as our  
2 ability to respond to public health events.

3 We especially urge the USTR, as I  
4 mentioned before, to take a look at the previous  
5 decision for the products that were removed  
6 because of their importance to public health  
7 preparedness which were done after careful review  
8 and consultation with other agencies.

9 We greatly appreciate the opportunity  
10 to share these concerns with you this afternoon  
11 and I'm happy to follow up with any additional  
12 information that you would like.

13 MR. BURCH: Thank you, Ms. O'Neill.  
14 Our next panel witness would be Ralph Ives with  
15 Advanced Medical Technology Association. Mr.  
16 Ives, you have five minutes.

17 MR. IVES: Thank you. My name is  
18 Ralph Ives. I'm the executive vice president for  
19 the Advanced Medical Technology Association,  
20 AdvaMed. Thank you for the opportunity to  
21 present AdvaMed's views before this Section 301  
22 committee.

1           We provided this committee a detailed  
2 written submission, which we hope will be the  
3 basis for any decisions USTR makes concerning  
4 proposed action affecting our industry.

5           AdvaMed supports the Administration's  
6 determination to ensure that China abides by  
7 international trade rules that have served the  
8 global community well since 1948. We share the  
9 Administration's concerns about measures China  
10 might adopt to capture substantial market share  
11 of our industry under made in China 2025.

12           We have long called for comparable  
13 reciprocal market access for medical technology  
14 trade between the United States and China. We  
15 believe there are ways to move towards that goal  
16 that would benefit patients and industry in the  
17 United States and China. We hope such an  
18 approach could be considered by both governments  
19 in the near future.

20           We believe imposing tariffs on our  
21 health care related industry is not the right  
22 action as health care products have traditionally

1       been exempt from trade sanctions for humanitarian  
2       purposes. We believe imposing tariffs -- excuse  
3       me, we are now facing additional -- sorry.

4               To date, our industry has -- I  
5       apologize, our industry has had additional 25  
6       percent tariffs imposed on about \$860 million of  
7       medical technology products into the United  
8       States and an almost \$5 billion over exports to  
9       China. In addition, an estimated over \$100  
10      billion -- million of component parts from China  
11      are subject to an additional 25 percent tariffs.

12              We are now facing additional 25  
13      percent tariffs on another set of medical devices  
14      and components. Our written submission provides  
15      the HTS codes of main concern. We are asking  
16      that all existing additional tariffs on medical  
17      devices be removed and no new tariffs be imposed  
18      on products we identify in our written  
19      submission. These tariffs are not helping our  
20      industry compete in China and are likely to be  
21      imposing costs on U.S. health care.

22              We are also very apprehensive about

1 non-tariff measures the Chinese authorities could  
2 take. We are a heavily regulated industry in  
3 both the United States and China, and in China  
4 subject to substantial government involvement in  
5 purchases. We view both of these policy areas as  
6 being potential ways the Chinese government can  
7 impose discriminatory measures that would be  
8 long-lasting and perhaps irrevocable.

9           We are an American success story.  
10 Much of the medical technologies in the market  
11 today were invented in the United States. We are  
12 winning by the Administration's own metric the  
13 trade deficit. Our industry has consistently run  
14 a trade surplus on a global basis.

15           Our industry's trade with China in all  
16 medical technology products is basically  
17 balanced, rely on international trade including  
18 imports of components and semifinished products  
19 from China to remain -- to retain our leadership  
20 in a highly and increasingly competitive global  
21 market.

22           We respectfully request that tariffs

1 not be used on medical technology and related  
2 components. We urge the two parties to return to  
3 negotiations to develop ways to address concerns  
4 of our industry with respect to trade and  
5 investment in China. Thank you very much for  
6 your time. I'm pleased to answer questions.

7 MR. BURCH: Thank you, Mr. Ives. Our  
8 next panel witness would be Kenneth Bradley with  
9 Eschenback Optik of America Incorporated. Mr.  
10 Bradley, you have five minutes.

11 MR. BRADLEY: Thank you, and good  
12 afternoon members of the Section 301 committee.  
13 My name is Kenneth Bradley. And while I appear  
14 on your list of witnesses today as representing  
15 Eschenback Optik of America, I am actually here  
16 today to testify as the chairman of the Board of  
17 Directors of The Vision Council. The Vision  
18 Council is a not-for-profit organization  
19 representing the manufacturers, suppliers, and  
20 retailers of the optical industry.

21 I'm also here today voicing the  
22 concerns of the United States Optical Community,

1 an ad hoc group consisting of The Vision Council,  
2 the American Academy of Ophthalmology, the  
3 National Association of Opticians and  
4 Optometrists, the Opticians Association of  
5 America, the National Association of Vision Care  
6 Plans, OneSight, and Prevent Blindness.

7 We oppose any additional customs  
8 duties on optical products from China. These  
9 include spectacle lenses, spectacle frames,  
10 sunglasses, reading glasses, and certain low  
11 vision devices including absorptive filters,  
12 telescopes, monoculars, and binoculars. These  
13 products are classified under various subheadings  
14 in Chapter 90 of the tariff.

15 U.S. interests will experience  
16 economic hardship if these optical products are  
17 subjected to an additional tariff of upwards of  
18 25 percent. China is the dominant low cost  
19 manufacturer of optical products. Research  
20 conducted by The Vision Council estimates that of  
21 the 315 million pairs of spectacle frames,  
22 spectacle lenses, sunglasses, and reading glasses

1 purchased by U.S. adults during a recent 12-month  
2 period, 200 million of them, or 65 percent, were  
3 of Chinese origin.

4 China is particularly dominant when it  
5 comes to producing spectacle frames for the U.S.  
6 market supplying 83 percent of the market volume,  
7 85 percent of over-the-counter reading glasses,  
8 and 82 percent of sunglasses. Other countries,  
9 and especially the U.S., lack the capacity to  
10 provide these levels of production.

11 The Vision Council projects that a 25  
12 percent additional duty would result in the  
13 following annual duty increases. For spectacle  
14 frames \$119 million, for spectacle lenses \$17  
15 million, for sunglasses \$39 million, for reading  
16 glasses \$12 million.

17 Obviously, these increases will have  
18 an impact on the U.S. companies which import the  
19 optical products and which will pay the duty  
20 increase initially. Vision Council members have  
21 reported that these additional costs could result  
22 in layoffs, canceled expansion, and even company

1 closures in the U.S. if companies cannot pass off  
2 these costs because of existing contractual  
3 obligations or the threat of customer defection.

4 It will also result in lost sales in  
5 the U.S. Increased tariffs will jeopardize  
6 annual sales of upwards of 29 million units of  
7 spectacle frames alone, which translates into \$2  
8 billion at the retail level in the U.S. These  
9 lost sales will impact not just the distributors  
10 and retailers of optical products, but also the  
11 U.S. based eye care professionals, optical  
12 laboratories, and retailers who prescribe and  
13 dispense these medical devices to patients and  
14 consumers.

15 Perhaps most importantly, the other  
16 losers will be those U.S. citizens who need these  
17 medical devices to improve their quality of life.  
18 The optical products are, in fact, some of the  
19 most widely used medical devices in the U.S.

20 Sixty-four percent of the U.S. population  
21 wears eyeglasses, 164 million people who are  
22 purchasing approximately 79 million new pairs of



1 prescription eyeglasses each year, 219 million  
2 Americans wear sunglasses to protect against  
3 harmful UV rays, while 27 million Americans  
4 suffer from low vision. These are people with  
5 visual impairments that cannot be corrected with  
6 typical eyeglasses, contacts, or surgery.

7           From our perspective, a 25 percent  
8 tariff on these medical devices will sting  
9 patients more than would the 2.3 percent medical  
10 device excise tax that Congress and the  
11 Administration have so far twice put off the  
12 enforcement of.

13           Increased duties on optical products  
14 will have a negative impact on vision health as  
15 well. Cost is a leading factor cited by those  
16 who need corrective eyewear but who fail to  
17 obtain it. Eye exams will be put off resulting  
18 in serious eye diseases such as glaucoma, macular  
19 degeneration, and cataracts going undiagnosed.

20           And those reliant on Medicaid to  
21 subsidize their eye care needs will be hurt if  
22 eye care professionals who service the Medicaid

1 population are unable to do so without incurring  
2 a loss.

3           Optical products that do not contain  
4 any industrially significant technology, nor have  
5 Vision Council members, reported being forced by  
6 Chinese business partners to share technology.  
7 These products will not contribute to China's  
8 industrial policies or its made in China 2025  
9 initiative.

10           Thus, an additional tariff on optical  
11 products, be it 25 percent or some other amount,  
12 will have no impact on alleviating China's  
13 unreasonable and discriminatory practices. It  
14 will simply be a tax on key medical devices that  
15 U.S. consumers and eye care patients will  
16 ultimately be forced to absorb. Thank you very  
17 much for your time.

18           MR. BURCH: Thank you, Mr. Bradley.  
19 Our next panel witness will be Robert Hubbard  
20 with Team Three Group. Mr. Hubbard, you have  
21 five minutes.

22           MR. HUBBARD: Thank you very much.

1 Hello, everyone, and thank you for allowing me to  
2 speak today. First, may I reference the stated  
3 purpose of this public hearing as I understand  
4 it, and I quote, "Request for comments concerning  
5 proposed modification of action pursuant to  
6 Section 301 China's acts, policies, and practices  
7 related to technology transfer, intellectual  
8 property, and innovation, 84 Fed. Reg. 22564, May  
9 17, 2019."

10 I speak to you today from the vantage  
11 point of a non-foods disposable supplier to the  
12 food service industry. Our products are  
13 relatively unsophisticated, not for resale items  
14 used to run restaurants. You will see a full  
15 list of the impacted products on Exhibit A  
16 attached from the so-called List 4 currently  
17 being proposed.

18 There is no inappropriate technology  
19 transfer, IPR theft, nor loss of innovation  
20 occurring in this marketplace today. These  
21 products are operating expenses for the  
22 restaurants that use them and create no income

1 for the restaurant.

2 Further, their manufacturer is a  
3 simple extrusion, injection molding, or  
4 converting operation requiring no particularly  
5 advanced skill set, nor machinery. There is  
6 literally nothing to gain in protecting, again  
7 quoting, "technology transfer, intellectual  
8 property, and innovation" by imposing these  
9 crippling tariffs on such products.

10 My testimony today will focus on the  
11 impact the proposed additional tariffs will have  
12 on America's food service distributors,  
13 restaurants, and ultimately their consumers.

14 Coupled with the previous List 1, 2  
15 and 3 tariffs, implementation of these List 4  
16 tariffs will effectively mean every non-food  
17 disposable item sold to food service distribution  
18 will incur a crippling tariff that will force  
19 drastic changes in the sourcing process.

20 These drastic changes are dangerous  
21 and ultimately will place the American consumer  
22 at risk of harm. There does not currently exist

1 sufficient capacity to replace this production  
2 outside of China leaving companies like ours only  
3 two viable long-term options.

4 First, and also the only immediately  
5 available short-term solution, we can continue to  
6 source from proven FDA compliant China factories  
7 and pass the tariff expense on to our  
8 distributors who will then pass these significant  
9 cost increases to the restaurants and ultimately  
10 the consumers.

11 While it is true the Chinese factories  
12 have tried to help offset the 10 percent tariffs  
13 previously imposed on other categories thus  
14 limiting the impact to the restaurant and  
15 consumer, that is simply not viable with tariffs  
16 of 25 percent. These will have to be passed  
17 through to the marketplace.

18 Further, considering most in this  
19 industry believe eventually a compromise will be  
20 negotiated between China and the USA, it is very  
21 unlikely these reputable Chinese factories will  
22 move their operations to other countries until

1 the final deals are made and published.

2 That leaves us a very unattractive  
3 second choice should these tariffs be implemented  
4 and stay in place for more than a few months.

5 We will be forced to consider buying  
6 our products from the multitude of small startups  
7 in underdeveloped countries around the world that  
8 will spring up from nowhere to take advantage of  
9 this once in a lifetime previously unthinkable  
10 opportunity that has been thrust upon them.

11 In either case, the consumer is the  
12 loser. They will either pay significantly more  
13 for their meal to cover the costs -- to cover the  
14 rising operative costs at the restaurant or have  
15 their health placed in jeopardy due to low  
16 quality, unsanitary non-food grade resin  
17 disposables being served with their meals. The  
18 worst part of the scenario, the trusting consumer  
19 will have no idea this is happening until after  
20 the fact.

21 T3G today has staff on the ground in  
22 China that performs factory inspections for good

1 manufacturing practices, fair wages, child labor,  
2 corporate citizenship, as well as no foreign  
3 government ownership of the partner factory.

4 In addition, T3G does pre-shipment  
5 inspections on goods from our China factories to  
6 ensure they are manufactured to the approved  
7 specifications and requirements and from  
8 acceptable raw material components prior to  
9 accepting delivery and shipping these products to  
10 the USA.

11 This is not only to ensure the  
12 reputations of our distributor customers, but  
13 more important to ensure the safety of the  
14 American consumer.

15 Aside from the previously stated fact  
16 that alternative sources to replace all the  
17 products listed in Exhibit A below and the  
18 volumes required don't exist, it is not feasible  
19 for T3G to continue our current inspection  
20 processes with these products being sourced all  
21 over Asia, India, and Africa.

22 In addition, there is no viable

1 expectation that any meaningful quantity of these  
2 products will return to the USA. And, even if  
3 some of them did, it would take years to build  
4 the facilities and pass the requirements to begin  
5 production.

6 T3G will not participate and be party  
7 to the importation of products that place the  
8 consumer at risk. Thus, it is very likely that  
9 honorable companies like ours will ultimately  
10 lose business to other less scrupulous offshore  
11 based importers that can simply disappear  
12 overnight and change their company's name should  
13 an issue with contamination arise.

14 It is very likely that reputable U.S.  
15 based importers like ours will lose much of our  
16 business to non-U.S. based companies importing  
17 from un reputable suppliers and underdeveloped  
18 countries around the world at a lower cost than  
19 our tariff-ridden products can compete.

20 In summary, I wish to express directly  
21 to the USTR and this committee my sincere belief  
22 in the negative consequences of these tariff



1 actions and ask that we not place the consumer at  
2 risk when there is no benefit to the stated goal  
3 of the tariff effort. Thank you for your time  
4 today with my sincerest regards.

5 MR. BURCH: Thank you, Mr. Hubbard.  
6 And, Mr. Chairman, this concludes all witnesses  
7 testimonies.

8 MS. MORGAN: Good afternoon. My name  
9 is Jenny Morgan from the Department of  
10 Agriculture. Mr. Afzal, what percentage of the  
11 overall industry sources is raw materials from  
12 China?

13 MR. AFZAL: I don't have that  
14 information, but I can look into it for you.

15 MS. MORGAN: Okay, thank you. But are  
16 there any other alternatives of the necessary raw  
17 materials for these products, that you know of?

18 MR. AFZAL: Yes. So, there are three  
19 or four local mills located in the United States,  
20 but it depends on the size of the raw material  
21 that you're looking for. So, our -- between  
22 stainless and carbon materials between 12 and 24-

1 inch round bar diameter is what we're interested  
2 in.

3 For diameters below 13 inches we can  
4 source it in the United States and the prices are  
5 competitive with international mills,  
6 specifically China. However, when you go above  
7 the 13-inch mark the prices become cost  
8 prohibitive and that's mainly because the mills  
9 in the United States don't stock those larger  
10 materials and it then becomes custom.

11 So, when you look at the larger size  
12 materials it becomes 25 to 50 percent sometimes  
13 above the cost included with the tariff. So,  
14 it's ultra cost prohibitive for us.

15 MS. MORGAN: Great, thank you.

16 MS. ROY: This is Tracy Roy from U.S.  
17 Customs and Border Protection. This question is  
18 for Ms. Simmons. Of the HTS subheadings that you  
19 have requested for removal, which of those  
20 products are the most difficult to source outside  
21 of China, and why?

22 MS. SIMMONS: Without getting into

1 exhaustive detail, so exam gloves, particularly  
2 the vinyl exam gloves, are extremely difficult to  
3 source outside of China, surgical gowns, drapes,  
4 incontinence products largely because of the  
5 process it requires to get a factory compliant  
6 with the FDA requirements, get the process  
7 validation.

8           If they have to purchase equipment  
9 there can be a very long lead time on some of  
10 this equipment. The lead time for an  
11 incontinence machine is almost a year. So, it's  
12 an extremely lengthy, time consuming, and costly  
13 process to move these products to other  
14 countries.

15           MS. ROY: Thank you. I just have one  
16 more question.

17           MS. SIMMONS: Mm-hmm.

18           MS. ROY: Also, if you supply products  
19 to U.S. government programs, we would request  
20 additional information in a post-hearing  
21 submission about the potential impact of the  
22 proposed tariffs on those programs.

1 MS. SIMMONS: We will provide that for  
2 you.

3 MS. ROY: Thank you so much.

4 MS. RESNICK: Hi, I'm Bonnie Resnick  
5 with the Department of the Treasury and I have a  
6 few questions for Ms. O'Neill. First, we were  
7 wondering whether suppliers outside of China  
8 would have the capacity to ramp up production in  
9 the event of a health emergency.

10 MS. O'NEILL: My understanding would  
11 be, no, especially when you're looking at the  
12 gloves and gowns. Just like Lara talked, there  
13 isn't really any capable manufacturing -- much  
14 less day-to-day capacity, much less during times  
15 of a crisis when you've got about 100 percent of  
16 your gloves coming from China already, so there  
17 really isn't.

18 And it takes a long time, as Lara just  
19 talked about, to setup something in another  
20 country because of FDA and other types of  
21 regulations, and it just doesn't exist right now.

22 MS. RESNICK: Thank you. And also, as

1 for the previous set of questions, if your  
2 members supply products for U.S. government  
3 programs we would request additional information  
4 on the -- in a post-hearing submission about the  
5 potential impact of the proposed tariffs --

6 MS. O'NEILL: Okay.

7 MS. RESNICK: -- on those programs.

8 Thank you.

9 MS. O'NEILL: You're welcome.

10 MS. BLEIMUND: Good afternoon. My  
11 name is Emily Bleimund from the U.S. Department  
12 of Health and Human Services. This question is  
13 for Mr. Ives from AdvaMed. If the proposed  
14 tariffs went into effect, could you please  
15 describe the strategies that U.S. purchasers  
16 might use to encourage Chinese suppliers to  
17 reduce their pricing?

18 MR. IVES: We have 400 members in  
19 AdvaMed and they manufacture around the world and  
20 they manufacture the full range of medical  
21 technology products. Many of these companies  
22 have long-term contracts in China and other

1 places.

2 And as you probably know better than  
3 I, the way they sell these products in the United  
4 States is they are paid often through third  
5 parties. That is the medical device company  
6 doesn't sell directly and get a price from --  
7 excuse me, the insurance company or Medicaid and  
8 Medicare funds the purchase of the procedure and  
9 then the hospital purchases from the  
10 manufacturer.

11 So, we don't have a direct  
12 relationship in many products. Some we do, as  
13 Lara and Linda indicated, but for a lot of  
14 products it's just indirect arrangement. So, I'm  
15 sure our companies would try to convince their  
16 suppliers, if they are not the supplier in the  
17 company itself, to reduce the price. That's part  
18 of a negotiation, but given long-term contracts,  
19 that's not something they can do overnight.

20 MS. BLEIMUND: Thank you. Another  
21 question. If your position is that export price  
22 is directly tied to final prices in the U.S.,

1 have we seen a decline in U.S. prices as the yuan  
2 has devalued over the last year?

3 MR. IVES: Have we seen a decline in  
4 the price?

5 MS. BLEIMUND: In U.S. prices.

6 MR. IVES: Well, first of all, as an  
7 association we do not get into pricing. I think  
8 the antitrust lawyers up there will let you know  
9 that we can't develop pricing data from our  
10 members. So, I do not know --

11 MS. BLEIMUND: Okay.

12 MR. IVES: -- what the pricing -- I do  
13 know in aggregate the prices of medical  
14 technology products over the last 25 years have  
15 gone down relative to the price of health care.  
16 And I could see if we have a recent study that  
17 would confirm that for this most recent year, but  
18 we do not get prices from our manufacturers for  
19 medical devices.

20 MS. BLEIMUND: Okay, thank you. And  
21 finally, can you please provide more detail about  
22 your concerns with non-tariff measures that could

1 potentially be imposed by the Chinese government?

2 MR. IVES: Sure, that's the easiest  
3 one. So, I mentioned both regulatory and  
4 payment. On the regulatory side, we are  
5 regulated in China much the way we are here. The  
6 Chinese, they keep changing the name, but  
7 basically it's Chinese Food and Drug  
8 Administration and they could do -- this is kind  
9 of my Walter Mitty, maybe reverse Walter Mitty of  
10 what could happen.

11 The CFDA would go, oh here is an  
12 application for a regulatory approval from an  
13 American company. Here is the pile that we put  
14 those applications in and when we get around to  
15 it we'll get around to it. So, basically there  
16 could be a delay just in terms of the way they  
17 decide to administer the programs.

18 Also, some of our members have seen,  
19 and we've talked to our friends at the U.S.  
20 government about this, seen some of the products  
21 purposely delayed on the market while the Chinese  
22 competitor will get up to speed. And I can



1 provide examples. So, that's the regulatory  
2 side.

3 On the payment side, we're facing a  
4 variety of payment methods throughout China,  
5 including DRGs which are piloting, and you're  
6 familiar with DRGs, including more specifically  
7 tendering programs in each of the providences and  
8 some of the cities.

9 In the tendering programs, the  
10 government officials administering the programs  
11 have a great deal to say about how products are  
12 purchased, including where the products are  
13 purchased from, including who sells the product.  
14 So, we have had cases that our members have  
15 actually won the tender and then somehow they've  
16 lost the tender.

17 We know of cases where provincial  
18 governments will say, no foreign companies need  
19 apply, and we've gone to those provincial  
20 governments and tried to convince them. We've  
21 gone to our friends at USTR and Commerce and also  
22 had their support. That could be magnified in

1 terms of non-tariff measures that the Chinese  
2 government could employ. I could go on, but I  
3 think you've heard enough.

4 MR. FINN: My name is Michael Finn.  
5 I'm with Department of Commerce. This is one  
6 question for Mr. Bradley. What impact does  
7 vision insurance or vision care provider --  
8 provided under broader health insurance plans  
9 have on the direct costs that will be borne by  
10 patients?

11 MR. BRADLEY: Managed vision insurance  
12 in terms of the direct cost borne by patients  
13 will have to be adjusted over time if tariffs  
14 raise the cost of the recommended solutions by  
15 the manufacturing community.

16 In the short run, the capitated rates  
17 of reimbursement that are offered the providers  
18 under vision care insurance will see their profit  
19 margins diminish dramatically because they will  
20 be forced to absorb the effect of the tariff in  
21 their profit margin until the vision care plans  
22 can adjust in the long run to what might be a

1 higher cost structure.

2 But this is great speculation at this  
3 point in time if that vision care plan adjustment  
4 would ever take place.

5 MR. FINN: Thank you.

6 MR. SULBY: Ari Sulby with the  
7 Department of State. My question is for Mr.  
8 Hubbard. Could you please provide some details  
9 as to the alternate sources that exist even if in  
10 sort of small quantities for your products, and  
11 what would prevent these products or these other  
12 suppliers from expanding production?

13 MR. HUBBARD: Sure, absolutely. And  
14 it's going to vary a little bit. I think, as you  
15 will notice, there are 50 classifications on our  
16 list in Exhibit A, so I'll hit a high -- I'll hit  
17 a few of the high points.

18 Gloves is an obvious one that's been  
19 discussed by Lara and Linda. Some 97 percent of  
20 food service vinyl gloves are made in China. It  
21 would be very, very difficult to move that  
22 somewhere else. Other versions of gloves, there

1 are alternatives, but I refer back to the  
2 inspection process that we talked about and  
3 there's been a lot of discussion about FDA  
4 requirements, et cetera, so it's quite  
5 challenging.

6           If you move to other items like  
7 cutlery, there is domestic manufacturing in the  
8 USA, manufacturing of cutlery and similar types  
9 of products, but it's not normally directed to  
10 the food service industry. The U.S. food service  
11 industry imports 85 -- 80 to 85 percent of their  
12 plastic cutlery from China.

13           So, could those machines be moved? Of  
14 course they could. There are some currently  
15 being made in Vietnam. There are other countries  
16 that are doing that today.

17           But what I would tell you is that we  
18 moved -- we actually worked with the Vietnam  
19 factory about six years ago and tried to make  
20 that work as an alternative source to China and  
21 after about two and a half or so years basically  
22 that operator got out of the business because

1 they couldn't compete.

2           So, would they be able to compete with  
3 a 25 percent tariff from China? You know, you  
4 would certainly say, yes, they could, but what is  
5 the timeframe by which they could actually start  
6 these factories up and fill the massive capacity  
7 that's required in order to do so?

8           In the case of towels, napkins, and  
9 tissues, we have a very nice presence in the  
10 United States and Canada in those categories, you  
11 know, companies like Kimberly-Clark, for example,  
12 that are in that business.

13           But the question that has to be asked  
14 is, would, you know, those companies make an  
15 investment in the infrastructure required and the  
16 personnel required and the facility assets  
17 required knowing that there's a negotiation  
18 taking place and in a few months would basically  
19 potentially remove the tariff, or at the very  
20 least reduce it greatly, leaving them with an  
21 asset that they can't use anymore.

22           So, across different categories I

1 think my statement holds true that it really is  
2 not -- it's not replaceable in the short term.

3 MR. BUTLER: Thank you all for coming  
4 today.

5 MR. BURCH: Would the witnesses for  
6 Panel 30 make their way to the front?

7 (Pause.)

8 MR. BURCH: Would the room please come  
9 to order? Our first witness on Panel 30 would be  
10 Chris Sackett with Bell Sports, Incorporated.  
11 Mr. Sackett, you have five minutes.

12 MR. SACKETT: Thank you very much.  
13 Before we start, I'd like to pass around some  
14 props here we have of some helmets to show you  
15 guys as I go through my testimony here. My name  
16 is Chris Sackett, Vice President of Bell Sports.  
17 In addition to Bell, our iconic brands include  
18 Giro, Blackburn, Copilot, Krash! and Raskullz.

19 Collectively, we are designers,  
20 producers, and sellers of a variety of consumer  
21 products that provide bicycle, motorcycle,  
22 skateboard, skiing, and snowboard enthusiasts a

1 safe and comfortable riding experience. We  
2 employ over 500 people in the United States,  
3 where we design and engineer our products. A  
4 quarter of workforce supports the assembly of  
5 helmets in our Foreign-Trade Zone located in  
6 Rantoul, Illinois.

7           Some of my testimony may sound  
8 familiar to a few of you. That's because we were  
9 here last August testifying for the removal of  
10 the exact same products from List 4 that you  
11 removed during the same process for List 3. I  
12 must admit, it's unfortunate that we are here  
13 again responding to precisely the same  
14 information and request and questions under the  
15 same criteria as before.

16           We've not been given an explanation as  
17 to why the public is again being put at risk of  
18 having these safety-critical products penalized.  
19 Nothing has changed regarding our industry, our  
20 company, our products, or our customers. As  
21 before, the products included on the proposed  
22 tariff list captures our entire line of bicycle,

1 motorcycle, and snow sport helmets, as well as  
2 front and rear bicycle lights. But now, new to  
3 the list of List 4, are bike and snow goggles,  
4 bike bells, training wheels, knee and elbow  
5 protection padding worn by kids first learning to  
6 ride, as well as bicycle locks, baskets, seat  
7 covers, and safety flags.

8 Just about every product we make and  
9 sell will have this additive tax if the  
10 administration goes through with this action. If  
11 faced with higher prices, we fear that our  
12 nation's bicyclists, motorcyclists,  
13 skateboarders, skiers, snowboarders, and parents  
14 of participants will choose to use formerly  
15 owned, subpar, damaged, or knocked off products.

16 Helmets are designed as a single  
17 impact safety item. After that first impact, the  
18 helmet should be replaced, as its ability to  
19 properly protect you from a second impact is  
20 greatly diminished. If prices rise someone's  
21 child may have an accident while riding a bicycle  
22 on bald tires or with damaged helmets.



1                   Despite all but three states having  
2 helmet laws for motorcyclists and other two-  
3 wheeled motor-driven vehicles and nearly half of  
4 the states having bicycle helmet laws, riders may  
5 forego utilizing these products or use  
6 compromised products, choosing to risk their own  
7 safety.

8                   Can you imagine the impact right here  
9 in Washington, D.C., where at least 5 percent of  
10 commuters are cyclists or use e-bikes or e-  
11 scooters or motorcycles? All of them regularly  
12 riding alongside and in between cars and buses  
13 while dodging potholes and lost tourists. I've  
14 only been here a few days, but the number of  
15 riders is impressive. But concerning were the  
16 numbers of near misses I've already seen. Why  
17 would we want to disincentivize people from  
18 riding with the proper safety equipment?

19                   Most of our products are sold through  
20 retail outlets to price sensitive customers. To  
21 meet these retail price requirements, we are  
22 always in pursuit of the highest quality and most

1 competitive product costs. To date, we have yet  
2 to find an alternative that provides the know-  
3 how, cost, infrastructure that would make another  
4 location a truly viable option to China.

5 Helmets are required to pass  
6 certification tests here in the U.S. at CPSC to  
7 ensure the safety of consumers, which makes  
8 production quality critical and cost of moving  
9 production prohibitive, as a move of factories  
10 would require re-certification and a ton of re-  
11 certification costs.

12 Also important to production  
13 considerations are the manufacturing process and  
14 business aspects of the companies with whom we  
15 work. Prior to any production, we conduct a  
16 quality manufacturer social and C-TPAT audit.  
17 Finally, we review and test materials used in the  
18 production of our products against Prop. 65 to  
19 ensure products are free of such materials.

20 The factories in China meet our  
21 exacting standards. Moving production elsewhere  
22 in the near to medium-term is not feasible for

1 these highly regulated, safety critical products.  
2 We do applaud the administration's efforts to  
3 address China's industrial policies and  
4 discriminatory practices towards intellectual  
5 property and rights. We truly do. However, we  
6 do not believe imposing tariffs on these  
7 products, for which the opportunities to source  
8 outside of China are limited, will influence  
9 China to change its behavior.

10 Further, this could incentivize our  
11 current Chinese manufacturers, who today do not  
12 sell direct to consumers, to begin to do so via  
13 online channels as our volumes deteriorate,  
14 further ending sales for American businesses.  
15 Frankly, that could also increase the  
16 opportunities for counterfeit and inferior  
17 products.

18 As we previously testified, we urge  
19 you to again remove all protective helmets,  
20 bicycling and snow sport safety, and other  
21 accessory products from the proposed tariff list.  
22 Thank you for listening to our concerns and for

1 your consideration on our request.

2 MR. BURCH: Thank you, Mr. Sackett.

3 Our next panel witness will be Paul Vitrano with  
4 Indian Motorcycle. Mr. Vitrano, you have five  
5 minutes.

6 MR. VITRANO: Mr. Chair, members of  
7 the Committee, good afternoon. I'm Paul Vitrano,  
8 Senior Assistant General Counsel of Indian  
9 Motorcycle Company, which is a subsidiary of  
10 Polaris Industries. I'm here today to  
11 respectfully urge USTR to remove motorcycle parts  
12 and accessories classified in HTSUS subheading  
13 8714.10.00 from the list of products for which  
14 duties could be imposed pursuant to this Section  
15 301 investigation.

16 Any duties imposed on these motorcycle  
17 parts and components will especially harm Indian  
18 Motorcycle in connection with the production of  
19 its latest motorcycle platform in Spirit Lake,  
20 Iowa, which the company specifically designed to  
21 appeal to riders globally. Conversely, any  
22 duties imposed on Chinese motorcycle parts will

1 not harm our foreign competitors, which produce  
2 finished motorcycles outside of the United States  
3 but import them into this country.

4 Indian Motorcycle Company was  
5 America's first motorcycle manufacturer, founded  
6 in 1901. Polaris acquired the company in 2011  
7 and brought Polaris-engineered Indian Motorcycle  
8 models to market in 2014. Indian Motorcycle's  
9 century-old American traditions continue today,  
10 and it proudly supports thousands of jobs in the  
11 American Midwest.

12 Indian Motorcycles' primary  
13 motorcycle assembly plant is located in Spirit  
14 Lake, Iowa. Its sole engine assembly plant is  
15 located in Osceola, Wisconsin. Its primary R&D  
16 facility is located in Wyoming, Minnesota, and  
17 its headquarters is located in Medina, Minnesota.  
18 The company distributes its motorcycles through  
19 185 dealers in the United States and more than  
20 300 dealers in 45 countries around the world.

21 Indian Motorcycles is concerned about  
22 the proposal to impose Section 301 tariffs on

1 motorcycle components and parts. We expressed  
2 similar concerns in response to the proposal to  
3 include such products on List 1 of the Section  
4 301 China tariffs. Indian Motorcycle is grateful  
5 that USTR considered our concerns and omitted  
6 HTSUS 8714.10.00 from List 1. We respectfully  
7 that those products be omitted again.

8           The company uses parts imported from  
9 China in all Indian Motorcycle models produced at  
10 its Spirit Lake, Iowa factory, as well as for  
11 replacement parts and accessories for those  
12 motorcycles sold in the United States. The parts  
13 and accessories include, but are not limited to,  
14 cast wheels, brake components, radiator  
15 components, muffler components, frame components,  
16 fenders, chain guards and tensioners, headlight  
17 assemblies, and sprockets.

18           Imposing duties on motorcycle parts  
19 imported from China would harm Indian  
20 Motorcycle's ability to compete with European and  
21 Asian manufacturers of finished motorcycles,  
22 which use many of the same Chinese parts and

1 components in question. Tariffs would increase  
2 the production costs of Indian Motorcycles U.S.  
3 made motorcycles, while our European and Asian  
4 competitors will continue sourcing Chinese parts  
5 and components without a similar increase in  
6 production cost.

7 In particular, any duties on  
8 motorcycle parts will negatively impact our  
9 recent launch of the internationally-focused FTR  
10 1200 models. Tariffs on inputs on the FTR 1200  
11 models will make Indian Motorcycle less  
12 competitive against European and Asian motorcycle  
13 producers, both in the U.S. market and in third  
14 country export markets.

15 Although Indian Motorcycles stands  
16 firmly behind the administration's goal of fair  
17 trade, we respectfully request USTR to exclude  
18 motorcycle parts and accessories from the list of  
19 products subject to 301 tariffs. Excluding  
20 motorcycle parts from the tariffs will avoid the  
21 unintended consequence of providing foreign-based  
22 motorcycle manufacturers with a competitive

1 advantage over Indian Motorcycle and its U.S.-  
2 produced motorcycles. Thank you.

3 MR. BURCH: Thank you, Mr. Vitrano.  
4 Our next panel witness is Morgan Lommele, with  
5 the Bicycle Product Suppliers Association and  
6 PeopleForBikes. Ms. Lommele, you have five  
7 minutes. Can you turn on your microphone,  
8 please?

9 MS. LOMMELE: Members of the Section  
10 301 Committee, thank you for the chance to  
11 testify on behalf of PeopleForBikes and the  
12 Bicycle Product Suppliers Association. I'm the  
13 Director of State and Local Policy at  
14 PeopleForBikes, and PeopleForBikes and the BPSA  
15 are one unified 501(c)6 bicycle industry trade  
16 group. We represent 150 manufacturers, suppliers  
17 and distributors of bicycles, bicycle parts, and  
18 bicycle components and accessories to the U.S.  
19 market, which is essentially the majority of the  
20 \$88 billion U.S. bike industry.

21 I want to describe a few of the  
22 products that would be subjected to potential



1 price increases due to proposed new tariffs. And  
2 I also want to describe why bikes and bike riding  
3 are important parts of the fabric of American  
4 life and we think should be prized and really not  
5 punished.

6 I'll preface with one appeal to the  
7 Committee. My wide-eyed hope is that this  
8 hearing is not treated like a formality in order  
9 to proceed with a new tax on a cherished American  
10 product and a new tax on the American consumer.  
11 I'll ask that my testimony be heard for what it  
12 is, respect for this process but an appeal for  
13 relief for our industry.

14 The price of the family bike ride is  
15 going up. Bike riding is going down. Tariffs  
16 are causing this. If you're not a cyclist and  
17 not quite following why tariffs on bikes and bike  
18 products are an issue, I'd ask that you think of  
19 a product that's essential to your lifestyle or a  
20 hobby that you love, or a product that brings you  
21 closer to the outdoors, your family, or your  
22 emotional wellbeing.

1           For a third of Americans, this  
2 describes the power of bicycles. And, for me, my  
3 fellow panelists, and the industry I proudly  
4 represent, this is how I describe the role that  
5 bikes play in our professional and personal lives  
6 and why we're beyond worried about these  
7 potential new tariffs.

8           Our industry, from billion dollar  
9 enterprises, mostly to Main Street mom-and-pop  
10 business, is anxious about this latest round of  
11 tariffs, which will be passed along to our  
12 customers. Sales tax and business tax  
13 collections at all levels of government will  
14 suffer. For some local bike stores, the small,  
15 time-tested, family-owned businesses that are  
16 already struggling because of low margins and e-  
17 commerce, not to mention a decline in  
18 participation, this new government fee may be the  
19 final blow that puts them out of business.

20           I'm not trying to be sensationalist,  
21 but this is truly turning business as usual on  
22 its head and it will be impossible for many in

1 our industry to adjust. No other industry finds  
2 itself in the position of being challenged by new  
3 tariffs on every one of its products from China  
4 in one year. Now all products purchased to ride  
5 bikes safely and comfortably are or could be  
6 subject to additional duties. U.S. companies  
7 have no alternative manufacturing capacity  
8 readily available elsewhere, and imposing tariffs  
9 on these goods will cause harm to consumers  
10 through higher prices and fewer choices.

11 We understand the need to fix trade  
12 practices with one of our biggest trading  
13 partners, but the bike industry feels caught in  
14 the cross hairs of a dispute that it neither  
15 caused nor would benefit from under any  
16 circumstance.

17 Our bike industry does not suffer from  
18 intellectual property theft by Chinese companies.  
19 More expensive bike products from China won't  
20 open the door for resurgence of U.S.  
21 manufacturing. Domestic production essentially  
22 died 20 years ago, and labor costs here continue

1 to make it difficult to build anything but  
2 expensive, custom bicycles. The bike industry in  
3 China operates from manufacturing plants that  
4 take up more than 50 million square feet of  
5 factory space. Even in the face of large new  
6 tariffs that hit home, these facilities simply  
7 cannot be relocated quickly. Some of our  
8 infrastructure is literally bolted to the ground.

9 That said, we've identified 13 HTS  
10 headings that we respectfully request be removed  
11 from the final list. This list includes seat  
12 posts, stems, fenders, racks, rims, handlebars,  
13 bar ends, axles, tag-along bikes, strollers, bike  
14 locks, bike helmets, lighting products, kids'  
15 balance bikes, and lithium ion batteries. Of the  
16 142 headings on the list that in some way, shape,  
17 or form affect the bike industry, exempting these  
18 particular products from additional tariffs would  
19 spell welcome relief, both financial and emotion  
20 for our industry.

21 To offer a bit of color commentary  
22 about these products, I'll add that helmets and

1 lights, which were exempt from previous Section  
2 301 tariffs on the third list, are lifesaving  
3 products for riders across all ages and  
4 abilities. Any action that makes them less  
5 affordable and accessible would reduce their use.  
6 The bike parts on the list are replacement parts  
7 that extend the life of a bike and keep it safe.  
8 If they're more expensive, bike riders will delay  
9 badly needed service and maintenance.

10 Finally, kids' balance bikes appeal to  
11 children typically before they learn how to ride  
12 a pedal bike. As you could imagine, adults who  
13 don't start biking early in life are much less  
14 likely to ride bikes into adulthood, which means  
15 fewer future customers for our industry's  
16 products.

17 Tariffs on the products we selected in  
18 our request will jeopardize American safety, harm  
19 small businesses, and prevent families from  
20 providing easy access to bikes for their kids.  
21 The specific HTS headings that cover these  
22 products are detailed in our written comments.

1                   I'll finish by painting a broader  
2 picture of the role that bikes play in the U.S.  
3 Bikes are fun and safe. They improve health,  
4 reduce road congestion, preserve air quality, and  
5 contribute to quiet, appealing cities and towns.  
6 Tariffs don't mean trouble just for the bike  
7 business but for the 100 million Americans who  
8 enjoy riding bikes.

9                   Our core interest in growing cycling  
10 in the U.S., not just to grow our business but to  
11 boost bicycling for results that can be seen  
12 locally. If new tariffs are imposed, these  
13 benefits that are enjoyed by all will shrink. We  
14 face higher prices, lower sales, lower ridership,  
15 less active kids, reduced tax revenues, and more  
16 business uncertainty.

17                   We respect the administration's need  
18 to impose tariffs on China, but the bike industry  
19 has been affected by every recent tariff action  
20 and is already reeling. We'd like a break. On  
21 behalf of the entire bike industry, your local  
22 bike shop, and the 100 million American bike

1 riders, we ask that bicycle-related products be  
2 removed from the Section 301 List 4. Thank you  
3 for your time and for your service.

4 MR. BURCH: Thank you, Ms. Lommele.  
5 Our next panel witness would be Matt Moore with  
6 Quality Bicycle Products, Incorporated. Mr.  
7 Moore, you have five minutes.

8 MR. MOORE: Thank you, Chair and  
9 members of the Committee. My name is Matt Moore.  
10 I'm the General Counsel of Quality Bicycle  
11 Products, which you probably never heard of. We  
12 are the largest wholesale distributor of bicycle  
13 products to retailers in the United States. We  
14 also distribute globally. We're headquartered  
15 in Minnesota. We have warehouses in  
16 Pennsylvania, Nevada, and Aurora, Colorado. We  
17 employ over 750 employees at those locations, and  
18 we have employees in a total of 20 states in the  
19 United States.

20 We were founded. We're privately  
21 held, founded in 1984, in our owner's garage, and  
22 we've grown since that time to be a leading

1 distributor. I was heartened and also concerned  
2 by the names of witnesses appearing and the  
3 products and industries they represent, because,  
4 as a wholesale distributor, we carry over 45,000  
5 different products.

6 Some of those we source ourselves, but  
7 many of them we buy from vendors, approximately  
8 600 different vendors. And they come from all  
9 over the world, including the United States and  
10 China. I'm told by our data analysts that 17,929  
11 products that we distribute have a country of  
12 origin of China and will be subject in one shape  
13 or form to either a tariff that is already in  
14 place, or they will be on List 4.

15 I have some solid numbers. That's 40  
16 percent of our products. The tariffs on an  
17 annualized basis actually equal 20 percent of our  
18 annual net profit. The tariffs that we will pay  
19 at the 25 percent rate on all four of these  
20 lists, and potentially on some products from  
21 Europe as well, 20 percent of our annual net  
22 profit. That's 750 people working hard all year,



1 and that's the money we have left at the end of  
2 the year.

3 That just doesn't go in the bank or to  
4 the shareholders. That's the money we need to  
5 hire new employees, to innovate new products, to  
6 expand our operations, make them more efficient  
7 by investing in software. And that is money that  
8 we are not going to have if additional tariffs  
9 are put into place.

10 As Morgan alluded to, the bicycle  
11 industry has been affected by every round, every  
12 skirmish in this tariff war, and it's having a  
13 cumulative effect. The cumulative effect, again,  
14 the breadth of products, how do we re-source  
15 17,929 products in a reasonable amount of time?  
16 Again, we are buying those products from others.  
17 We don't have control over where they're made.  
18 We are a downstream wholesale distributor.

19 Our choice is to raise prices, try and  
20 eke out some concessions from suppliers, but, at  
21 the end of the day, we still have a cash flow  
22 crisis. We have to pay the additional tariff

1 upon import. If we imported in January, it may  
2 sit in a warehouse until May or June before we  
3 recover the revenue that we've invested in that  
4 product.

5 That means additional capital costs.  
6 We have to get additional capital to run our  
7 business, and we pay interest on that capital.  
8 These are costs that I have not heard others  
9 speak of, but they are the ones that are going to  
10 hit the bottom line in the future. And we have  
11 just started to see the impact of that as we've  
12 gone into our next budget cycle.

13 Positions that departments ask for  
14 have been cut. The prospect of profit sharing  
15 for our employees, based on our results so far,  
16 this year has vanished. These are real impacts.  
17 People will not be hired because we are not able  
18 to afford it. In other industry companies,  
19 competitors, I have learned, have the same cash  
20 flow crisis. They've had to lay off employees  
21 because they can't afford to meet payroll.

22 Now, Morgan talked about some of the

1 specific categories of components. Helmets have  
2 been raised. Again, those were previously  
3 excluded. They should be excluded again. I  
4 would additionally erase the kind of catch-all  
5 provision 8714.99.8000. That has a wide variety  
6 of things in it that already bears a duty rate of  
7 10 percent. An additional duty would put that at  
8 36 percent. Those are basic repair parts that  
9 every bike shop needs to serve their customers.

10 Last, balance bikes. Ryan will tell  
11 you about balance bikes and his company. Balance  
12 bikes are a gateway to a life of cycling. I  
13 strongly urge you to exclude balance bikes from  
14 these proposed tariffs. That would be a knife in  
15 the heart for the bike industry because it will  
16 impact our sales now and into the future. Thank  
17 you, and I'm available for questions.

18 MR. BURCH: Thank you, Mr. Moore. Our  
19 next panel witness will be Ryan McFarland with  
20 Strider Sports International. Mr. McFarland, you  
21 have five minutes.

22 MR. MCFARLAND: Members of the

1 Committee, good afternoon. My name is Ryan  
2 McFarland. I am the Founder and Chief  
3 Enthusiast, they call me, at Strider Sports  
4 International. We're a small company based out  
5 of Rapid City, South Dakota. Thank you for this  
6 opportunity to testify today.

7 Our company started in my garage when  
8 I designed and built a special bike for my very  
9 young son to balance and ride on two wheels at  
10 just two years old. We have revolutionized the  
11 entry point to the bike industry. Twelve years  
12 later, we are the global leader, the number one  
13 brand, in this entirely new category of  
14 children's balance bikes. We have sold over 2  
15 million bikes into 78 countries worldwide, and we  
16 employ nearly 50 people in Rapid City, South  
17 Dakota.

18 Today our bikes inspire active,  
19 healthy play for kids starting as young as one  
20 years old up to six years old. I'm not here to  
21 talk about business today because you've been  
22 listening to that all day about what the damage

1 is of these tariffs. I'd love to manufacture our  
2 bikes in South Dakota, but that just isn't  
3 feasible. That ship has sailed, and it's going  
4 to take a long time to get that back.

5 So we're really stuck between a rock  
6 and a hard place here with these tariffs. If we  
7 stay in China and pay the tariffs, it's going to  
8 kill us. If we try and move, it's going to kill  
9 us. So, today, I want to talk about what's  
10 really at stake: the future physical health of  
11 our citizens and possible financial stability of  
12 our nation.

13 Screen addiction is a real threat.  
14 Our two year olds are spending two hours a day on  
15 screens. By eight years old, kids are spending  
16 as many as seven hours a day on screens. Our  
17 children's brains are literally being  
18 restructured due to this flood of visual  
19 stimulation that's coming into them. They sit  
20 there. They are inactive, obsessed, and stuck,  
21 and we've all seen it.

22 Childhood obesity is at an alarming

1 rate and climbing. If we don't get kids active  
2 and healthy now, our problems 10 and 20 years  
3 from now will be exponentially greater. The  
4 financial burden of an obese society and the  
5 related healthcare costs may be one of our  
6 nation's greatest long-term financial threats.

7 Even our life expectancy, for the  
8 first time in our nation's history, in spite of  
9 all our medical advances and all of our wealth,  
10 has declined. I'm here to say that we have a  
11 solution sitting right here, right before us.  
12 It's so close at hand we're almost overlooking  
13 it. And we're about to kill it with these  
14 tariffs.

15 We need to get kids on bikes. We need  
16 to get kids moving. In 2017, I made a commitment  
17 to address this problem and formed a nonprofit,  
18 Strider Education Foundation. We are on a  
19 mission to teach every kid in America how to ride  
20 a bike in kindergarten PE class and make riding  
21 as fundamental to education as reading, writing,  
22 and arithmetic. Screen addiction is a very real

1 and powerful drug. We need a powerful  
2 alternative, and the bicycle is that alternative.

3 Kids are not going to work out for the  
4 good of their health. They're going to do what's  
5 fun and what makes them feel good, and right now  
6 that is the digital screen. Bicycling offers  
7 something special, something very special that no  
8 other physical activity can offer. It has an  
9 allure that can get kids off screens and outside  
10 and moving. It is that taste of freedom and  
11 independence that comes with mobility.

12 You know, we are hardwired to crave  
13 mobility from birth. It is what makes us squirm  
14 and wiggle on the living room floor until we can  
15 crawl. It's what makes us pull ourselves up on  
16 the couch and try to stand and walk. Riding  
17 feeds that instinctual craving. It maybe is the  
18 only thing that has that power that can get kids  
19 off screens. The balance bike makes riding a  
20 reality for kids as young as 18 months, an age so  
21 young that we can preempt this pit, this digital  
22 pit that kids are falling into.

1                   Our nation needs kids on bikes. Our  
2 nation needs Strider in the picture. Balance  
3 bikes are the first rung on this ladder towards a  
4 good mental and physical health. If that first  
5 rung is removed, nobody climbs the ladder.

6 Biking builds confidence and personal  
7 responsibility. It teaches kids to be attentive  
8 to their environment, not detached and lost in  
9 their screens.

10                   Biking helps kids develop a driver's  
11 mentality versus a passenger's mentality. Our  
12 entrepreneurial nation is built on people who  
13 like being drivers, who like being engaged and  
14 aware, and who like being in control of their own  
15 destiny, all of which is seeded into the heart of  
16 a child as they ride their bike around their  
17 neighborhood.

18                   Strider appreciates the  
19 administration's efforts to eliminate China's  
20 unfair trade practices, but there must be a  
21 better way to achieve this than the proposed  
22 blanket tariffs, which will reduce the number of



1 kids on bikes. On behalf of Strider and the  
2 children all across America, we respectfully  
3 request that the USTR remove children's products  
4 from the proposed list, particularly balance  
5 bikes classified in subheadings 9503.00.0071 and  
6 -73. Thank you very much.

7 MR. BURCH: Thank you, Mr. McFarland,  
8 and Mr. Chairman, this concludes oral witnesses'  
9 testimonies.

10 MR. FRATERMAN: Thank you, panel, for  
11 your testimony. Name's Matthew Fraterman,  
12 Department of Labor, Office of Trade Policy and  
13 Negotiations.

14 My question is for Mr. Sackett. You  
15 said in your testimony that moving production  
16 elsewhere in the near or medium term wouldn't be  
17 feasible. And my question is is there any  
18 long-term plan to move production and has your  
19 company made any effort to seek suppliers outside  
20 of China?

21 MR. SACKETT: Yes, so we have, you  
22 might already know we do light assembly and

1 manufacturing in the U.S. already, a majority of  
2 our bicycle helmets are light assembled and  
3 manufactured in Rantoul, Illinois, but it's about  
4 the maximum we could do here in the states with  
5 regulatory, basically headwind.

6 So we do as much as we can here in the  
7 U.S. and everything else is done in China because  
8 of the capabilities that those factories have  
9 that we do not possess and are not able to build  
10 here.

11 MR. FRATERMAN: Okay. And I'm  
12 guessing that includes the suppliers then as  
13 well, like?

14 MR. SACKETT: Yes.

15 MR. FRATERMAN: Okay.

16 MR. SACKETT: Yes.

17 MR. FRATERMAN: Thank you.

18 MS. RESNICK: Thank you. I'm Bonnie  
19 Resnick with the Department of the Treasury and I  
20 have a couple of questions for Mr. Vitrano. Are  
21 there any other countries that produce the  
22 products that your company currently sources from

1 China? And if so, what are the barriers that  
2 exist to switching your source of supply?

3 MR. VITRANO: The products at issue  
4 here are wide and long list. There certainly are  
5 suppliers of various aspects of the products  
6 under this HTS code elsewhere, but we leverage a  
7 global supply chain and a global market.

8 We're one of two U.S. motorcycle  
9 manufacturers and so alone we don't have the  
10 scale to move our supply chain in total or in  
11 substantial part without being able to leverage  
12 the existing suppliers, many of whom are in  
13 China.

14 Having said that, you know, we are  
15 unrelated to this trade policy issue, we are in  
16 the midst of a supply chain review. And we're  
17 looking for competitive suppliers all over the  
18 country. I was here a few weeks ago talking  
19 about European suppliers.

20 So that was yet another challenge and  
21 moving target, if you will, in dealing with the  
22 situation we're in right now.

1 MS. RESNICK: Thank you. And since  
2 the time of the original Section 301 action  
3 against China, has your company made any efforts  
4 to ship its battery supply outside of China?

5 MR. VITRANO: I cannot comment on  
6 that. I haven't reviewed battery in preparation  
7 for this hearing. I know, like many of our  
8 components we source from a variety of sources  
9 and I believe we do source outside of China as  
10 well. But I could follow up on that.

11 MS. RESNICK: Thank you.

12 MS. ROY: Good afternoon. This is  
13 Tracy Roy from U.S. Customs and Border  
14 Protection. This question is for Ms. Lommele.  
15 How are you?

16 MS. LOMMELE: Good, thanks. How are  
17 you?

18 MS. ROY: I'm well, thank you. Since  
19 the time of the original Section 301 action  
20 against China have your members made any efforts  
21 to shift their supply outside of China?

22 MS. LOMMELE: Generally speaking I

1 would consider all the member companies to have  
2 considered moving out of China. I know of some  
3 companies that have shifted some manufacturing,  
4 but for the most part it's an established supply  
5 chain that is firmly rooted in China and can't be  
6 moved overnight.

7           So I think as businesspeople do  
8 there's always a long-term consideration of how  
9 to adapt, but in the short term nothing has been,  
10 nothing, I'd say the wide majority of our  
11 suppliers have stayed in China to manufacture  
12 bicycles and bicycle products.

13           MS. ROY: Okay, thank you.

14           MR. WINELAND: Thank you. Mr. Moore,  
15 question for you. You said as a wholesale  
16 distributor that you're not manufacturing a lot  
17 of the 17,000 products that you're sourcing from  
18 China. Has your company begun to look to  
19 identify alternate countries that are making  
20 those same products in an effort to address the  
21 tariff situation

22           MR. MOORE: Thank you. Certainly we

1 are doing that. We are always looking for new  
2 vendors. Again, a product mix is we try to have  
3 available the products that bicycle retailers  
4 need and that consumers want to buy. So we are  
5 constantly onboarding new vendors.

6 For our own products that is also  
7 true. We've explored production in Taiwan as  
8 well as Vietnam. I know of one that -- the issue  
9 with that is that we do not own the factories and  
10 with only one exception I can think of in the  
11 bicycle industry no major bicycle brand owns its  
12 factory.

13 We buy from factories that exist and  
14 are either owned by Taiwanese companies or by  
15 Chinese companies for the most part, although  
16 there is some production, a smatter of production  
17 in other countries those are the dominant  
18 players.

19 So we would need to convince a  
20 manufacturer to move its factory or it would have  
21 to decide to do so based on inputs from numerous  
22 customers as no one player really dominates a

1 particular factory. We all get in line to source  
2 bicycles and other products from these same  
3 suppliers.

4 MR. WINELAND: A follow-up then. As  
5 you say, then you hear input from a variety of  
6 other customers, do you sense that they, that the  
7 manufacturers are hearing from others and are  
8 beginning to think about those types of moves?

9 MR. MOORE: They are, especially with  
10 respect to Taiwan where a lot of, if it's not  
11 from China it's likely from Taiwan. But as our  
12 submissions have stated, approximately 97 percent  
13 of bicycle production is in China, especially  
14 children's bicycles and affordable mass market  
15 bicycles.

16 The higher priced specialty end is a  
17 little more flexible in where production can  
18 happen. That is why some of that is located in  
19 the United States and we're starting to see some  
20 production there or has been maintained over the  
21 years.

22 But again, it's the same factory may

1 have made both types of bicycles so we're dealing  
2 largely with the same suppliers.

3 But there are moves but again, finding  
4 a site, building a building, getting the  
5 equipment, training the workers and that last one  
6 is extremely important, training the workers on  
7 how to weld thin-walled metal tubing or lay out  
8 carbon fiber to make a high performance carbon  
9 bicycle frame, those don't happen overnight. So  
10 it will be a long process if tariffs stay in  
11 place, five to ten years horizon for something  
12 like that.

13 MR. VANDERWOLF: No. I have a  
14 question for Paul from Indian. Does  
15 Harley-Davidson have the -- is impacted the same  
16 way from their parts? Do they get them from  
17 China as well?

18 MR. VITRANO: I certainly can't  
19 comment on our competitor's supply chain, but as  
20 I mentioned earlier, the industry is not that  
21 large and the OEMs do share many suppliers  
22 generally, but I couldn't speak to anything



1 specifically.

2 CHAIR BUTLER: Mr. McFarland, you note  
3 that the severe and disproportionate impact that  
4 additional duties will have. Can you provide  
5 more detail on this? Can you also please share  
6 any data supporting this statement with the  
7 committee as a follow-up to this hearing?

8 MR. MCFARLAND: Yes. I mean, price  
9 increase will decrease the number of kids' bikes  
10 purchased. The percentage of that I can't say.  
11 It would be a speculation but it absolutely would  
12 be a decrease.

13 Now, the bigger concern, however, is  
14 when there are tariffs that are going to affect  
15 prices on multiple products and the family budget  
16 has to start absorbing these costs increase on,  
17 you know, everything, not just bicycles,  
18 everything, the priority of purchasing a bicycle,  
19 whose price was just raised moves further and  
20 further down the list of family priorities on  
21 that stretched budget.

22 So it's not just the price increase on

1 the bike that's going to impact us. It's the  
2 prioritization of all of the tightened budgets of  
3 the American family that's going to really,  
4 really push the prioritization of getting kids on  
5 bikes down the list.

6 CHAIR BUTLER: Thank you and thank you  
7 all for coming.

8 MR. BURCH: Mr. Chairman, I release  
9 this panel with our thanks.

10 And would the witnesses for Panel 31  
11 make their way forward?

12 (Pause).

13 MR. BURCH: Would the room please come  
14 to order?

15 Madam Chairman, would you like to make  
16 an introduction?

17 CHAIR GRIMBALL: Yes. I am the new  
18 member of the panel for this afternoon although I  
19 was here this morning. My name is Megan  
20 Grimball. I'm an Assistant General Counsel from  
21 the Office of General Counsel at USTR. Thank  
22 you.

1                   MR. BURCH: Madam Chairman, our first  
2 witness for this panel would be Dimitri Cretikos  
3 with Nelson Rigg, USA.

4                   Mr. Cretikos, you have five minutes.

5                   MR. CRETIKOS: I'd like to thank the  
6 301 Committee for this opportunity to testify  
7 today.

8                   MR. BURCH: Can you pull the  
9 microphone up a little closer?

10                  MR. CRETIKOS: Okay. My name is  
11 Dimitri Cretikos and I am the proud owner and  
12 president of Nelson Rigg, USA, which is a  
13 second-generation family-owned business and we're  
14 located in southern California.

15                  We specialize in the production of  
16 vehicle covers, soft luggage and rainwear. My  
17 late father Nick Cretikos moved us legally to the  
18 U.S. in 1982 for the purpose of opening and  
19 expanding his business and growing and supporting  
20 our family to better our lives here in the United  
21 States of America.

22                  We have always fought hard to make

1 great products and offer them at affordable  
2 retail prices. Given our business model from the  
3 beginning this has always had its challenges  
4 being that we supply wholesale distributors who  
5 in turn supply dealers who in turn sell to the  
6 retail consumer.

7           Understandably everyone used to make  
8 money and have worthwhile margins. Over the last  
9 five years general manufacturing costs have  
10 increased due to raw materials, labor rates,  
11 exchange rates, ocean freight and even the 18 and  
12 one-half percent duty that we already pay on our  
13 products.

14           Due to these steadily increasing  
15 prices, one can make necessary adjustments in our  
16 pricing structure that could be implemented at a  
17 normal rate.

18           Stabbing businesses like ours with  
19 enormous tariffs with little to no notice has  
20 ultimately had a game-changing effect on how  
21 we're able to continue to keep the doors open.

22           Call them what you may, tariffs are

1 taxes. They're all going to hurt American  
2 companies and the consumer. We are the ones that  
3 have to pay this, not the Chinese and it really  
4 isn't fair.

5           Greatly increasing the tariffs will  
6 dramatically reduce margins on all products  
7 across the supply chain and the backlash will  
8 also be felt down the line through to the end  
9 consumer.

10           Hugely increased tariffs could change  
11 the way our business has operated for the last  
12 three decades. Hugely increased tariffs could  
13 potentially eliminate some companies like ours  
14 being able to work with distributors. There just  
15 wouldn't be enough margin shared by the  
16 manufacturer, distributor and the dealer.

17           Retail prices would have to  
18 drastically spike making products less affordable  
19 for the consumer and less profitable for dealers  
20 and distributors. We would have to eliminate a  
21 high number of SKUs due to the fact that we could  
22 no longer import them and be competitive. Some

1 of these items have been a staple for us for  
2 decades.

3 We're also proud that we manufacture  
4 for the majority of the OEMs in our industry. So  
5 this increase has also had a ripple effect that  
6 has been felt through this channel.

7 For years we have worked hard to  
8 increase our standards, exceed expectations in  
9 the manufacturing process and develop proprietary  
10 materials used exclusively by us. We have built  
11 20-plus-year relationships with key factories  
12 that will take even longer to replicate or  
13 replace in any other country and even her on U.S.  
14 soil.

15 We have and still are looking to  
16 manufacturing in the U.S. but there is still no  
17 way to do it and be competitive with our current  
18 business model. Here at Nelson Rigg we do our  
19 part towards greatness with employing U.S.  
20 workers, contributing to the economic base in our  
21 city and state.

22 We understand the strive for change.

1 We see the need to strengthen our economy. We  
2 see the need to make our country great, but  
3 there's ways to doing it.

4 And punishing U.S. companies and small  
5 businesses with unfair, unreasonable tariffs is  
6 not the way. I've also attached the HTS codes  
7 that affect our products.

8 And thank you in advance for your  
9 consideration. I'm here to answer any questions.

10 MR. BURCH: Thank you, Mr. Cretikos.

11 Our next panel witness will be Scott  
12 Schloegel with the Motorcycle Industry Council.  
13 Mr. Schloegel, you have five minutes.

14 MR. SCHLOEGEL: Okay, thank you.

15 Madam Chair and committee members, thank you for  
16 the opportunity to testify here before the  
17 Section 301 Committee this afternoon.

18 My name is Scott Schloegel. I'm the  
19 Senior Vice President for Government Relations at  
20 the Motorcycle Industry Council, known as MIC.  
21 MIC's membership consists of more than 700  
22 domestic and international manufacturers,

1 distributors and retailers of motorcycles, parts,  
2 accessories and related goods and services,  
3 including insurance, finance, media and others  
4 with a commercial interest in the motorcycle  
5 industry.

6 We are a nearly \$40 billion industry  
7 with more than 12.2 million motorcycles in use  
8 across the country. MIC's members also  
9 manufacture all-terrain vehicles, known as ATVs,  
10 and recreational off-highway vehicles known as  
11 ROVs.

12 All 12.2 million of those motorcycles,  
13 as well as millions of ATVs and ROVs require  
14 maintenance and replacement parts regularly, many  
15 of which may be coming from China.

16 Safety is of paramount interest to our  
17 manufacturers and their members. A critical  
18 component to motorcycle safety is ensuring that  
19 riders are properly attired with Department of  
20 Transportation, DOT, compliant helmets, as well  
21 as protective clothing and body armor that is  
22 safe and affordable.



1 I brought an example of protective  
2 clothing with me today and one of our member  
3 companies has an example of their helmets. I  
4 apologize. I couldn't get my jacket to hang up  
5 there, but it is a protective motorcycle jacket  
6 that I've laid down in front of us here.

7 Tariffs are taxes. Additional taxes  
8 on protective headgear, clothing and other body  
9 armor would have an unintended consequence of  
10 disincentivizing motorcyclists from purchasing  
11 safety gear. These items were proposed for  
12 tariffs on a previous list but they were removed.

13 We believe that for the sake of safety  
14 they should be removed from consideration again.  
15 Therefore, we respectfully request that the  
16 committee remove HTS 6506.10.30, HTS 6506.10.60,  
17 HTS 3926.20.90.50 and HTS 3926.90.99 from the  
18 most recent tranche of proposed tariffs on  
19 Chinese goods, also known as List 4.

20 Fully 25 percent of the retail sales  
21 volume of American motorcycle outlets come from  
22 parts, accessories and riding apparel. The

1 average motorcycle owner spends more than \$510  
2 per year on tires, routine repairs and  
3 replacement parts.

4 They cannot afford to have an  
5 additional 25 percent tax burden added to their  
6 annual maintenance costs. The MIC respectfully  
7 requests the removal of HTS 8714.10.00 which  
8 applies to parts and accessories for motorcycles.

9 By significantly increasing the cost  
10 of parts and accessories, motorcyclists will be  
11 disincentivized from performing routine  
12 maintenance such as replacing critical safety  
13 items like tires and brake pads, similar to the  
14 pads that I have with me here today.

15 Lastly, the MIC requests the removal  
16 of HTS 8507.60.00 pertaining to lithium ion  
17 batteries. HTS 8518.21.00 and HTS 8518.29.80  
18 pertaining to speakers.

19 We also request the removal of HTS  
20 8711.20.00, 8711.30.00, 8711.40.00 and 8711.40.60  
21 which cover motorcycles with engine capacities  
22 greater than 50 cc but not greater than 800 cc.

1                   And additional 25 percent tariff on  
2 these items will harm American businesses and  
3 consumers because tariffs are taxes that we pay,  
4 not the Chinese.

5                   In closing I would like to note that  
6 the MIC supports the administration's effort to  
7 level the playing field with China and we believe  
8 that you can be successful in doing that through  
9 negotiations rather than through tariffs.

10                  Thank you for your consideration of  
11 this request and thank you for considering the  
12 potential financial and safety harm that could  
13 come as a result of an additional 25 percent  
14 tariffs. I'd be happy to answer any of your  
15 questions.

16                  MR. BURCH: Thank you, Mr. Schloegel.

17                  Our next panel witness will be Paul  
18 Vitrano with Polaris Industries, Inc. Mr.  
19 Vitrano, you have five minutes.

20                  MR. VITRANO: Madam Chair, members of  
21 the committee, good afternoon again. I am Paul  
22 Vitrano, Senior Assistant General Counsel of

1 Polaris Industries.

2 On behalf of Polaris and its Teton and  
3 Kolpin divisions, I'm here today to respectfully  
4 urge USTR to remove youth off-road vehicles,  
5 protective helmets and goggles, audio speakers  
6 and off-road vehicle snowplows from the list of  
7 proposed products to be subject to the fourth  
8 Tranche of tariffs in this Section 301  
9 investigation.

10 Polaris is the major American power  
11 sports manufacturer and invests heavily in  
12 America. Polaris has created over 9,000 jobs in  
13 the United States including 5,800 manufacturing  
14 jobs in 14 manufacturing facilities across nine  
15 states.

16 Polaris invests nearly \$300 million  
17 annually in R&D and improvements to our  
18 U.S.-based facilities, including a soon to be  
19 completed \$50 million distribution facility in  
20 Nevada.

21 Since 2011 we have made approximately  
22 \$410 million in U.S. capital investments,

1 including a \$194 million state-of-the-art  
2 manufacturing facility in Alabama, with the  
3 capacity to employ up to 1,700 employees.

4 Teton Outfitters is a subsidiary of  
5 Polaris. Teton has been a leader in the power  
6 sports apparel and technical gear market since  
7 its inception in 1998. Founded in the Rocky  
8 Mountains and headquartered in Idaho, Teton  
9 utilizes the best components available to design  
10 and develop products under the Climb and 509  
11 brands with a discernible quality and functions.

12 Teton's helmets and goggles are  
13 currently manufactured in facilities meeting its  
14 capability requirements around the world,  
15 including in China.

16 In 1943, Howard Kolpin, a hunter, an  
17 archer and a sportsman began his company in  
18 Wisconsin as a means to make products he could  
19 use while pursuing his favorite pastimes.

20 Since then, Kolpin has developed a  
21 rich history of providing customers with a wide  
22 array of hunting products, outdoor accessories

1 and innovative power sports aftermarket solutions  
2 for all brands of vehicles. Kolpin was acquired  
3 by Polaris in 2014 and operates as a division of  
4 Polaris Sales, Inc.

5 Polaris strongly commends the  
6 president and USTR's effort to foster the fair  
7 trade practices necessary to support American  
8 manufacturing jobs.

9 However, the combined effect of  
10 duty-free vehicle trade under NAFTA and the  
11 imposition of Section 301 tariffs on components  
12 significantly limits Polaris' ability to compete  
13 while causing almost no effect to our foreign  
14 competition with different supply chains.

15 That is why we have asked USTR to  
16 exempt from the Section 301 China tariffs all  
17 parts used in the manufacture, repair and sale of  
18 power sports vehicles in the United States.

19 With respect to List 4, Polaris  
20 requests relief for finished goods as well as  
21 components used in vehicles assembled in our U.S.  
22 factories.

1                   Polaris youth off-road vehicles are  
2                   the only vehicles of their kind that are sold in  
3                   the United States by a major power sports  
4                   manufacturer. These unique vehicles directly  
5                   address the greatest safety risk to youth ORV  
6                   riders operating adult-sized vehicles by  
7                   providing age, size and power-appropriate  
8                   alternatives.

9                   In order for such vehicles to be  
10                  attractive to the U.S. parents, however, it is  
11                  essential that they hit a value price point. To  
12                  be able to deliver products with the right  
13                  combination of quality, capability and cost,  
14                  Polaris designs the youth ORVs in the United  
15                  States but manufactures them in China at its  
16                  wholly owned subsidiary.

17                  By using a wholly owned subsidiary  
18                  rather than a joint venture, Polaris has avoided  
19                  the very kind of technology transfer issues that  
20                  are at the heart of this Section 301  
21                  investigation.

22                  It would be unfair and inappropriate

1 to penalize companies like Polaris which  
2 manufacture in China under conditions consistent  
3 with the end goals of the Section 301  
4 determination.

5 Moreover, subjecting these products to  
6 a 25 percent additional tariff will not encourage  
7 relocation of manufacturing these products away  
8 from China. Polaris has made significant  
9 long-term investments in its China operations and  
10 cannot walk away from them.

11 Instead, Polaris will be forced to  
12 absorb and/or pass along to consumers the  
13 increased tariff costs. This in turn will  
14 decrease demand for youth ORVs because parents  
15 may simply decide they cannot afford to purchase  
16 these products for their children.

17 Regarding Teton's fiberglass and  
18 carbon fiber helmets there is no alternative to  
19 manufacturing in China regardless of cost.

20 Although Teton annually explores  
21 resourcing options outside of China, Teton knows  
22 of no U.S. or third country manufacturers with



1 the necessary technical ability and capacity to  
2 manufacture fiberglass and carbon fiber helmets  
3 with pre-impregnated fiberglass or carbon fiber.  
4 In our confidential comments we provided letters  
5 from two of our suppliers also attesting to this  
6 fact.

7 Teton noted the unavailability of  
8 alternative suppliers in our comments to the  
9 proposed List 3 and we are grateful that USTR  
10 omitted fiberglass and carbon fiber helmets from  
11 that final list.

12 Polaris urges USTR not to impose  
13 duties on youth ORVs, protective helmets and  
14 goggles, audio speakers and ORV snowplows. Thank  
15 you.

16 MR. BURCH: Thank you, Mr. Vitrano.

17 Our next panel witness will be Jodi  
18 Gracey with Trek Bicycle Corporation. Ms.  
19 Gracey, you have five minutes.

20 MS. GRACEY: Members of the Section  
21 301 Committee, thank you for the opportunity to  
22 testify today on behalf of Trek Bicycle

1 Corporation.

2 My name is Jodi Gracey and I am  
3 employed by Trek as the Director of Global Trade  
4 and Logistics. I am responsible for Trek's trade  
5 compliance program and its functions including  
6 tariff classification, free trade qualification  
7 and customs valuation.

8 I am a licensed U.S. customs broker  
9 and have firsthand insight into the significant  
10 impact of tariffs to Trek and the U.S. bicycle  
11 industry.

12 Trek was born in a barn over 40 years  
13 ago in Waterloo, Wisconsin and has grown from its  
14 two founders into a global company with more than  
15 3,000 employees.

16 Today, Trek manufactures its bicycles  
17 in Asia, Europe and the United States. We have  
18 also expanded our production beyond the bicycle  
19 to include almost every product used on the  
20 bicycle or on a bicycle rider.

21 We continue to assemble customized,  
22 high-end bicycles, framesets and wheels

1       domestically in our factory in Waterloo,  
2       Wisconsin. However, as is the case with other  
3       bicycle companies, Trek utilizes a  
4       well-established global supply chain that has  
5       required years of investment and development to  
6       meet safety, quality and pricing requirements.

7               The bicycle industry, as does Trek,  
8       depends heavily on Chinese manufacturing for the  
9       global bicycle market. As such, Trek has already  
10      been forced to increase prices to cover the  
11      recent Section 301 tariffs.

12              Through Tranche 3, the annual impact  
13      of Section 301 tariffs to Trek's business is \$30  
14      million. The additional \$30 million, which is  
15      paid by Trek, requires us to pass these costs  
16      onto our customers.

17              The implementation of a 25 percent  
18      duty on Tranche 4 products would only further  
19      injure Trek's business and ultimately Trek's U.S.  
20      customers. Products such as bicycle jerseys,  
21      footwear, helmets, lights and locks, if included  
22      on the list, would result in an additional \$8

1 million of duties paid by Trek and its customers.  
2 This would force Trek to raise prices.

3           Trek is deeply concerned that price  
4 increases will not only affect the consumer but  
5 also small business owners and their employees.  
6 Trek is one of the largest bicycle companies in  
7 the U.S. with domestic sales exceeding \$500  
8 million.

9           We sell our products to 1,600  
10 independent bicycle retailers nationwide. Trek  
11 also owns and operates retail stores in the U.S.  
12 employing more than 750 people.

13           Price increases on bicycles, parts and  
14 accessories impact product sales, which in turn  
15 reduces store traffic for other services such as  
16 bicycle repair and maintenance provided by these  
17 small businesses and their employees.

18           Trek strives to make bicycling safer  
19 by designing and selling products that address  
20 safety concerns. Trek engineers manufactures and  
21 sells lights and helmets. These critical safety  
22 products are included on the proposed Tranche 4

1 even after being removed from Tranche 3.

2 By including helmet and light safety  
3 products on the list, these products become less  
4 accessible, jeopardizing the wellbeing of both  
5 children and adults and discouraging overall  
6 ridership.

7 Trek is sympathetic to the issues  
8 addressed in the Section 301 investigation as we  
9 are protective of our intellectual property  
10 rights for our own innovative products. However,  
11 Trek has not experienced issues related to its  
12 technology or intellectual property as a result  
13 of sourcing our products from China.

14 Moreover, the technology used to  
15 produce bicycles and bicycle products is neither  
16 central to the Made in China 2025 program nor a  
17 national security risk.

18 In conclusion, the implementation of  
19 the proposed Tranche 4 will likely result in  
20 higher prices for our customers and in turn  
21 reduce overall sales without meeting the stated  
22 objectives of the Section 301 investigation.

1           The risk with higher costs via tariffs  
2           are the 2,100 people Trek employs in the U.S. and  
3           the thousands more people employed by our network  
4           of independent bike dealers.

5           Trek respectfully requests the U.S.  
6           Trade Representative to remove bicycle safety  
7           products from the proposed list. Trek  
8           additionally requests all bicycle products  
9           included on the proposed Tranche 4 be removed.

10           A complete list of tariff headings,  
11           which include bicycle products, will be included  
12           in our official written comments. On behalf of  
13           Trek Bicycle Corporation, thank you for your time  
14           and your consideration.

15           MR. BURCH: Thank you, Ms. Gracey.  
16           Our next panel witness will be Doug Hill with AFX  
17           Helmets North America, Incorporated. Mr. Hill,  
18           you have five minutes.

19           MR. HILL: Thank you. Members of the  
20           Committee, I'd like to thank you very much for  
21           the opportunity to provide testimony today.  
22           You've heard some amazing testimony in this room

1 from some very, very large companies.

2 My testimony comes from a true mom and  
3 pop company. As a matter of fact, mom and pop  
4 are in the room today. I'm pop, and mom is  
5 sitting back there, and we're 50 percent of the  
6 employees of AFX.

7 I'm the president and the CEO of the  
8 company. I have over 40 years' experience in the  
9 motorcycle engine, with the main focus being on  
10 safety helmets. I'm here today in strong  
11 opposition to proposed tariffs on these  
12 motorcycle helmets.

13 The tariff codes I will address are  
14 6506.10.30, and 6506.10.60. These tariff codes  
15 represent 100 percent of the construction of  
16 motorcycle helmets, and how all motorcycle  
17 helmets are produced today.

18 At AFX, we support free and fair  
19 trade, and we certainly support the  
20 administration's efforts to help level the  
21 international playing field by ensuring that our  
22 trading partners are not tilting it to their

1 advantage.

2 But the answer cannot be  
3 disadvantaging the unrelated motorcycle helmet  
4 industry, and motorcycle consumers, by pricing  
5 affordable and safe helmets out of the hands of  
6 typical American consumers. Yet unfortunately,  
7 that's exactly what tariffs of up to 25 percent  
8 on helmets produced in China would do to our  
9 industry.

10 Tariffs are taxes. Foreign countries  
11 do not pay these taxes. American businesses and  
12 consumers who purchase these goods under tariff  
13 will pay all of the burden of these increased  
14 costs if these proposed tariffs were to go into  
15 place.

16 This would undeniably be a severe  
17 economic and unintended safety consequence for  
18 innocent American consumers. AFX helmets are  
19 designed in America, and are state of the art  
20 compliant with the most stringent of global  
21 safety standards, such as DOT, FMVSS-218, and ECE  
22 22.05.



1                   And even though we meet the highest  
2                   global safety standards, we've priced our product  
3                   at a comfortable retail price point to be more  
4                   than affordable to the average American consumer.  
5                   In fact, the A in AFX stands for affordable.

6                   Since our inception 23 years ago,  
7                   we've delivered over 1.72 million helmets into  
8                   the American market, with an average retail price  
9                   point of less than \$100. We offer a helmet  
10                  that's long on safety, but gentle on the  
11                  consumer's wallet.

12                  From a business point of view, we are  
13                  certainly proud of that success at our market  
14                  price point, but the accolade that makes us more  
15                  proud is the approximately 450 lives we've saved  
16                  since we delivered that first affordable helmet  
17                  to American consumers.

18                  Our fear is that if this tariff was to  
19                  come into place, it may deter riders from  
20                  purchasing or upgrading this most important piece  
21                  of safety gear, the motorcycle helmet. At trade  
22                  shows and events nationwide, we routinely see

1 riders wearing helmets that should long be  
2 retired.

3 Increased cost to the consumer will  
4 only prolong the continued use of outdated safety  
5 gear. We encourage riders to replace their  
6 helmets after five years of use. With increased  
7 prices to the consumer, they may in fact choose  
8 to buy low cost novelty helmets, Exhibit A of my  
9 submission, that are not safe, and are certainly  
10 not DOT compliant.

11 AFX has worked extensively with NHTSA  
12 over the last 20 years to help educate consumers  
13 on the dangers of these novelty helmets. In  
14 fact, with the encouragement of NHTSA, we  
15 designed a specific helmet -- Exhibit B, which I  
16 have a physical example here.

17 We can pass it around later, if we  
18 like -- to fight the novelties. This helmet uses  
19 patented private technology, Exhibit C, and I  
20 have an example of Exhibit C here, a cutaway  
21 showing this patented technology, that could only  
22 be economically produced in China by one of our

1 manufacturers that is, in fact, American-owned.

2 There are no reputable domestic helmet  
3 manufacturers to protect with this proposed  
4 tariff. The last American-made helmet production  
5 facility ceased operations over two decades ago.

6 All we have now in America are the  
7 clandestine manufacturers of unsafe novelty  
8 helmets. We strongly urge you to remove the  
9 above noted tariff numbers from our -- from the  
10 proposed list of goods that could be subject to  
11 proposed tariff increases in this dispute.

12 Safety has to be affordable.  
13 Consumers must be able to count on their elected  
14 officials to always act in the best interest of  
15 the safety of its citizens. American consumers  
16 must not be the ones to bear the brunt of this  
17 proposed tariff cost, or its unintended safety  
18 consequence.

19 Thank you very much for allowing me to  
20 provide testimony today, and I would look forward  
21 to your questions.

22 MR. BURCH: Thank you, Mr. Hill. Our

1 next panel witness will be Alexander Koff with  
2 Specialized Bicycle Components, Incorporated.  
3 Mr. Koff, you have five minutes.

4 MR. KOFF: I am testifying -- I am  
5 testifying on behalf of Bob Margevicius, who  
6 could not be here today. Bob is the executive  
7 vice president of Specialized Bicycle Components,  
8 and Specialized is an American bicycle company  
9 founded in California and headquartered in Morgan  
10 Hill.

11 Specialized was founded in '74 and  
12 employs over 1,200 U.S. workers. It supplies  
13 nearly every product that a bike rider might use,  
14 from complete bicycles to component parts,  
15 accessories, and apparel. Bob is a member of the  
16 BPSA, which testified in the earlier panel, and  
17 he served on the BPSA Board for 26 years, and  
18 serves as a safety -- on a chair of a safety  
19 committee.

20 He also serves on the Industry Trade  
21 Advisory Committee, ITAC 4, on consumer goods,  
22 and as you know, I see some nodding heads, that

1 represents a wide range of products, including  
2 bicycles. Bob asked that I testify on behalf of  
3 bicycle industry and cyclists everywhere, and I'm  
4 doing so today to raise three distinct points.

5 First, Specialized supports the  
6 detailed and thoughtful comments you received in  
7 the preceding panel, 30 from Bell Sports,  
8 PeopleForBikes, Quality Bicycle Products, and  
9 Strider Sports International, as well as those on  
10 this panel, from Trek Bicycle, all which urge  
11 against the imposition of additional tariffs on  
12 bike and bike products.

13 Second, the impact of additional  
14 tariffs on this industry is worth restating.  
15 You've heard it before, but the bicycle industry  
16 has been directly or indirectly affected by every  
17 recent tariff action taken by the U.S.

18 The Section 232 actions on steel and  
19 aluminum, which increased the cost of materials  
20 used by manufacturers, the EU Section 301  
21 investigation, which is proposing added tariffs  
22 on many of the items on China List 3, and the 301

1 investigation itself, adding tariffs from List 1  
2 on GPS bike computers and ball bearings, on List  
3 2, adding tariffs on e-bikes and e-bike motors.  
4 And this was the industry segment which buoyed  
5 sagging sales in other areas of the industry.

6 List 3, which is adding tariffs on  
7 bike parts and accessories, and now List 4, which  
8 is proposing tariffs on bike products that aren't  
9 really on the other lists. Those cumulative  
10 effects are staggering.

11 No other industry finds itself in this  
12 unenviable position, and as you've heard, roughly  
13 90 percent of the bike imports are for children,  
14 and the technology used to make them is not  
15 central to China, Made in 2025.

16 Finally, point three, the principle  
17 reason Bob asked me to be here today is to  
18 request that de minimis shipments be removed from  
19 all China Section 301 exemption lists, and let me  
20 explain. On March 10th in 2016, Customs and  
21 Border Protection raised the value of shipments  
22 of merchandise imported by one person on one day,

1 that generally may be imported free of duties and  
2 taxes from \$200 to \$800.

3 The raising of the de minimis  
4 exemption is due to an amendment of the Tariff  
5 Act of 1930, incurred in the Trade Facilitation  
6 and Trade Enforcement Act of 2015, and that's  
7 codified in the Code of Federal Regulations at 19  
8 C.F.R. 10.151. There are already exceptions to  
9 the exemption.

10 For example, no alcoholic beverages,  
11 cigars, or cigarettes are permitted to be exempt  
12 from the payment of duty and tax. That's in  
13 10.153(f) of Title 19. And similarly, no  
14 merchandise of a class or kind that's provided  
15 for in a tariff rate quota, or TRQ, can be  
16 exempt, and that's in 10.153(g) of Title 19.

17 But the tariff subheadings subject to  
18 301 additional duties do qualify for the de  
19 minimis import exemption. So merchandise under  
20 \$800 are exempted from any duties, including the  
21 additional 301 duties. For the bike industry,  
22 this is a major ambiguity, and permits a

1 potentially serious loophole on the shipments of  
2 bicycle parts and components that are ordered  
3 online.

4 And you heard this testimony in Matt  
5 Moore's statement to the 301 EU list. De minimis  
6 sales through Internet portals and e-commerce  
7 marketplaces permit the shipment of products to  
8 U.S. consumers without the need to pay tariffs.

9 Specialized understands from  
10 experience and discussion in the industry, and  
11 with other industries, that the annual import  
12 value of such de minimis shipments has increased  
13 dramatically since the cap has increased from 200  
14 to \$800 in March of 2016, and Specialized is  
15 unable to provide actual figures, however,  
16 because the annual import figures typically  
17 tracked by the ITC here in this building, or by  
18 CBP, are no longer tracked for de minimis  
19 imports.

20 So in conclusion, because such an,  
21 internet sales from China fall outside the 301  
22 additional tariffs, and because the dollar values



1 of bicycle parts and components are typically  
2 below that \$800 de minimis limit, Specialized  
3 urges consideration of withdrawing the de minimis  
4 exemption on Chinese imports pursuant to this 301  
5 process, or at least those tariff subheadings  
6 that are applicable to bicycle parts and  
7 components.

8 The United States currently does this  
9 for cigars, cigarettes, and alcohol. It should  
10 do so for bikes too, particularly given that  
11 cumulative effect that we talked about. Thank  
12 you for your time and consideration. On Bob's  
13 behalf, I welcome any question you may have.

14 MR. BURCH: Thank you, Mr. Koff, and  
15 Madam Chairman, this concludes all witnesses  
16 testimonies.

17 MS. MORGAN: Good afternoon. My name  
18 is Jenny Morgan from the Department of  
19 Agriculture. Mr. Cretikos, this question is for  
20 you. I saw in your attachment the list of  
21 products that your company imports and  
22 distributes. I was wondering, is China the sole

1 source for any of these products?

2 MR. CRETIKOS: Currently, yes. I

3 mean, we --

4 MS. MORGAN: And if you could scoot up  
5 your mic.

6 MR. CRETIKOS: Okay.

7 MS. MORGAN: Thank you.

8 MR. CRETIKOS: Many years ago, we used  
9 to also produce in South Korea and in Taiwan.  
10 Labor costs increased to the point that the  
11 factories that we still deal with now ended up  
12 moving their facilities to China. So 100 percent  
13 of them, yes, at this point, are made in China.

14 MS. MORGAN: Thank you so much.

15 MR. VANDERWOLF: Hi, this is John  
16 Vanderwolf from the Department of Commerce  
17 International Trade Administration. My question  
18 is for the Motorcycle Industry Council. Your  
19 members are requesting that several products are  
20 excluded from potential tariffs. Are any of  
21 these products produced in other countries?

22 MR. SCHLOEGEL: Thank you for that

1 question. It's a good question, and I believe  
2 most, if not all of them probably are produced in  
3 other countries. However, in some instances, as  
4 you just heard from Mr. Cretikos, who is one of  
5 our member companies, China is the only company  
6 that is producing their particular product.

7 Certainly, there's an extreme cost  
8 that's associated with shifting from one country  
9 to another. A lot of the initial startup costs  
10 that you have that would be associated with that,  
11 and then you also have the issue of moving from  
12 one country to another.

13 For example, I was here a couple weeks  
14 ago, also testifying about the proposed tariffs  
15 of up to 100 percent on motorcycle parts and  
16 accessories from EU countries. And so if you  
17 move from here to, or if they are available in  
18 the EU countries, you may be shifting from a 25  
19 percent tariff to what could potentially be 100  
20 percent tariff, and you're in negotiations right  
21 now, the USTR is, with Japan.

22 And you're looking at UK, and so it

1 could end up becoming a bit of a game of whack-a-  
2 mole by just shifting from one country to  
3 another.

4 MR. VANDERWOLF: I have a follow, or  
5 another question. Since the time of the original  
6 301 against China, are you aware of any efforts  
7 of your members to shift their battery supply  
8 from outside of China?

9 MR. SCHLOEGEL: So I haven't had  
10 specific discussions about the battery supply  
11 chain. I could check with our membership to see  
12 whether or not they've had discussions about that  
13 or not.

14 MR. VANDERWOLF: Okay. Thank you.

15 MR. SCHLOEGEL: Thank you.

16 MR. FRATERMAN: Thank you everyone on  
17 the panel, for your testimonies today. My  
18 question is actually for Mr. Vitrano. Thank you  
19 again for coming out. You mentioned that your  
20 company took or is considering taking efforts to  
21 mitigate the tariff impact. Can you explain  
22 these efforts in a little more detail?

1                   MR. VITRANO: We've taken a variety of  
2 counter measures, including weighing in on a  
3 multitude of trade-related actions that have been  
4 going on over the last year or so. Specifically,  
5 I'll point to something I mentioned earlier,  
6 which was, we're in the midst of an enterprise-  
7 wide review of our supply chain, and although  
8 tariff related matters are only a small part of  
9 the puzzle, we're considering that as we look to  
10 rationalize and optimize our supply chain.

11                   For our industry, as you've heard from  
12 me and many others, safety is paramount. These  
13 are motor vehicles that we manufacture here in  
14 the U.S., and so having, you know, a supply chain  
15 that's established, mature, and high quality is  
16 essential. And so we don't -- even if we could  
17 change suppliers, we do not do that lightly  
18 because of the criticality of the parts that we  
19 source.

20                   MR. FRATERMAN: Great. Thank you so  
21 much.

22                   MS. ROY: Tracy Roy from U.S. Customs

1 and Border Protection. This question is for Ms.  
2 Gracey. How much of the tariff would you pass on  
3 to the consumer?

4 MS. GRACEY: That's a great question.  
5 I can follow up further within my post-summary  
6 written statement. However, we have passed on  
7 costs. We review with our supply chain team, do  
8 an analysis of our different products, where they  
9 are sourced from, and then make the difficult  
10 decision as to what products need to have a price  
11 increase.

12 MS. ROY: I have another question.  
13 Have you passed on to consumers the lower cost  
14 resulting from the devaluation of the yuan over  
15 the last several months?

16 MS. GRACEY: Again, I'll have to  
17 follow up in written comments.

18 MS. ROY: Okay. And also you  
19 mentioned that you manufacture bicycles in Asia,  
20 Europe, and the United States, but that you also  
21 rely heavily on Chinese manufacturing. Are there  
22 certain inputs or products that are only

1 available from China?

2 MS. GRACEY: Yes, that is correct.

3 MS. ROY: Can you expand on that?

4 MS. GRACEY: Absolutely. So there are  
5 certain bicycle parts, components, that are  
6 produced only in China, and as a result of that,  
7 if we were to move manufacturing, say, to the  
8 United States, we would be, we would incur the  
9 tariff cost of those parts, and have to  
10 incorporate those into our U.S. manufacturing end  
11 product prices.

12 MS. ROY: And the final question,  
13 would you manufacture in the United States and  
14 Europe? I mean, what do you manufacture in the  
15 United States and Europe?

16 MS. GRACEY: In the United States, we  
17 have an operation in Waterloo, Wisconsin, which  
18 focuses on high-end customized bicycles, bicycle  
19 frame sets, and wheels, and in Europe, we also  
20 have a bicycle assembly operation that is both  
21 more of your standard production bicycles, as  
22 well as some of those high-end customized

1 bicycles.

2 MS. ROY: Thank you so much.

3 MS. GRACEY: Thank you.

4 MR. WINELAND: Mr. Hill, I wanted to  
5 ask you, you indicated there's no domestic  
6 production of helmets, of course. It's kind of a  
7 two-part question. Are there countries other  
8 than China that are manufacturing helmets that  
9 meet the relevant standards and quality levels  
10 that you need, and are you seeing any potential  
11 shifts in the manufacturing of those helmets  
12 because of the tariffs and their impact?

13 MR. HILL: Thank you. That's an  
14 excellent question. We have approximately 50  
15 percent of our helmets produced in China. The  
16 rest of our helmets are produced in the country  
17 of Taiwan.

18 Our Chinese manufacturer is actually  
19 an American-owned company, using patented  
20 technology that's licensed to them from the  
21 Australian inventor. So we have our products  
22 made mostly in China and Taiwan, and some of our



1 manufacturers have looked at shifting their  
2 facilities to Vietnam, as an example.

3           However, the cost of doing that is  
4 absolutely phenomenal. I mean, you have to set  
5 up a whole new production facility, and I  
6 understand the Committee has never been in a  
7 helmet factory, but it's much akin to a car  
8 factory. There's a lot of heavy machinery to try  
9 to move, and it's just not economically feasible.

10           So my purpose here today is to put  
11 some sensibility into motorcycle helmets. We're  
12 not protecting any home manufacturers anymore, so  
13 we'd like to get these tariff numbers dropped  
14 off, and keep making affordable helmets for  
15 American consumers.

16           MR. WINELAND: Just a follow-up. You  
17 mentioned Taiwan factories. Are they at  
18 capacity, or is there room for expansion of those  
19 production facilities?

20           MR. HILL: No, they're currently  
21 running at capacity. We, myself and my wife just  
22 returned from a tour of Asia, all our factories,

1 and nobody can build anything any faster than  
2 they're currently doing it.

3 Most helmet manufacturing has shifted  
4 to the country of China in the last 10 years.  
5 Taiwan has actually seen a diminished production  
6 of motorcycle helmets.

7 CHAIR GRIMBALL: I do have a follow-up  
8 question. So you mentioned that in America,  
9 there is only a -- the production of what you  
10 call unsafe novelty helmets?

11 MR. HILL: Yes, that's correct. If  
12 you look at Exhibit A, the, I've just identified  
13 one of the sources for those helmets.

14 CHAIR GRIMBALL: Do these novelty  
15 helmets advertise themselves as having any sort  
16 of safety function at all, or are they --

17 MR. HILL: No. The craziest part is  
18 they advertise as being a novelty helmet, and on  
19 their same website, they sell a little sticker  
20 with the little DOT word on it that that consumer  
21 can put on the back of their helmet and make  
22 itself compliant.

1                   And that's one of the things, and my  
2                   example was, sorry, my example B here, we worked  
3                   extensively with the National Highway Safety  
4                   Traffic Administration to devise permanent  
5                   labeling for these DOT labels, and the DOT have  
6                   actually adopted our template for the industry.

7                   CHAIR GRIMBALL: This is perhaps a  
8                   leading question, but would it be safe to say  
9                   that even if these novelty helmet manufacturers  
10                  had the same type of inputs, or had access to the  
11                  patents that are being used in your Taiwan  
12                  facility, that they would not be in a position to  
13                  produce the type of product you're producing  
14                  domestically?

15                  MR. HILL: No, they wouldn't want to  
16                  do that. The novelty helmet manufacturers exist  
17                  to sell the thinnest most possible, small helmet,  
18                  and they're selling it to a market that sometimes  
19                  doesn't even want to ride or wear with -- wear a  
20                  helmet.

21                  So we try to educate consumers by  
22                  making a small, lightweight product that uses the

1 most advanced technology in the world to offer a  
2 viable certified product for these consumers to  
3 wear. And it's been one of our better selling  
4 products.

5 Since we've introduced that product,  
6 we've sold almost 25,000 of those, and we  
7 anticipate that we've taken 25,000 novelty  
8 helmets out of the marketplace with this unique  
9 product.

10 CHAIR GRIMBALL: Thank you.

11 MR. HILL: Thank you very much for  
12 your question.

13 MS. RESNICK: Hi, I'm Bonnie Resnick  
14 with the Department of the Treasury, and I have a  
15 couple of questions for Mr. Koff. I was  
16 wondering if Specialized produces all of its  
17 goods domestically, and if not, where else the  
18 company sources from.

19 MR. KOFF: I will get back to you in  
20 post-hearing comments on that question.

21 MS. RESNICK: It -- okay. Thank you.  
22 And I guess another question, many bicycle

1 producers and trade associations have argued that  
2 the bicycling industry is extremely reliant on  
3 China for their supply chain. And many companies  
4 in various industries make the argument that they  
5 had to transfer production or sourcing to China  
6 because of the cheap labor costs in China.

7 How was Specialized able to continue  
8 to compete with those who chose to switch their  
9 production to China, and just generally speaking,  
10 please feel free to provide in your written  
11 testimony, if that's preferable, how are your  
12 bicycles priced compared to Chinese manufactured  
13 bicycle products.

14 MR. KOFF: So my understanding from  
15 the industry, and from the testimony from the six  
16 prior panels, is that the bicycle industry had  
17 left the United States, and domestic production,  
18 in mass form, about 20 years ago, when there was  
19 a trade action here at the ITC, and we can  
20 provide more follow-up information and background  
21 on that data.

22 So my understanding is that there will

1 not be a resurgent, that there has been a  
2 reexamination, and it just is not going to return  
3 here for U.S. manufacturing, that in the United  
4 States, there is a limited amount of domestic  
5 high-end production, but that doesn't satisfy the  
6 market need that's a particular market niche,  
7 which doesn't not compete with general bicycle  
8 production for children, and for regular adults  
9 who aren't in the special high carbon, high  
10 fiber, highly specialized lightweight materials,  
11 the ones that may be produced by Trek, that Jodi  
12 was talking about, or the other ones that were  
13 discussed on the previous panels, but we can  
14 provide you more and additional information about  
15 those specific issues and why the industry left.

16 MS. RESNICK: Thank you, that's very  
17 helpful. And finally, can you describe the  
18 impact that the de minimis imports that would  
19 otherwise be subject to tariffs have had on your  
20 business?

21 MR. KOFF: I can, I can describe what  
22 the impact is on the industry in general, and I

1 can get back to you on more specific issues as it  
2 relates to Specialized itself. First of all, for  
3 the industry on the de minimis, as was described,  
4 as I referenced before Matt Moore from Quality  
5 Bicycle Products submitted written comments in  
6 response to the proposed EU tariffs regarding the  
7 subsidies on aircraft from the WTO decision, and  
8 in those comments, which I can provide, you  
9 certainly could have access to, but we can  
10 provide those in the post-hearing submission.

11 There's descriptions about how online  
12 retailers will move forward, and they're actually  
13 selling without the ability, or without the  
14 result of charges from the additional tariffs.

15 So the impact on the industry is, in  
16 this particular industry with hundreds of  
17 individual parts, many of which, if not most of  
18 which, are below \$800, they could be coming in,  
19 and you're competing essentially as a retail  
20 industry with an online industry, and that could  
21 destroy the retail industry.

22 And it's worth pointing out that in

1 the bike industry, in the bike world, you're  
2 asking in the, in the comments here, in the  
3 Federal Register notice, what is the  
4 disproportionate impact on small and medium-sized  
5 businesses and consumers in the United States?

6 Well, the mom and pop bike industries  
7 are in every town throughout the United States.  
8 Those are the ones that are supplying local jobs.  
9 Those are the ones that are supplying the bikes  
10 for the kids, and those are the ones that are  
11 being harmed and damaged in many ways by being  
12 unable to sell their particular products because  
13 they're competing with an online retailer.

14 So the bricks and mortars that you  
15 have grown up with, where you can actually go and  
16 get your bike serviced, where a helmet could be  
17 shifted on top of your child's head, those things  
18 are at risk, and so that's affecting that  
19 particular industry.

20 You asked the question, how does it  
21 affect Specialized in particular, and on that,  
22 I'll get back to you on specific details for that



1 particular company, if that's helpful.

2 MS. RESNICK: Yes, that would be  
3 helpful. Thank you very much.

4 CHAIR GRIMBALL: I actually have a  
5 follow-up question for Mr. Schloegel. I think in  
6 your response to panel questions, you mentioned,  
7 and others have mentioned, this overlap between  
8 bicycle parts that are on the current proposed  
9 list, and parts that are on the list being  
10 considered for the large civil aircraft 301. I  
11 am also involved in that.

12 Some of you may remember me from those  
13 hearings. I would be interested, and I think  
14 those involved in the industry analysis of both  
15 these 301 would be interested in understanding  
16 the types of bicycle products that are being  
17 produced in China versus the types of products  
18 that are being produced in Europe, and how might  
19 tariff rates, if tariffs are placed on bicycle  
20 parts coming from Europe, how those tariff rates  
21 might affect the behavior of your membership in  
22 determining where to produce -- where to source

1 their bicycle components from.

2 For example, if high-end bicycle parts  
3 or accessories are being imported from Europe, if  
4 a tariff of 25 percent were levied on both -- on  
5 that same part coming from Europe and China, how  
6 might members of your --- of your membership,  
7 rather -- respond to that? Either in post-  
8 written comments, or anyone, actually, can answer  
9 this question.

10 MR. SCHLOEGEL: Yes. Well, thank you  
11 for that follow-up. I'll take a quick stab at  
12 it, and it looks like Mr. Vitrano's got some  
13 thoughts on it as well. I would say first off  
14 that we have, you know, we've got 700 members of  
15 our, of the motorcycle, we're motorcycle parts,  
16 but Motorcycle Industry Council.

17 So we've got more than, or 700 members  
18 of that. In some cases, those are longstanding  
19 contracts, where you've got, you know, it's  
20 specialized technology, and I know Mr. Vitrano  
21 talked about this in the EU hearing, about the  
22 muffler that they're putting on one of their

1 bikes now.

2 But, so in some cases, it's  
3 specialized technology. In some cases, it's  
4 longstanding contracts that they have. In other  
5 cases, it may be the, you know, meeting certain  
6 technical standards, and that's just helping them  
7 with the decision as to where they're sourcing  
8 from.

9 Certainly, if the question is, you  
10 know, how does a 25 percent tariff from China  
11 compare to a 25 percent tariff on goods from  
12 Europe, and would that, you know, which would  
13 they decide to source from in that instance? I'm  
14 not sure whether they could answer that, or  
15 whether they -- I could certainly put that out  
16 there and see what their thoughts are on it, but  
17 different manufacturers also have, you know, kind  
18 of focuses from Europe or -- versus Asia too, in  
19 terms of where they sourced from. But I'll --  
20 let me see what I can pull up together for you,  
21 and I'll put that in the response. Thank you.

22 MR. VITRANO: Madam Chair, if I may,

1 and with the caveat that this is somewhat of a  
2 generalization, you're really talking about, when  
3 it comes to motorcycle parts, two different sets  
4 of issues.

5 When it comes to the China parts,  
6 again, generally they're going to be less complex  
7 parts of longstanding global supply chains that  
8 serve the industry generally, as opposed to -- as  
9 I testified at the EU hearing -- much of what's  
10 driving the activity, from our company at least,  
11 is highly technical, high quality, branded  
12 products that appeal to niche markets.

13 One of the things that I mentioned was  
14 this new motorcycle line that we put out last  
15 month, the FTR 1200. It was intentionally  
16 designed to appeal to European and other global  
17 motorcyclists, as opposed to most of our product  
18 line, which is, the U.S. is the core market for  
19 that.

20 So in order for us to be able to build  
21 the bikes in Iowa and export them around the  
22 world, they need to have features and components

1 that appeal to the global rider, and many of  
2 those high-end exhaust, brake suppliers, and the  
3 like, the marquee brands are out of Europe.

4 And so that makes it, although  
5 technically feasible to go to an alternative  
6 supplier, from a brand equity, and a, you know, a  
7 cache standpoint, there are no alternatives.

8 MR. KOFF: Could I -- can I add one  
9 additional piece to that for the bike industry?  
10 And again, I'm going to go back Matt Moore's  
11 comments from Quality Bicycle Products, when he  
12 was also testifying on behalf of BPSA, in that  
13 proceeding, that one additional flavor that Mr.  
14 Schloegel and Mr. Vitrano talked about, agree  
15 with both of those. They're more specialty, and  
16 they're more complex, but they're also  
17 proprietary.

18 So for instance, the Campagnolo  
19 products out of Italy, which are the complex  
20 derailleurs, and things are not typically  
21 compatible with those units. You can only get  
22 them from Italy. And it's not recommended to mix

1 and match what you may have for those particular  
2 Italian imports, so it's hard to obtain them.

3 MR. VANDERWOLF: I have a follow-up  
4 question for Alex. Sorry about this, but Alex,  
5 Bob is a member of our ITAC, and I actually am  
6 the designated federal officer, so I've talked to  
7 him a lot about this, and I know most of the  
8 production comes from China and Cambodia.

9 My question is, how much of that  
10 production can be switched to Cambodia  
11 immediately, and then also long-term?

12 MR. KOFF: I can answer, again, the  
13 way I answered to Treasury, which is, there's two  
14 parts. One is the industry answer, and one is  
15 the specialized answer. Specialized answer  
16 first, we'll talk with Bob and we'll get you  
17 answer on their specific company, and how it's  
18 going to take to do it.

19 For the industry, it's a longer  
20 process, because a bicycle is a very complex  
21 machine, and as I understand it, to service that  
22 bicycle as Mr. Hill discussed for, you know, his

1 helmet industry, it's a supply line, and you need  
2 to have all of the various component parts in one  
3 set place, and I'm just not familiar with how  
4 detailed Cambodia is in response to all of those  
5 individual parts.

6 So it's -- in talking with the panel,  
7 for another, for the, one of the first China  
8 measures, the China Section 421 measure on the,  
9 on those issues, one of the first cases was on  
10 certain garment wire hangers, and there, the  
11 question was whether or not a safeguard measure  
12 at the China, specific safeguard measure, would  
13 be effective in providing safeguard to the U.S.  
14 industry for a limited period of time.

15 And in that particular case, it's a  
16 much easier decision because a certain garment  
17 wire hanger, if you've ever seen it, can be  
18 packed up, put on the back of a truck, shipped  
19 across the border to Vietnam, and all you need is  
20 a steady supply of wire -- garment wire hangers.

21 And the supply chain for the shipment  
22 from Vietnam to the United States may be three

1 months on the boat. Now, if your inventories are  
2 six months, there's going to be no safeguard for  
3 that industry, and that was persuasive to the  
4 Bush administration in saying that Section 421  
5 would not be a remedy, and effective, safe.

6 Now, in response to your question for  
7 Cambodia, I don't know the answer for the company  
8 specific level, but at the industry, they've  
9 answered that by saying they can't move it that  
10 quickly. It's just not that simple a product.

11 MS. ROY: I just have a follow-up  
12 question for anyone who has -- who can answer.  
13 With regard to the same scenario, with regard to  
14 if the EU sanction or remedy versus the 301  
15 fourth Tranche, if both of the parts were both 25  
16 percent, and from a domestic consumer, does  
17 anyone have any idea as to whether they would opt  
18 for a part from Europe as opposed to China, I  
19 mean, because you're not dealing with a supply  
20 chain at that point.

21 I'm just a domestic consumer, and I'm  
22 ordering online or whatever. So would that



1 person opt for a European part versus a part that  
2 was originating in China? Just a question,  
3 especially if there is the same rate of duty.

4 MR. VITRANO: I would say that would  
5 depend entirely on the part in question, or the  
6 product in question. As I mentioned earlier,  
7 when it comes to certain European aftermarket  
8 components, the brands and the technical  
9 wherewithal is very high, and they are very  
10 appealing to U.S. riders.

11 So they may opt for that for that  
12 reason, regardless of the cost parity, but it's  
13 really going to be dependent on the particular  
14 product. Most of the things that I've been  
15 talking about in my testimony are inputs to  
16 vehicles that we make in the U.S., so it would be  
17 equally damaging.

18 MR. KOFF: Can I add an additional  
19 point? Mr. Schloegel, were you going to talk?

20 MR. SCHLOEGEL: Go ahead.

21 MR. KOFF: No? So just to follow that  
22 up, I think I agree with Mr. Vitrano. It's a bit

1 of apples and oranges, because the parts aren't  
2 directly interchangeable. You may not have the  
3 same parts produced in Europe that you would  
4 have, but if we're going to theoretically say  
5 that they are produced in the same place, and  
6 that the parts are identical, my suspicion is  
7 that the consumers would look at price and a  
8 perception of quality.

9           You know, is a part perceived made in  
10 Europe a better product? But I appreciate the  
11 question because from the EU perspective, it  
12 seems that there's a lot attention drawn to the  
13 fact that this particular industry has been  
14 battered and is really trying to gasp for air.

15           There's been a large number of items  
16 that have been put on all of these lists, and  
17 relief from any of them would be really quite  
18 helpful. I think that was the thrust of Bob's  
19 comments, but just to point out, on China List 2,  
20 there were very, very small amounts that were  
21 removed from the list in terms of overall HTS  
22 headings.

1           So one of the ones that was removed  
2 was the shipping containers, and there were I  
3 think no less than six different shipping  
4 container companies that came in to testify. I  
5 wanted to point out that here today, you had at  
6 least six bicycle industry companies that were  
7 testifying, and when you add in the helmet  
8 industries as well, you're into the double digits  
9 of people who are showing up and talking about  
10 this now.

11           And just to reinforce, those bicycle  
12 helmets and these other helmets that these  
13 gentlemen are talking about were on List 3, and  
14 there were two criteria in the Federal Register  
15 Notice that was examined.

16           Number one, will having these items on  
17 this list influence China to change its policies?  
18 And number two, what's the disproportionate  
19 impact on US small businesses and consumers?

20           And it's not just these 10 plus  
21 companies that are talking about it. The  
22 Committee itself decided these should be removed.

1 Nothing's changed, and I think the appearance  
2 here today is that people are saying nothing has  
3 changed, so it doesn't matter whether it's an EU  
4 product or a China product, a helmet shouldn't be  
5 on this list, and everybody seems to have agreed  
6 that it should be removed from the list.

7 But I think the harder questions are:  
8 what about these other products? And that's, I  
9 think, where we know that you're making tough  
10 choices, and that's the reason why I think  
11 Specialized has said, you can still give some  
12 relief, at least limited pointed relief, by at  
13 least protecting the bicycle industry from the de  
14 minimis imports from the online resellers.

15 MR. SCHLOEGEL: I would just add one  
16 last point to kind of underscore the apples to  
17 oranges comparison, and that is that, you know,  
18 in this situation is, with the China tariffs,  
19 it's a much more widespread problem than, that I  
20 think the administration is trying to address,  
21 versus in the EU tariffs, where it really is a  
22 Boeing versus Airbus situation, and during that

1 testimony, Mr. Austell, Ted Austell from Boeing,  
2 also did testify to the fact that he thought that  
3 this should, others, such as the motorcycle  
4 industry, shouldn't be part of the tariffs, that  
5 this dispute should just be applying to the  
6 aircraft industry, rather than capturing a bunch  
7 of other industries.

8 MR. HILL: Sorry. If I could just add  
9 one last thing, I know Paul wanted the one last  
10 thing, but I've got the one, one last thing. In  
11 the motorcycle helmet industry, we don't have the  
12 option of purchasing products from the European  
13 Union.

14 There is no factories in the European  
15 Union that will build for customers. There are  
16 some brands in Europe, but they build for  
17 themselves. So any tariffs that -- vis-a-vis  
18 China versus Europe, it's going to affect the  
19 motorcycle helmet industry if these tariffs come  
20 into place on Chinese-produced goods. Europe  
21 tariffs have little or no meaning for motorcycle  
22 helmet manufacturing.

1           MR. SULBY: My last question is still  
2 on this sort of apples to oranges, EU versus  
3 China question. And I would ask anyone who has  
4 insight to reply in the post-hearing comments so  
5 that we can get to our last panel for the day.

6           But obviously the proposed tariff list  
7 in this -- in this action is at the HTS level.  
8 To what extent can the products in these HTS  
9 classifications be delineated, EU versus China,  
10 at either the 10 digit level or otherwise? And  
11 we'll look forward to reviewing that in the post-  
12 hearing submission.

13           MR. BURCH: Madam Chairman, we release  
14 this panel with our thanks, and would the  
15 witnesses for Panel 32 make their way forward?

16           CHAIR GRIMBALL: I think we're ready  
17 for the last panel for the day. Thanks for your  
18 patience.

19           MR. BURCH: Yes. Our first panel  
20 witness for Panel 32 is Kathy LaVanier with the  
21 National Candle Association. Ms. LaVanier, you  
22 have five minutes. Oh, can you turn on your

1 microphone?

2 MS. LAVANIER: All right. Thank you  
3 for the opportunity to testify today. As he  
4 said, I'm Kathy LaVanier, the president of the  
5 National Candle Association, also known as the  
6 NCA.

7 It was founded in 1974. The NCA is  
8 the major trade association representing the  
9 majority of US candle manufacturers and their  
10 suppliers. While the NCA fully supports the  
11 administration's efforts to combat the Chinese  
12 government's harmful technology and intellection  
13 property practices, I'm here to ask the  
14 administration to remove certain candle-making  
15 components from its final Section 301 list.

16 They are, one, specialty glass candle  
17 vessels, including votives, two, paraffin wax,  
18 and three, beeswax. These components are  
19 classified under four HTSUS subheadings, which  
20 we've provided in our recently submitted written  
21 comments.

22 The NCA requests removal of these four

1 codes for several reasons. In particular, small  
2 and medium-sized US manufacturers who rely on  
3 imports of glass candle vessels and wax for  
4 producing filled candles here in the United  
5 States, will be harmed by increased cost of  
6 goods, making them less competitive both in the  
7 US and globally.

8           Meanwhile, Chinese producers of glass  
9 vessels and wax will remain largely unaffected,  
10 as they'll shift sales to countries such as  
11 Vietnam and Mexico, who will not have to pay the  
12 additional tariffs on these same components.

13           This gives them an insurmountable  
14 competitive cost advantage over our US producers.  
15 The truth is that for an already vulnerable  
16 industry, an increase of 25 percent in duties on  
17 main components threatens to shift manufacturing  
18 for US-made products, like these, I've got set up  
19 here, overseas, resulting in a loss of American  
20 jobs.

21           The shift overseas would not only be  
22 bad for the US candle-making industry, but it



1 would also result in harm to US consumers in the  
2 form of lower quality products. The thousands of  
3 jobs created in the USA by NCA members are  
4 good-paying jobs, and our members' employees take  
5 a lot of pride in making high quality products  
6 that are both safe and healthy for the  
7 environment.

8 We are skeptical that foreign  
9 producers would be as careful in ensuring their  
10 candles meet the highest safety standards and  
11 environmental standards of domestically-produced  
12 candles. US candle makers cannot simply shift to  
13 alternative sources for glass and wax.

14 For instance, glass design newness and  
15 variety are key to driving sales in the candle  
16 industry. Really key. Due to its focus on  
17 automation, the US glass-making industry is not  
18 positioned to supply us with the broad range of  
19 glass vessels that drives sales with the end  
20 consumer.

21 They prefer, instead, to focus on  
22 larger runs of more lucrative work like wine and

1 beer bottles. There are also no viable  
2 alternative sources for glass vessels in other  
3 foreign countries.

4 For instance, the NCA is aware that  
5 Mexico does not have the adequate equipment and  
6 personnel in place at this time to produce the  
7 design range and quantities of glass needed by  
8 the entire US candle industry.

9 Even if Mexico invested in new  
10 equipment and ramped up production, the ramp up  
11 time would take more than a year. Further, the  
12 production of wax in the US has been greatly  
13 reduced, and there is not a significant,  
14 sufficient supply of domestic wax to meet the  
15 demands in the US market.

16 Beeswax has fallen victim, sadly, to  
17 worldwide colony collapse disorder, and this has  
18 not been resolved. As a result, we have already  
19 seen a reduction of supply and a steep increase  
20 in the price of the beeswax, even before we  
21 considered tariffs.

22 Regarding paraffin, US oil refineries

1 have nearly ended wax production because they can  
2 use that same feedstock to instead produce much  
3 more valuable high-end lubricants. The tariffs  
4 would simply make all of these tough situations  
5 even worse.

6 The NCA also recognizes the concerns  
7 surrounding the Chinese government's Made in  
8 China 2025 policy notice. We respectfully submit  
9 that the glass candle vessels and wax are not  
10 part of the high tech sectors in China's policy.

11 We also submit that the consumers of  
12 candles, such as members of religious communities  
13 who purchase votive candles, are not the high  
14 tech consumers targeted by China's policy. Thus,  
15 our request for removal of glass vessels and wax  
16 does not seek to undermine the intended goal of  
17 Section 301.

18 For all these reasons, the NCA asks  
19 the administration to remove specialty glass  
20 candle vessels, paraffin wax, and beeswax from  
21 its proposed list of products subject to the  
22 Section 301 tariffs. Committee members, thank

1 you very much, and I look forward to answering  
2 your questions.

3 MR. BURCH: Thank you, Ms. LaVanier.  
4 Our next panel witness is Peter Erdman with  
5 Hisense USA Corporation. Mr. Erdman, you have  
6 five minutes. Oh, can you please turn on your  
7 mic?

8 MR. ERDMAN: Thank you for having me  
9 here. I appreciate the time. Members of Section  
10 301 Committee, thank you for the opportunity to  
11 testify today. I appreciate your willingness to  
12 consider our testimony.

13 My name is Peter Erdman. I am the  
14 vice president of marketing and business  
15 development for Hisense USA Corporation, located  
16 in Suwanee, Georgia. Founded in 2001, Hisense is  
17 an importer and distributor of consumer products  
18 with a focus on television monitors and  
19 projectors, as well as dehumidifiers, air  
20 conditioners, stove top ovens, and dishwashers.

21 Originally located in Los Angeles,  
22 California, Hisense moved its operations to

1 Suwanee, Gwinnett County Georgia in 2007. Since  
2 that time, Hisense has made considerable real  
3 property and workforce investments in Suwanee,  
4 Georgia, where it maintains its corporate  
5 headquarters, R&D, and warehousing facilities.

6 Currently, Hisense employs 127  
7 full-time workers. Hisense is well-respected --  
8 is a well-respected corporate citizen of Georgia,  
9 and an active supporter and sponsor of USA  
10 Soccer, and many local charities, school systems,  
11 and nonprofit organizations.

12 In 2015, Hisense obtained the  
13 licensing rights for the Sharp TV brand, and  
14 markets its TV products under the Sharp name, as  
15 well as under the Hisense brand. Hisense has  
16 expanded its product line into many other  
17 products, such as dishwashers, microwave ovens,  
18 air conditioners, and dehumidifiers.

19 Hisense products are sold at Walmart,  
20 Costco, Best Buy, and Amazon, and many more  
21 boutique and big box retailers. In 2010, Hisense  
22 expanded its corporate headquarters by 7,000

1 square feet to build a US R&D center.

2 The US is the most important  
3 international market for Hisense, and it has made  
4 a significant investment in its R&D center. In  
5 fact, Hisense invests 5 percent of its annual  
6 sales revenues back into its US R&D.

7 The local R&D team provides industrial  
8 design, product testing, competitive analysis,  
9 and display technology studies. Hisense is  
10 committed to growing our US operation, and  
11 developing our Georgia workforce.

12 The proposed Section 301 List 4  
13 product list contains many of the consumer  
14 products Hisense imports and sells in the United  
15 States. In particular, increased tariffs are  
16 proposed on dishwashing machines, microwave  
17 ovens, smart laser TV projectors, and panels,  
18 smart screen TV monitors, sound bars -- I'm  
19 sorry. Sound bar theater systems, dehumidifiers,  
20 and air conditioner parts.

21 We are appearing here today to express  
22 our concerns and highlight issues raised by this

1 new round of tariffs. We supplied a detailed  
2 list of the tariff numbers of concern with our  
3 comments filed on Monday, June 17, 2019.

4 Because of the eight-digit HTSUS  
5 subheadings are broad by necessity, imposing  
6 tariffs at the eight-digit level will impact  
7 products at the 10-digit level, such as Hisense  
8 consumer products I just mentioned.

9 Such items are not an appropriate  
10 target for the Section 301 tariffs. Hisense  
11 products are the subject of the present comments,  
12 and are designed primarily for home use at the  
13 proposed -- and the proposed tariffs on these  
14 items would have a disproportionate impact on  
15 individual consumers of such items.

16 These consumers would be especially  
17 affected by the proposed tariffs. To the best of  
18 our knowledge, the majority of these items,  
19 especially the TV panels and laser projectors,  
20 are not wholly manufactured in the United States.

21 We have no option but to import these  
22 items, and the predominate source is China. It

1 is difficult to imagine that other countries  
2 would be able to replace China as a supplier of  
3 these items, at least within a year's time, and  
4 it would be difficult to foresee Hisense  
5 manufacturing these products in the United States  
6 without a lengthy disruption of supply.

7           Should the administration ultimately  
8 impose additional duties on Hisense's imported  
9 products, absolutely no US manufacturers would  
10 benefit from the additional market protection.  
11 Instead, the additional duties would ultimately  
12 reduce competition for the products, which, in  
13 turn, would raise prices for American consumers  
14 and homeowners.

15           Moreover, the consumer products that I  
16 previously listed represent a large portion of  
17 Hisense current and future sales and are vitally  
18 important to Hisense viability as a company and  
19 its plans for US growth and expansion.

20           If the administration imposes tariffs  
21 on these products, it will financially jeopardize  
22 Hisense, a company that has made a significant



1 investment in the United States, and affect jobs  
2 in Georgia without helping a single US  
3 manufacturer or manufacturing job.

4 CHAIR GRIMBALL: Mr. Erdman, I see you  
5 have a ways to go, but I have to ask you to  
6 conclude.

7 MR. ERDMAN: I'm sorry?

8 CHAIR GRIMBALL: I have to ask you to  
9 conclude --

10 MR. ERDMAN: Sure.

11 CHAIR GRIMBALL: -- very soon. Thank  
12 you.

13 MR. ERDMAN: Okay. So on behalf of  
14 Hisense, I appreciate the opportunity to testify  
15 on the impact proposed, that determination of  
16 acts and pursuant to Section 301, Hisense will  
17 supplement this testimony with post-hearing  
18 responses to questions posed by the panel, and  
19 appropriate comments. Thanks.

20 MR. BURCH: Thank you, Mr. Erdman.  
21 Our next panel witness will be Greg Williamson  
22 with CamelBak Products, LLC. Mr. Williamson, you

1 have five minutes.

2 MR. WILLIAMSON: Great. Thank you,  
3 and thanks for the opportunity to speak today.  
4 So as noted, my name is Greg Williamson. I'm  
5 president of CamelBak, the premier brand in  
6 hydration products, such as bottles, reservoirs,  
7 and backpacks, as well as hydration systems  
8 designed and purpose-built for the US military.

9 We're based in Petaluma, California  
10 with a distribution facility in San Diego. In  
11 total, employing over 125 full-time US employees.  
12 As noted, we proudly supply our products to the  
13 US military, as well as the consumer market. I'm  
14 here today -- consumer market.

15 I'm here today to discuss plastic and  
16 stainless steel bottles for water and other  
17 liquids, which make up the vast majority of our  
18 sales. Imposing tariffs up to 25 percent on  
19 these products would harm our company, our  
20 employees, raise prices for our customers, not to  
21 mention the negative implications it has on the  
22 environment. More to -- more to come on that

1 later.

2 I would not be here today if we could  
3 absorb the cost of the potential tariff  
4 increases. We simply cannot. Imposing such  
5 tariffs on these products would lead to higher  
6 retail prices, and inevitably, would dissuade  
7 consumers from purchasing reusable over  
8 disposable bottles.

9 One of the many benefits of CamelBak  
10 bottles is that they allow consumers to keep  
11 their beverages fresh and available wherever and  
12 whenever they need, and in the process, provide  
13 an effective and environmentally friendly  
14 alternative to single-use plastic bottles or  
15 paper cups.

16 We have done extensive research on our  
17 sourcing options, yet we cannot find alternative  
18 sources outside of China that can produce our  
19 bottles in the quantity, or to the quality, that  
20 we require. The tooling and capital expense to  
21 produce these products is very high, and  
22 suppliers outside of China are either too costly

1 or do not have the technology to produce our  
2 products.

3           Even if alternative sources were  
4 available, the time and resources required to  
5 move the manufacturing of our products would be  
6 economically unbearable. Just a little bit more  
7 on the products themselves. We offer a variety  
8 of options -- I have a few laid out here -- to  
9 our customers, ranging from bottles with reusable  
10 straws, squeeze bottles for sport applications,  
11 vessels designed specifically for consuming  
12 coffee and tea, in addition to pour-style tops,  
13 ideal for consuming water on the go.

14           Our stainless steel bottles have  
15 insulated properties through vacuum seal --  
16 through the vacuum seal created between the two  
17 outer walls. This seal allows drinks to stay  
18 cold for up to 24 hours, and hot for up to 6.

19           Our plastic bottles are made from  
20 Tritan or polypropylene plastic, and are all  
21 BPA-free. These products are particularly  
22 popular and relevant in kids' line, and are used

1 safely by millions of school children each year.

2 Our plastic bottles also have  
3 leak-proof top options to ensure no water is  
4 wasted if they're accidentally bumped, rattled,  
5 or dropped. We know the more variety we offer,  
6 the less likely people are to use disposable  
7 bottles, many of which end up in oceans, rivers,  
8 parks, or litter in your own neighborhood.

9 Our reusable bottles greatly reduce  
10 the amount of plastic waste, which, as you know  
11 from recent reports, is a tremendous ecological  
12 problem. Environmentally friendly bottles have  
13 become essential for people with active  
14 lifestyles in everyday life, whether at home, in  
15 the office, at your kids' soccer game, soccer  
16 games, or while enjoying the outdoors.

17 They are critical for maintaining  
18 hydration during any physical activity when the  
19 other options are wasteful plastics, or no water  
20 at all. Hydration equals good health, optimal  
21 performance, and safe heat management.

22 Hydration is CamelBak's business. The

1 use of plastics across the United States and the  
2 world has skyrocketed to unsustainable levels.

3 In 2017, Americans spent an estimate \$13.7  
4 billion on bottled water, a 17 percent increase  
5 from 2016.

6 This makes the United States the  
7 biggest user of bottled water on the planet.  
8 While only accounting for 4 percent of the  
9 world's population, Americans are responsible for  
10 15 percent of total world consumption of  
11 disposable water bottles.

12 Many of the plastics heavily consumed  
13 by society are single use plastics, which are  
14 promptly disposed of after use. Although some of  
15 this plastic is recycled, most is not, and part  
16 due to improper disposal practices in our  
17 recycling facilities. This is not good for our  
18 planet.

19 We are doing our best to stop this  
20 trend. Getting consumers to ditch disposable is  
21 a core mission of our company. Presently priced  
22 lower than the average case of bottled water,

1 reusables provide an opportunity for consumers to  
2 reduce waste without negatively affecting their  
3 buying and lifestyle choices.

4 Tariffs would increase the price of  
5 reusable bottles, pricing them out of the market.  
6 No longer will reusable bottles be accessible to  
7 all, thereby discouraging consumers from making  
8 healthier and more sustainable choices.

9 Simply put, the higher the cost of  
10 reusable bottles, the more likely consumers are  
11 to opt out of disposable bottles, which are --  
12 which -- opt for disposable bottles, which would  
13 make the plastic waste problem even more severe.

14 If we wanted to minimize stray plastic  
15 in oceans, waterways, roadsides, and landfills,  
16 we should encourage the use of reusable products  
17 like CamelBak hydration systems, not impose  
18 punitive tariffs up to 25 percent, which  
19 inevitably would lead to more plastic trash.

20 We urge you to remove reusable  
21 hydration products from the proposed tariff list.  
22 Thank you for listening to our concerns, and for

1 your consideration of our request.

2 MR. BURCH: Thank you, Mr. Williamson.  
3 Our next panel witness will be Julie Heckman with  
4 American Pyrotechnics Association. Ms. Heckman,  
5 you have five minutes.

6 MS. HECKMAN: Good afternoon, Madam  
7 Chairman, and the Section 301 Committee. I am  
8 Julie Heckman, executive director of the American  
9 Pyrotechnics Association, which was founded in  
10 1948, and is the principal safety and trade  
11 association for the firework industry.

12 I appreciate the opportunity to  
13 discuss the implications of the proposed tariffs,  
14 not only on the US firework industry, but on the  
15 local communities, nonprofit organizations, and  
16 millions of Americans who celebrate their freedom  
17 each 4th of July with fireworks.

18 The firework industry shares the  
19 administration's desire to negotiate meaningful  
20 trade solutions with China. However, the broad  
21 scope of the most recently proposed tariffs,  
22 particularly those on fireworks, would raise



1 costs on American businesses, and their  
2 downstream customers.

3           Additionally and uniquely, thousands  
4 of nonprofits and small municipalities nationwide  
5 will suffer significantly. Their skies could be  
6 dark next Independence Day. The APA formally  
7 requests that HTS subheadings for professional  
8 display fireworks and consumer fireworks be  
9 removed from the proposed products subject to  
10 increased tariffs.

11           Those products are imported under HTS  
12 subheadings 3604.10.10 and 3604.10.90. Fireworks  
13 are not high tech products covered by Chinese  
14 industrial policy, including its Made in China  
15 2025 plan, and therefore, increased duties on  
16 fireworks would have zero impact on China's  
17 policies and practices.

18           China is actually credited with the  
19 development of fireworks, dating back to the  
20 second century, BC, and the discovery of  
21 gunpowder. The formulas used to manufacture  
22 fireworks remain relatively unchanged since the

1 mid-1900s.

2 Fireworks are made by hand, involving  
3 a highly skilled, well-trained, labor intensive  
4 process. That manufacturing process, combined  
5 with excessive regulations, beginning in the  
6 mid-1970s, drove US firework companies to rely on  
7 those solely on imported products.

8 Since 1976, China has been the  
9 dominant global manufacturer and supplier of  
10 fireworks. Over the past four decades, US  
11 firework companies have cultivated close  
12 relationships with their Chinese industry  
13 colleagues to produce the highest quality and  
14 safest fireworks ever made.

15 Safety is and will remain our highest  
16 priority. During the past several years, the  
17 firework industry has experienced uncertainties  
18 in doing business with China, and has even  
19 explored firework production in other countries,  
20 such as Vietnam, Cambodia, India, and Mexico.

21 But what we've learned is that the  
22 long-term commitment of Chinese manufacturers to

1 understand and adhere to US regulatory guidelines  
2 is not easily duplicated. It would take between  
3 10 and 15 years to transition meaningful and safe  
4 production to another region.

5 The proposed tariffs on fireworks  
6 would cause severe economic harm to the industry,  
7 nonprofits, and municipalities nationwide. 98  
8 percent of APA member companies are classified as  
9 small businesses. These small businesses are  
10 multi-generation family businesses with strong  
11 ties to their communities, creating thousands of  
12 full-time and part-time local jobs.

13 Sales of consumer fireworks support  
14 thousands of nonprofit organizations, including  
15 churches, veterans' groups, youth sports, and  
16 other philanthropic groups. A 25 percent hike in  
17 price will severely hurt their fundraising  
18 abilities.

19 The vast majority of professional  
20 firework displays are small municipal and  
21 nonprofit sponsored displays costing less than  
22 \$15,000. These small municipalities are already

1 cash strapped, and struggle each year to secure  
2 funding for their 4th of July Independence Day  
3 shows.

4 For these small cities and towns, the  
5 proposed 25 percent tariff would, in many cases,  
6 mean they would no longer be able to afford an  
7 Independence Day firework display.

8 Fireworks are classified by the U.S.  
9 Department of Transportation as explosives, and  
10 are subject to specific markings on shipping  
11 cartons and containers. All firework containers  
12 received at US ports must have shipping manifests  
13 that include the UN identification number, proper  
14 shipping name, and hazard class.

15 These requirements coupled with the  
16 existing fireworks import surveillance program  
17 have familiarized custom agents with both  
18 professional display and consumer fireworks.  
19 That's making enforcement of any tariff exemption  
20 for fireworks both feasible and efficient.

21 APA members are patriotic. They bleed  
22 red, white, and blue. We sincerely hope that the

1 Committee will grant our request to exclude  
2 fireworks from the most recent round of tariffs  
3 so that Americans across this great nation can  
4 celebrate their freedom this 4th of July and  
5 beyond by lighting the skies, and celebrating the  
6 way that John Adams wanted. With bonfires and  
7 illuminations from one end of this continent to  
8 the other. Thank you.

9 MR. BURCH: Thank you, Ms. Heckman.  
10 Our last panel witness for the day will be Daniel  
11 Peart with Phantom Firework Companies. Mr.  
12 Peart, you have five minutes.

13 MR. PEART: Thank you. Good  
14 afternoon, Madam Chair, members of the Section  
15 301 Committee. My name is Daniel Peart, director  
16 of government affairs for Phantom Fireworks  
17 Companies of Youngstown, Ohio.

18 We appreciate the opportunity to  
19 appear before you today to offer the concerns of  
20 Phantom Fireworks regarding the proposed up to 25  
21 percent tariff on imported Chinese fireworks.

22 Unequivocally, and for the record, it

1 would be absolutely impossible to find alternate  
2 sources to replace the supply of Chinese  
3 fireworks. It would be impossible to replace the  
4 Chinese fireworks. China, including Hong Kong,  
5 supplies 97 and three quarters percent of all  
6 consumer fireworks, and 86 and three quarters  
7 percent of all professional display fireworks to  
8 the United States.

9 The non-Chinese 2 and a quarter  
10 percent of consumer fireworks, and the 13.2  
11 percent of professional display fireworks come  
12 from a total of 10 countries.

13 Phantom fireworks imports 99.8 percent  
14 of all the fireworks we sell from China.  
15 Virtually every firework we sell comes from  
16 China. The reasons it would be impossible for  
17 the other, the other 10 countries to step up and  
18 meet the fireworks supply needed in the US is  
19 multi-fold.

20 These countries do not have the  
21 manufacturing capacity to produce enough  
22 fireworks to meet US demands. The countries now

1 lack the ability to produce the variety of  
2 fireworks that China produces.

3           The countries produce a limited number  
4 of items, rather than the full line of fireworks  
5 that Americans demand. China has over 1,000  
6 years of experience in making the fireworks,  
7 while no other country has anywhere near that  
8 depth of knowledge of experience.

9           Fireworks manufacturing in China is a  
10 rural endeavor, which products being crafted by  
11 hand rather than by high tech machinery. This is  
12 about as low tech of a manufacturing process as  
13 you can imagine.

14           Labor costs in most of these other  
15 countries are much higher compared to that of the  
16 rural labor cost in China. The consequence is  
17 that American importers will have no choice but  
18 to continue importing from China and pay the  
19 tariff, and Americans will pay the tariff, not  
20 China.

21           The proposed tariff on fireworks will  
22 not affect China one bit. China will lose very

1 few of its American customers until the American  
2 consumers react to the higher prices and stop  
3 buying as many fireworks.

4 For the sake of argument, if China  
5 does lose orders on fireworks due to the proposed  
6 tariff, the manufacturing is all done in rural  
7 areas, not the largest cities, so the loss of  
8 employment will have minimal impact.

9 We don't believe the loss of  
10 employment in China due to the imposition of the  
11 proposed tariff on fireworks is even a remote  
12 possibility. The American importers will then  
13 cut their orders, however China will simply shift  
14 its production for other markets, such as South  
15 America, Europe, the UK, Russia, Asia, Australia,  
16 and the domestic Chinese market.

17 The American importers will have no  
18 choice but to pass the bulk of the tariff cost  
19 onto the American consumers. Consequences will  
20 follow. The higher prices will lead to a  
21 reduction in the number of fireworks purchased.

22 This will mean less income to the



1 American companies, which will result in a  
2 reduction in employment and wages paid, less  
3 expansion, and less taxes, and firework-specific  
4 taxes, paid to federal, state, and local  
5 governments.

6 Uniquely, because so much of the  
7 temporary venue firework sales at retail are  
8 conducted by a charitable 501(c)(3)  
9 organizations, these charities will lose, and  
10 will have less money available to fund their much  
11 needed good work.

12 We believe an exemption from the  
13 tariff on fireworks is justified for the  
14 following reasons. It is impossible to find a  
15 ready alternate source to replace the imported  
16 Chinese fireworks to the US.

17 Two, because we will be forced to  
18 continue to buy the fireworks from China, China  
19 will suffer little or nothing as a result of this  
20 tariff imposition. Three, there will be  
21 substantial economic loss to the American  
22 economy, and the proposed tariff on fireworks

1 would be ineffective in eliminating the acts,  
2 policies, and practices of China, that motivated  
3 the U.S. Trade Representative's issuance of the  
4 notice, and would not advance the U.S. Trade  
5 Representative's policy objectives.

6 We respectfully urge you to exempt  
7 fireworks from the proposed tariff. Thank you  
8 for your time and opportunity to present the  
9 views of Phantom Fireworks.

10 MR. BURCH: Thank you. Thank you, Mr.  
11 Peart. And Madam Chairman, this concludes all  
12 witnesses' testimonies.

13 MR. VANDERWOLF: Hi, I'm John  
14 Vanderwolf from the U.S. Department of Commerce  
15 International Trade Administration. My name, my  
16 question's for Kathy of the National Candle  
17 Association.

18 Can you explain or expand on why you  
19 referenced candle inputs must be sourced from  
20 China? Also, what is China's place in the  
21 respect to the global marketplace of these  
22 products, and what are the difficulties

1 associated with sourcing materials needed for  
2 candles from other countries?

3 MS. LAVANIER: Yes. In, well, I'll  
4 start with the glass.

5 MR. VANDERWOLF: Okay.

6 MS. LAVANIER: And the glass for  
7 candles has to be made under a special process,  
8 dictated by ASTM, to make it safe for the thermal  
9 shock that happens when candles are used. So we  
10 implemented that as an industry several years  
11 ago, and in fact, the fires due to candles have  
12 dropped by more than half since we implemented  
13 these undertakings.

14 So it's a great thing, but it makes it  
15 imperative that the manufacturer follow these  
16 strict means by which they have to produce the  
17 glass in order for us to buy it to use it for  
18 candles. And in my, in my career, I, actually  
19 for a very large candle purveyor, was sent to  
20 Mexico, Guatemala, Thailand, Vietnam, looking for  
21 other manufacturers of glass that could make  
22 glass according to these, the rules that are set

1       forth to do that, and was not able to find any  
2       that could do that.

3               So that made it very difficult from  
4       the start. In Europe, there's glass available in  
5       Europe, but because it's so expensive, even if  
6       they switched to making it according to the ASTM  
7       protocol, we couldn't afford it, as far as using  
8       it for our candles.

9               It would make them too expensive in  
10       the marketplace. So that leaves us then with the  
11       US and the Chinese manufacturers that actually  
12       implemented the ASTM standards so that they could  
13       produce against that.

14              The other issue we have with glass is  
15       that the candle, the glass makers in the US, if I  
16       want to make a, this piece of glass, I've decided  
17       I like that shape, and I'd like to make it, I  
18       would have to pay 70,000 for the tooling, and  
19       take 250,000 pieces.

20              If I go to China, same piece of glass.  
21       I would need to pay about \$3,000 for the tooling,  
22       and take 5,000 pieces. And in a glass business,

1 we're very much a fashion-driven industry. It's  
2 all about fast fashion for us, so we need to  
3 constantly be changing up what we offer so that  
4 it looks new and exciting and different, and  
5 keeps up with the decor trends.

6           And taking 250 to 300,000 pieces at a  
7 go doesn't really enable us to leverage that. So  
8 we do use US glass to the full extent that we  
9 can, but when we need to be fast fashion, we need  
10 the help of China and their glass manufacturing  
11 capabilities.

12           As far as beeswax and paraffin, both  
13 are in short supply globally already. We find it  
14 hard to get it even when we have China available.  
15 If we take China out of the mix, we now have an  
16 even much bigger problem. So we are taking wax  
17 from every source that we can get it already, and  
18 because of the high-end lubricants being so  
19 great, and making so many profits for the oil  
20 folks, it's making it impossible for us to talk  
21 them into making a byproduct wax out of it  
22 instead.

1                   And the bees, I think we're all  
2 familiar with that situation and what's going on  
3 there, and it's really just, really tough to get  
4 beeswax. So we've looked at all of those  
5 possibilities as, to the full extent that we can,  
6 and that's where we've come. We come up short  
7 without China. But great question.

8                   MR. SULBY: My question is for Mr.  
9 Erdman, from Hisense. Could you expand on the  
10 severe harm you indicated Hisense would suffer --  
11 should additional tariffs be imposed on these  
12 products?

13                   MR. ERDMAN: Primarily the harm would  
14 be toward the employees and the families of the  
15 employees at Hisense in Georgia. There would  
16 also be harm to the retailers that we supply in  
17 the United States, including Best Buy, Walmart,  
18 Amazon, Target, et cetera.

19                   This business, the TV business is a  
20 very low margin business, so it's very difficult  
21 because we're a small company fighting against  
22 some very big companies. Samsung, Sony, et

1 cetera.

2 So the harm would be really toward the  
3 people who work at the company, and the people  
4 they support, and then the people who we supply.

5 MR. SULBY: So how much of your  
6 products are sourced from China, and what other  
7 countries are they sourced from?

8 MR. ERDMAN: When you say source, I'd  
9 say if you use a television as an example, I'd  
10 say I don't know the exact percentage, but it  
11 would be high 90s are sourced out of China. You  
12 know, historically, the TV business that was in  
13 the United States was back in the 1960s.

14 That business gradually moved over to  
15 Asia, because the technology changed. Some of it  
16 went to Japan, some of it went to Korea, and then  
17 it went to China. At this point, there's very  
18 little of it in Japan, and then some it in Korea.  
19 We can't source anything from Korea because it's  
20 our big competitor there. So primarily, we have  
21 to get our parts and products from China.

22 MR. SULBY: Lastly, you cite in your

1 testimony that no -- none of these products are  
2 wholly made in the United States anymore. Are  
3 any of these products partially made or partially  
4 manufactured, or otherwise finished in the United  
5 States?

6 MR. ERDMAN: I cannot recall the name  
7 of the company. There's one company in South  
8 Carolina that kind of stamps a Made in USA on  
9 their television box, and literally they bring a  
10 built TV to the United States, and then maybe put  
11 a remote control in there. I don't consider that  
12 really manufacturing.

13 MR. SULBY: All right. Thank you.

14 MR. FRATERMAN: Really quickly, Mr.  
15 Erdman, I just wanted to follow up. In the first  
16 part of that question, you said that the  
17 employees would be the ones who were the most  
18 severely impacted by this, and I guess I wanted a  
19 little bit more detail on that. In regards to  
20 the employees in Georgia, I'm assuming, correct?

21 MR. ERDMAN: Correct.

22 MR. FRATERMAN: Okay. Would that be



1 an entire facility shutting down? Would that be  
2 certain employees in just the warehouse being  
3 laid off, and not necessarily the corporate? Who  
4 exactly would be affected by that?

5 MR. ERDMAN: Because the product is a  
6 very low margin product, and the competition is  
7 fierce, it could be across the board of all parts  
8 of the company, which would include, it could be  
9 sales, it could be marketing, it could be parts  
10 supply, it could be service group, it could be  
11 the supply chain group. It's basically all the  
12 components that are put together to build and  
13 distribute a product in the US.

14 MR. FRATERMAN: Great. Thank you very  
15 much.

16 MR. ERDMAN: Sure.

17 MR. FRATERMAN: Thank you.

18 MS. ROY: Tracy Roy from U.S. Customs  
19 and Border Protection. This question is for Mr.  
20 Williamson. Have you investigated alternatives  
21 to sourcing your water bottles from outside of  
22 China, either domestically or from third

1 countries?

2 MR. WILLIAMSON: Yes, thanks for the  
3 question. We have, and like a lot of companies,  
4 we periodically undergo, you know, global  
5 sourcing and supply chain reviews. It's just  
6 part of normal operating practice to keep a  
7 monitor on cost. Our most recent one was just  
8 over 12 months ago.

9 Investigated over 30 different  
10 manufacturers in several countries, and it all  
11 led back to where we are, which is in China, that  
12 can deliver the capacity, the quality, the speed  
13 to market, and the other capabilities needed to  
14 service our business. So we have done that.

15 MS. ROY: Okay. I have one more  
16 question. Can you elaborate on how you expect an  
17 additional tariff on Chinese water bottle imports  
18 to affect your supply chain and US consumption?

19 MR. WILLIAMSON: Sure. At the end of  
20 the day, this is a consumer product, as we all  
21 know. It's a discretionary consumer product,  
22 where there are alternatives, mainly bottled

1 water, and you know, we sell the majority of our  
2 products through retail distribution.

3 The obvious ones, both, you know,  
4 brick and mortar, and e-tail, and have seen in  
5 the past actions, whether it's for a variety of  
6 reasons, when we take price up or take price  
7 down, there's a -- the consumer's reaction to a  
8 discretionary product like ours. So it's a  
9 sensitive product.

10 It's a competitive market with, you  
11 know, consumer alternatives. So as retail prices  
12 go up, we see sale through, and consumption of  
13 the product go down, and obviously that's not  
14 good for the health of the business, or the  
15 industry.

16 So we would anticipate to happen, as  
17 the only alternative for us in this scenario is  
18 to pass the cost on to our retailers, who will  
19 ultimately pass it on to the consumer.

20 MS. ROY: Thank you.

21 MS. MORGAN: Good afternoon. My  
22 name's Jenny Morgan from the U.S. Department of

1 Agriculture. I have a question for Ms. Heckman.  
2 You mentioned that fireworks cannot be produced  
3 in necessary volume elsewhere. What sort of  
4 investment and timeline would be expected for  
5 other production facilities to ramp up  
6 production?

7 MS. HECKMAN: Well, the US, in 2018,  
8 imported 277 million pounds of fireworks from  
9 China. Our domestic production, 6.7 million  
10 pounds, and those were very unique specialty  
11 products. The days of manufacture in the USA  
12 went away in the mid-70s, and it's really sad  
13 because the Italians, who brought that trade with  
14 them for the beautiful displays that we see, we  
15 used to have a couple dozen Italian, three, four,  
16 fifth generation family businesses manufacturing.  
17 None of them manufacture anymore.

18 It's just, it's so labor intensive,  
19 and it's dangerous. You're dealing with highly  
20 energy, you know, highly energetic materials, and  
21 it is all made by hand. Very, very little  
22 automation. China is the star.

1           75 percent of the professional display  
2 fireworks are imported from China, so what you're  
3 going to see at the 4th of July show, D.C. mall,  
4 75 percent will be from China, and you will see  
5 specialty products from Spain, Japan, Italy, and  
6 Germany, that help balance out that show.

7           Those countries could never  
8 manufacture the volume of product that would be  
9 needed, and when you look at the consumer  
10 fireworks, 99 percent backyard fireworks, we're  
11 talking cones, fountains, sparklers, the things  
12 that Americans just love to celebrate in their  
13 backyard, 99 percent come in from China.

14           And I mentioned, and I think this is  
15 more in my written testimony as well, we have so  
16 many problems dealing with China. Every year,  
17 it's a different issue, whether we're going to  
18 have shipping containers willing to take our  
19 dangerous cargo.

20           You know, we're first class tickets on  
21 those cargo ships. Whether the ports are going  
22 to shut down. We have two ports that we can get

1 product out of China. One of them keeps shutting  
2 down. Really difficult. If this industry could  
3 move its manufacturing, it would've done it. It  
4 would've done it.

5 And that's why there is, there has  
6 been exploration of Cambodia, Vietnam, looking at  
7 Mexico. But I will tell you, the quality of the  
8 products that we had, and the safety, and this  
9 stuff has to be safe for multi-modal  
10 transportation, handling, use, and in front of  
11 those spectators.

12 So whether it's backyard use or  
13 spectators, safety is our number one priority.  
14 And so it's a, it's a real, it's a real  
15 challenge. And it would probably take 10 to 15  
16 years to figure out how to do it elsewhere.  
17 Thank you.

18 MS. MORGAN: Great. Thanks. I have  
19 another question. You mentioned Independence Day  
20 displays. Can you expand on what type of  
21 seasonal demand structure fireworks have, and the  
22 nature of firework orders?

1                   So for instance, do you purchase  
2 Chinese fireworks under a contract, or what  
3 flexibility do you have to negotiate lower prices  
4 with China?

5                   MS. HECKMAN: Well --

6                   MS. MORGAN: The Chinese suppliers.

7                   MS. HECKMAN: -- you know, and I'm the  
8 trade association person, so I don't get into  
9 pricing or contracts, as that's anti-trust  
10 issues. But every year, there are additional  
11 costs that the industry incurs, whether China  
12 raises cost on the paper components, or it's the  
13 chemicals and the raw materials.

14                   Then there are the additional burdens  
15 of the container ships. You know, when trade  
16 with China is good, you know, it's really hard  
17 for this industry to get space as dangerous cargo  
18 on ocean vessels. But when trade is struggling,  
19 we're the first class tickets, and for a high  
20 price, you can get as much space as you want on  
21 all those, you know, container ships.

22                   When it comes to contracts, like the

1 D.C. show typically is a three-year contract.  
2 It's awarded that way. Other municipal shows are  
3 one-year, and they are booked very far out in  
4 advance.

5 So thankfully, these tariffs don't  
6 impact, you know, this 4th of July coming up in  
7 two weeks, but they potentially could have a  
8 significant impact if there's a 25 percent hit,  
9 and when we talk about the industry, really, the  
10 bread and butter is the 4th of July.

11 There will be over 16,000 Independence  
12 Day shows for the Independence Day holiday alone.  
13 And what the, what these companies go through to  
14 make that happen, we take over the rental truck  
15 industry, because there aren't enough trucks to  
16 move that stuff.

17 There's not enough equipment to do  
18 them all on July 4th. That's why some are on  
19 July 1st, why some are on the 2nd, why some are  
20 on the 3rd, why some are on the 5th. Not enough  
21 equipment, and not enough trained  
22 pyrotechnicians. So this industry goes through a



1 lot to help America celebrate its pride and  
2 patriotism.

3 MS. MORGAN: Thank you.

4 MR. FRATERMAN: Thank you. Mr. Peart,  
5 or Peart, I'm sorry. I just have one last  
6 question for you. You argue in your testimony  
7 that it would be impossible to replace China's  
8 capacity as a source for US importers, and I know  
9 Ms. Heckman touched on that.

10 I just wanted to hear from you as  
11 well. Can you give us a larger sense of the  
12 differences between Chinese firework capacity and  
13 that of other domestic and international sources?

14 MR. PEART: Yes, of course. As Julie  
15 mentioned, domestically, they're just, and at  
16 least as it relates to the consumer product,  
17 consumer fireworks, the domestic production, I  
18 don't know that it even exists anymore.

19 MR. FRATERMAN: Okay.

20 MR. PEART: I don't think there's any  
21 domestic production of consumer fireworks,  
22 period. In terms of internationally, as I

1 mentioned in my testimony, China makes 97.75  
2 percent of the world's fireworks.

3           What I have here from the U.S.  
4 International Trades Commission 2019 statistics,  
5 the next country in third place is Israel, with  
6 1.08 percent of the fireworks imported, or excuse  
7 me, exported into the United States. That's  
8 number three after China and Hong Kong.

9           MR. FRATERMAN: And Hong Kong. Okay,  
10 Hong Kong is the other one?

11           MR. PEART: Right.

12           MR. FRATERMAN: Okay.

13           MR. PEART: Right. 96.34 percent from  
14 China, 1.41 percent from Hong Kong. So it's, it  
15 just doesn't exist, and as both Julie and I  
16 mentioned before, you don't have factories in  
17 other countries that are making the entire line,  
18 the entire product line available.

19           For example, Phantom Fireworks may  
20 have, of one category of fireworks, something  
21 called the multi-tube aerial kick. It's an  
22 aerial item. We may have 200 SKUs that are alive

1 in our product inventory right now.

2 A new factory will come up from  
3 Israel, or from Japan, or from Spain, and they're  
4 making a multi-tube aerial kick, and they've got  
5 three, and they want you to buy one of them. So  
6 it just isn't there.

7 And that may be the only thing that  
8 factory is making, and then there's the factory  
9 in Japan that's making a party popper item. So  
10 to be able to consolidate your purchasing without  
11 spending money all over the country, because  
12 we're not a massive industry. We're growing, and  
13 we're getting bigger, but we're certainly not to  
14 the extent of some of the other industries that  
15 are before you here today. It would be, it would  
16 be an insurmountable task to replace without  
17 notice in a year's time to the consumer.

18 MR. FRATERMAN: Great. Thank you so  
19 much.

20 CHAIR GRIMBALL: Mr. Peart and Ms.  
21 Heckman, I have a question either of you can  
22 answer, and the question concerns individual

1 consumer behavior, so your backyard firework  
2 user, for example.

3           Fireworks are a specialty product.  
4 One that I assume is not used every day by  
5 consumers like, for instance, a tumbler, or a  
6 water bottle. So can you give us an idea of how  
7 increased prices on fireworks, something that is  
8 used occasionally, maybe on the 4th of July, New  
9 Year's Eve, how an increased price might affect  
10 an individual consumer's decision to buy a  
11 firework for a special occasion.

12           MS. HECKMAN: I'll go first, and then  
13 I'm going to pass it off to the consumer guy.  
14 You know, it is a discretionary product, but I  
15 will tell you, if you look at the consumption  
16 numbers that we've tracked since the Consumer  
17 Product Safety Commission issued regulations on  
18 consumer fireworks in 1976, consumption was 29  
19 million pounds.

20           That was the bicentennial. We're at  
21 277 million pounds. Forty-nine states allow it.  
22 Consumption, pardon me, is soaring. But American

1 families, they budget for this activity.

2 It's the one thing they budget for.

3 They might not be able to afford a vacation, but  
4 they'll have their family fun, and they will have  
5 a budget. So if they have \$100 budget, and  
6 there's a 25 percent tariff, they're getting less  
7 for their money. They're going to spend that  
8 \$100.

9 You may have a few that go, well, we  
10 can probably pony up and maybe a buck 25 won't  
11 really hurt us, but when you get to the bigger  
12 spenders, that 25 percent's really going to add  
13 up, and impact businesses like Phantom Fireworks.

14 MR. PEART: Yes, I agree with Julie's  
15 sentiments, and then just to add a little bit  
16 more relevant example to the answer. Our  
17 customers, we are maybe the most seasonal product  
18 that exists, you know? Christmas trees might  
19 want to have a word with us, but fireworks are  
20 really only used, unless you're fortunate to live  
21 in a warm weather state in the south, where the  
22 New Year's, where it's warm outside for New

1 Year's, it's typically a once a year commodity.

2 The majority of our customers purchase  
3 from us one time a year. So we do have a high  
4 amount of customer loyalty, where people come  
5 back to our stores year after year after year,  
6 and they keep buying our products.

7 Nobody remembers what they buy.

8 Nobody remembers, I bought two Screaming Mimi's  
9 and a -- no. I remember I spent \$500. I  
10 remember I spent \$250. And what will end up  
11 happening if these proposed tariffs of up to 25  
12 percent are affecting the fireworks industry,  
13 they may come in again and spend \$250, they may  
14 come again and spend \$500.

15 They're going to get 25 percent less  
16 product, and they're going to see it. Of course  
17 it'll be on the news, and of course people will  
18 know about it. They're going to realize that  
19 they spent the same amount of money and they're  
20 getting a staggering amount less product.

21 And again, being a fragile  
22 uber-seasonal industry like we are, where we, our

1 industry is fragile enough that the day of the  
2 week that the 4th of July falls on significantly  
3 impacts our success.

4 Last year, the 4th of July was on a  
5 Wednesday. Everybody in the industry knows and  
6 will tell you, when the 4th is on a Wednesday,  
7 you tighten your belt a little bit, because there  
8 aren't as many parties. Sales are not quite as  
9 brisk as they would be when it falls on a Friday,  
10 Saturday -- When it's easier to plan those types  
11 of parties. So the price increases are real.

12 When there was an economic downturn  
13 back around 2010, people didn't come out as much.  
14 We noticed that maybe the \$500 customer continued  
15 to come out. Maybe he spent \$300 or \$400. What  
16 we noticed without question is the majority of  
17 our sales are the impulse buyer that remembers, I  
18 need 4th, I need fireworks. It's July 3rd, it's  
19 July 4th. Let's go spend 60, 70, \$80, and get a  
20 couple of sparklers and a rocket.

21 Those customers went away. And with  
22 an increase of 25 percent, those will be the

1 customers that get hit the hardest for sure.

2 CHAIR GRIMBALL: Thank you.

3 MR. BURCH: Madam Chairman, we release  
4 this panel with our thanks, and we will recess  
5 until tomorrow, 9:30.

6 (Whereupon, the above-entitled matter  
7 went off the record at 5:17 p.m.)

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In the matter of: Section 301 Tariffs Public Hearing

Before: USTR

Date: 06-20-19

Place: Washington, DC

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**NEAL R. GROSS**

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