

OFFICE OF THE U.S. TRADE REPRESENTATIVE

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HEARING REGARDING THE PROPOSED ACTION  
IN THE SECTION 301 INVESTIGATION OF  
DIGITAL SERVICES TAXES ADOPTED BY TURKEY

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FRIDAY  
MAY 7, 2021

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The hearing convened, via video teleconference, at 9:30 a.m., Patrick Childress, Office of the U.S. Trade Representative, presiding.

Government Panelists

PATRICK CHILDRESS, USTR

BENJAMIN ALLEN, USTR

REBECCA GUDICELLO, USTR

WON CHANG, Department of the Treasury

ALBERT YAM, Department of the Treasury

JESSICA HUANG, Department of Commerce

NABIL ABBYAD, Department of Commerce

DAVID McCALEB, USDA

HEIDI BROEKMEIER, USDA

SARAH BONNER, U.S. Small Business Administration

DAVID MOO, Department of State

JESSICA MAZZONE, Department of State

LEENA KHAN, Department of Labor

RUTH WADDY, Customs and Border Protection

**Witnesses**

ADEM OGUNC, Well Woven Inc.  
ALEX KALYAN, Concord Global  
ANDREW PEYKAR, Oriental Rug Importer Association  
FATIH CITOGLU, Dragos Marble, Inc.  
HALDUN CETINBAY, FBR Marble  
RECEP COSKUN BOZANLI, Istanbul Mineral Exporters'  
Association  
HANDE ERBORA, Ema Stone  
FUNDA GURGOZE, Pera Tile  
ERIC ASTRACHAN, The Tile Council of North America  
RICK CHURCH, Ceramic Tile Distributors  
Association  
MICHAEL JACOBSON, Anatolia Stone &  
Tile/Bedrosians Tile & Stone/MS  
International Inc.  
DAVID SPOONER, Counsel, Florim  
FATIH KEMAHLI, Arpas Ltd.  
SHLOMO OZDAMAR, Royal Chain Inc. / JAS Imports  
LLC  
CEYHAN HOSGOR, Jewelry Exporters Association  
SADI SEVIMLI, Tayse Rugs  
PETER RALEIGH, Houzer Inc.  
AKGUN SECKINER, Bocchi  
AYDIN DINCER, Turkish Exporters' Assembly  
BRIAN SCARPELLI, ACT -- The App Association

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

2 9:39 a.m.

3 MR. CHILDRESS: Good morning,  
4 everyone. I think we're ready to get started  
5 now. Welcome to today's hearing.

6 The Office of the United States Trade  
7 Representative, in conjunction with the Section  
8 301 Committee, is holding this public hearing  
9 regarding a potential trade action in connection  
10 with its Section 301 investigation of Turkey's  
11 digital services tax, or DST. The United States  
12 Trade Representative initiated this investigation  
13 on June 2, 2020.

14 In a notice published on March 31st,  
15 USTR announced a proposed trade action in this  
16 investigation. That notice can be found at 86 FR  
17 16822. In today's public hearing, USTR and the  
18 Section 301 Committee will hear witness testimony  
19 regarding the proposed trade action.

20 The deadline for rebuttal comments,  
21 which may include written answers to questions  
22 that have posed at today's hearing, is May 13th.

1                   The Section 301 Committee will  
2                   carefully consider the testimony provided at this  
3                   hearing, as well as the testimony provided at the  
4                   multi-jurisdictional hearing held on Monday, May  
5                   3rd. The Committee will also review written  
6                   comments received in response to the March 31st  
7                   notice of the proposed trade action, as well as  
8                   any post-hearing rebuttal comments from  
9                   interested parties. The Section 301 Committee  
10                  will then make a recommendation to the U.S. Trade  
11                  Representative regarding what, if any, trade  
12                  action to take.

13                  Before we begin today's testimony, I  
14                  will provide some procedural and administrative  
15                  instructions, and introduce the U.S. Government  
16                  representatives that will participate in today's  
17                  hearing.

18                  First, today's hearing is organized  
19                  into five panels of witnesses. Across those 5  
20                  panels we will a total of 21 individuals  
21                  testifying today. Each witness appearing at this  
22                  hearing is limited to five minutes of direct

1 testimony.

2 After that testimony concludes, the  
3 Section 301 Committee will have an opportunity to  
4 ask questions of the witnesses. And today, given  
5 the large number of witnesses that are scheduled  
6 to testify, we ask that all witnesses make sure  
7 that their answers to the questions are as direct  
8 and succinct as possible. And also please recall  
9 that you will have the opportunity to provide  
10 more extensive responses to any questions in your  
11 post-hearing submission.

12 Between today's panels, we will take  
13 a short break to assemble the next panel of  
14 witnesses.

15 And then again, as I mentioned  
16 earlier, there will be an opportunity for post-  
17 hearing comments and the rules and procedures for  
18 those written submissions are set out in the  
19 March 31st Federal Register notice.

20 There will be a written transcript  
21 prepared of today's hearing and we will post that  
22 transcript on USTR's website as soon as possible.

1                   Now, just a few technical points to go  
2 over. For those participating in the hearing,  
3 when it is not your turn to speak, please be sure  
4 to leave your video and microphone muted. And if  
5 you would like to respond to a question that has  
6 been asked of another witness, please unmute your  
7 video and then that will signal to us that you  
8 would like to be recognized to speak.

9                   If you are having any technical  
10 difficulty and need help, please let us know in  
11 the chat within the Bluejeans platform.

12                   We also note that when you are  
13 speaking today, you are responsible for keeping  
14 your own time.

15                   With that I'd like to move on to  
16 introducing the U.S. Government Panel that will  
17 be presiding over this hearing.

18                   My name is Pat Childress. I'm from  
19 the Office of General Counsel at USTR. I am  
20 joined here today by Ben Allen, who is also in  
21 the Office of General Counsel at USTR. And our  
22 colleague, Rebecca Gudicello, from USTR's Office

1 of Small Business, Market Access, and Industrial  
2 Competitiveness will be joining us for some of  
3 the panels today as well.

4 In addition, we are pleased to be  
5 joined by several international trade and  
6 economic experts from a range of U.S. Government  
7 agencies. From the State Department, we have  
8 David Moo, Michael Oskin, and Jessica Mazzone.  
9 From the Department of Commerce, we have Nabil  
10 Abbyad and Jessica Huang. From Treasury, we have  
11 Won Chang and Albert Yam. From the Department of  
12 Agriculture, we have Christopher Shirley, David  
13 McCaleb, and Heidi Broekmeier. From the  
14 Department of Labor, we have Leena Khan. We are  
15 also joined by Ruth Waddy from U.S. Customs and  
16 Border Protection, and finally, Sarah Bonner from  
17 the Small Business Administration.

18 So with that, we should be ready to  
19 proceed to our first panel of witnesses.

20 Nidah can you confirm on the list that  
21 we have the full slate of witnesses on the line  
22 for Panel 1?



1 MS. MAJID: Yes, I think we can start.

2 MR. CHILDRESS: All right, that's  
3 great. Thanks very much for that. So we will go  
4 ahead and announce the witnesses for our first  
5 panel and we have four witnesses for this initial  
6 panel. First, Adem Ogunc from Well Woven, Inc.;  
7 George Bulat from Concord Global; Sadi Sevimli  
8 from Tayse Rugs; and Andrew Peykar from Oriental  
9 Rug Importer Association.

10 We will begin with Adem Ogunc, if  
11 you're ready, you may begin your testimony.

12 MR. OGUNC: Yes, thank you. I'm here.  
13 Is my audio coming through?

14 MR. CHILDRESS: It is. We can both  
15 see and hear you well.

16 MR. OGUNC: Perfect. Thank you very  
17 much, Patrick, and good morning, Committee.  
18 Thank you for the opportunity to comment on  
19 USTR's proposal to impose tariffs up to 25  
20 percent on imported rugs from Turkey. The  
21 proposed tariff list by the USTR would negatively  
22 impact some Well Woven's imported products

1 including our machine-made area rugs.

2 A little bit about Well Woven, Well  
3 Woven, established in 2014, is a rug and design  
4 and distribution company that develops decorative  
5 machine-made rugs for the U.S. and European  
6 markets. They have locations in five states,  
7 including New York, New Jersey, Pennsylvania,  
8 Florida, and Massachusetts. Let me correct that.  
9 Actually, we have employees in five states.  
10 We're headquartered in New York, New Jersey, and  
11 Pennsylvania is where we have operations.

12 In 2020, Well Woven shipped out  
13 hundreds of thousands of area rugs to homes  
14 across the United States, U.K., and EU. Well  
15 Woven works with retail partners within the home  
16 industry and has direct to consumer marketing  
17 channels as well.

18 Digital commerce has been an emerging  
19 focus for business of Well Woven's since its  
20 early days. We're responsible for employing  
21 employees throughout the five states we  
22 mentioned. Well Woven pays competitive wages,

1 benefits packages including health insurance and  
2 competitive PTO programs.

3           Within the decorative rug niche within  
4 our industry, Well Woven -- we regard ourselves  
5 as an early emerging brand and has one of the  
6 most competitive offerings as it relates to  
7 product value and customer experience.

8           As it relates to our supply chain,  
9 Well Woven contracts production, does our design  
10 development here in the U.S., contracts our  
11 production out to mainly Turkey and India for its  
12 product supply.

13           For years, especially at the wake of  
14 the pandemic, we've researched procuring products  
15 of this type in all regions of the world. I  
16 travel all the major markets. At the pandemic, I  
17 visited states in the South to find products like  
18 ours and simply was not able to procure the same  
19 type of products. U.S. didn't have the weaving  
20 technology and the talents that we were able to  
21 procure from Turkey.

22           Last year, the supply chain, just as

1 it relates to tariffs, last year our supply chain  
2 experienced several shocks due to the pandemic  
3 conditions which has created inflation rate  
4 effects as it relates to rising of costs, raw  
5 materials costs, and ocean freight shipping. On  
6 average, our costs of products have increased  
7 about 30 percent and ocean freight shipping year  
8 to date is around 500 percent. This has  
9 seriously impacted our outlook on the future of  
10 industry conditions. Layering proposed tariffs  
11 is an alarming proposition.

12           Impacts of the tariffs, U.S. tariffs  
13 would reduce Well Woven's U.S. economic  
14 contribution, we believe. U.S. tariffs would  
15 also weigh in on Well Woven's global  
16 competitiveness as an emerging e-commerce brand.  
17 The companies we compete with don't have a  
18 presence in the U.S. and would not be affected by  
19 U.S. tariffs. The tariff, therefore, would tilt  
20 the playing field we feel in favor of our global  
21 competitors.

22           In conclusion, we urge you not to

1 proceed forward with these tariffs. Thank you  
2 again, Committee, for taking this time this  
3 morning to hear my comments and I yield the mic  
4 back to you.

5 MR. CHILDRESS: Thank you very much  
6 for those comments.

7 We'll move on now to George Bulat from  
8 Concord Global.

9 I'm sorry, Mr. Bulat, we're having  
10 some trouble hearing you.

11 MR. KALYAN: Good morning. This is  
12 Alex Kalyan with Concord Global. I am the CO of  
13 the company. George Bulat is the president of  
14 the company and is also in attendance of this  
15 meeting. I will be leading the testimony of our  
16 company. And at this point, I would like to  
17 begin.

18 Concord Global, we specialize in  
19 machine-made area rugs and have been in the  
20 industry for over 20 years providing a number of  
21 various qualities and we work with major well-  
22 known U.S. retailers, using their private brands

1 as well as our own.

2 The products we buy from Turkish  
3 companies are not produced in America in enough  
4 capacity, variety, and qualities. With the  
5 COVID-19, there's even a larger increase in  
6 demand for these products and Turkey is already  
7 the main supplier in this category.

8 Twenty-six percent of the last 12  
9 months imports and this number is probably around  
10 70 percent for quilted in woven rugs that  
11 currently have no duty or almost all Turkish rug  
12 imports are quilted woven rugs.

13 There is existing supply problems due  
14 to COVID-19 fallout which affects container  
15 availability, backlog in the U.S. ports, et  
16 cetera. You guys hear it in the news.

17 Container rates and raw material  
18 prices have more than doubled and tripled within  
19 the last five months, even with higher shipping  
20 rates, finding available containers have been a  
21 logistical nightmare.

22 At this stage, duties will make it

1 impossible to run our business as an on-going  
2 entity. The U.S. retailers already absorbed or  
3 reflected cost increases from raw materials and  
4 container rate increases. This data further  
5 impacts cost of goods and sales have openly hurt  
6 the U.S. consumer and economy and this is the key  
7 point.

8 Turkish manufacturers make the carpet  
9 industry more competitive by providing variety of  
10 qualities at incredible values. During this  
11 process, Turkey became the major supplier which  
12 in turn benefitted U.S. customers and U.S.  
13 economy. By bringing in goods that are fit for  
14 the median consumption where products aren't too  
15 cheap or too expensive, this helps stimulate the  
16 economy by driving retail sales and consumer  
17 spending as opposed to holding back.

18 Anything you place on Turkish goods  
19 will be harmful to the final customers, the U.S.  
20 economy, and lower the general quality and  
21 availability of products. This at the end will  
22 push everyone to Egyptian and Chinese suppliers

1 and create additional supply constraints that are  
2 there already.

3 We totally understand the logic behind  
4 these taxes, but there needs to be a more  
5 amicable solution. U.S. consumers, corresponding  
6 economies, which are all domestic businesses  
7 involved, especially in distribution and  
8 logistics that include four of these products to  
9 the U.S. supply chain and the U.S. laborers  
10 involved in this trade will be permanently  
11 harmed. This tariff will not create any new  
12 employment in the U.S. Instead, it will have a  
13 negative factor as less money will be spent in  
14 retail and less taxes will be collected in turn.

15 In addition, major U.S. retailers will  
16 show less taxable profits, of course, the big  
17 increase which further impacts economic growth.  
18 If the U.S. consumer has access to affordable and  
19 value items from Turkey, who is already a good  
20 partner of the U.S. and has been for many  
21 decades, our U.S. customer will spend the savings  
22 elsewhere domestically which further stimulates



1 other local businesses, as opposed to paying  
2 higher retail which would reduce the excess money  
3 available to spend.

4 If the goal is to stimulate domestic  
5 production, it would not be the case as goods  
6 from other countries will continue to further  
7 increase and import. They will not have the same  
8 value as Turkish products. Furthermore, the  
9 domestic production today affects distribution  
10 business where currently there are more jobs  
11 available to a workforce that is not there to  
12 fill those seats.

13 Whether goods are made in the U.S. or  
14 imported, in discussion with some of our Georgia  
15 State distributors who work hand-in-hand with  
16 U.S. manufacturers, most have claimed that  
17 staffing is becoming an issue. Laborers are hard  
18 to come by. This defeats the reason for a  
19 tariff, for instead the focus should be on  
20 maintaining the supply chain and filling those  
21 needed domestic positions whether logistics and  
22 distribution further expanding domestic growth.

1                   Today, courts are backlogged.  
2           Trucking companies are far too busy to make  
3           deliveries on time. We only have availability  
4           has two to three weeks out once the containers  
5           are at the port and the retailers suffer along  
6           with the U.S. customers who have less options.  
7           This unfairly reduces the number of taxes  
8           collected from retail sales.

9                   In summary, there are growth  
10           opportunities available without the need of a  
11           tariff which would hurt the categories and affect  
12           those involved within the supply chain. From  
13           retailers to distribution to the price of an item  
14           that will potentially be replaced by goods from  
15           other countries that don't offer the same value.  
16           The U.S. consumer is losing at the end. Our  
17           ability to expand domestic operations that enable  
18           us to move into other ventures is based on  
19           providing value. This is our company model. In  
20           turn, these domestic ventures add U.S. jobs in  
21           this category and others as well. It's only  
22           going one way or another.

1           With our current U.S. operation, we  
2           have physical warehouses, employ a lot of local  
3           people, and run a very high overhead business.  
4           Any increase in costs will harm our business  
5           beyond imagination and affecting those jobs. If  
6           this was a reciprocal tax against digital  
7           services taxes, this is the most unfair tax we've  
8           ever seen. Getting additional advertisement  
9           doesn't cost anything extra to Google or  
10          Facebook. They've already covered their overhead  
11          a hundred times over. And they have no  
12          competition.

13                 And with this, I'd like to wrap up my  
14          testimony. If there's a chance for me to share  
15          the screen and show the number of raw material  
16          increases, as well as the imports, I'd be more  
17          than happy to do so. And if not now, then at the  
18          end of this testimony. Thank you.

19                 MR. CHILDRESS: Thank you, Mr. Kalyan.  
20          Yes, there's no possibility to share your screen  
21          at the moment. However, we would welcome the  
22          submission of any additional materials and hope

1 for them.

2 MR. KALYAN: Understood. Thank you so  
3 much.

4 MR. CHILDRESS: Thank you very much  
5 for your testimony today. And with that, we will  
6 move on to Sadi Sevimli from Tayse Rugs.

7 Sadi Sevimli, are you available to  
8 begin your testimony?

9 Okay, why don't we pause on that for  
10 a moment and move forward with Andrew Peykar of  
11 the Oriental Rug Importer Association. And after  
12 that testimony, we will try Sadi Sevimli again.

13 So Mr. Peykar, if you're ready, you  
14 can begin your testimony.

15 MR. PEYKAR: Good morning. Thank you  
16 for having me here today. My name is Andrew  
17 Peykar. I'm here today on behalf of the Oriental  
18 Rug Importers Association which represents over  
19 40 leading U.S.-based importers of hand-made and  
20 machine-made rugs which we refer to as carpets.

21 I am also a second-generation owner  
22 and president of Nourison Industries, a New

1 Jersey based, vertically integrated designer,  
2 producer, and supplier of carpets. Many of our  
3 members are small, family-owned businesses. Many  
4 are much smaller than my own company which  
5 employs about 400 people. We all create our own  
6 designs and we all operate on thin margins. Some  
7 have brick and mortar stores. Some sell direct  
8 to consumers via e-commerce and some sell to  
9 retailers as well.

10 There are no U.S. producers of these  
11 carpets. We have a lot of machines that make  
12 tufted carpet in this country. They are fast and  
13 make single or two-color carpets with very little  
14 design.

15 The machines in Turkey and other  
16 countries are slower and make intricate patterns,  
17 something no U.S. manufacturer wants to do. In  
18 fact, the multi-billion dollar U.S. carpet  
19 manufacturers typically buy from the same foreign  
20 factories that us small guys do because they do  
21 not deem this product efficient enough to make  
22 here.

1 Turkey has become an extremely  
2 important source of machine-made rugs especially  
3 since Section 301 duties were imposed on machine-  
4 made rugs produced in China.

5 Business at the end of 2020 and the  
6 beginning of 2021 was looking up for our  
7 industry, especially with consumers redecorating  
8 and buying new homes. That created new hope for  
9 us after the closures, pay cuts, and employee  
10 furloughs we endured when the pandemic hit. Many  
11 wholesalers have already increased prices 10 to  
12 12 percent due to significant increases in  
13 shipping and raw material costs, as well as  
14 delivery delays just to cover some of these  
15 increases.

16 But now the threat of duties on  
17 Turkish carpets is inciting a new crisis for us.  
18 The cost of yet another duty can neither be  
19 absorbed nor passed on to our price-conscious  
20 customers. What Turkish rugs provide and the  
21 reason they now account for such an increased  
22 portion of our business today are value and

1 price. That allows us to offer quality to entry-  
2 level consumers. Turkey has also allowed us to  
3 offer a highly desirable alternative to China.

4 We have carefully reviewed the tariff  
5 lines on the consideration and are providing a  
6 table that demonstrates their importance to our  
7 members. Some of the imports volumes sounds like  
8 small potatoes, but the import data through  
9 February of this year show that at least 6 of the  
10 15 lines account for precisely where the growth  
11 is now occurring in these specialty rugs. To be  
12 clear, the Oriental Rug Importers Association  
13 appreciates the importance of the issues raised  
14 by the Government of Turkey imposing a digital  
15 service tax on U.S. technology firms.

16 While we urge the U.S. Government to  
17 focus its energies and resources on a negotiated  
18 solution, the U.S. is only hurting its own when  
19 it increases duties. The ripple effect of damage  
20 resulting from the imposition of the duty,  
21 especially to importers, distributors, and  
22 retailers will be far and away any benefits the

1 Government receives.

2 From past experience, we know that a  
3 duty increase would seriously curtail sales.  
4 Lost sales mean reduced business incomes, reduced  
5 employment, and other economic reverberations.  
6 We do not have the leverage to push those costs  
7 back on the manufacturers for executing our  
8 designs. Imposing additional duties will  
9 seriously harm the predominantly small U.S.  
10 businesses that are importing these rugs and  
11 their employees. Thank you for your time.

12 MR. CHILDRESS: Thank you very much  
13 for that testimony, Mr. Peykar.

14 Now I'd just briefly like to check in  
15 and see if Sadi Sevimli of Tayse Rugs is  
16 available to offer testimony.

17 Okay, with that then, I think we can  
18 move forward with questions from the U.S.  
19 Government Panel and I believe today's first  
20 question comes from the State Department.

21 MR. MOO: Thanks, Patrick. And thanks  
22 to all the panelists for the testimony today.



1 Very helpful.

2 My question is for Mr. Ogunc from Well  
3 Woven. You mentioned that Asian economies are  
4 viable suppliers for some of your products? Can  
5 you discuss in more detail which economies in  
6 Asia and the extent to which those Asian  
7 suppliers could be suitable alternatives for your  
8 business. Thank you.

9 MR. OGUNC: Sorry, I had a little  
10 trouble with my audio. May I ask if you could  
11 repeat the question?

12 MR. MOO: Sure. The question is that  
13 you mentioned in your testimony some Asian  
14 economies as viable suppliers. And I would like  
15 for you to discuss in more detail which economies  
16 in Asia and the extent to which those Asian  
17 suppliers could be suitable alternatives for your  
18 business. Thank you.

19 MR. OGUNC: Thank you for the  
20 question. Yes, my experience as it relates to  
21 Asian sourcing is relatively limited. It's based  
22 on my traveling the DOMOTEX trade show which is

1 an international exhibition which is the premiere  
2 exhibition in the carpet industry. So traveling  
3 those shows typically, you know, the type of  
4 products we see coming out of Asia are tufted  
5 typed of products, similar in nature to the U.S.  
6 type of tufted, but done by hand.

7 In my experience there and that's  
8 something that would be relatively -- we need to  
9 explore, but there is a limited supply there.  
10 Asia meaning primarily China, as well as India,  
11 as it relates to particularly machine-made rugs,  
12 the type of identity carpets with intricate  
13 patterns in multiple color rays, color rays more  
14 than eight. Turkey is the only source that has  
15 the production capacity, the design ingenuity as  
16 it relates to that.

17 I know that there is sales of those  
18 type of machinery in India and in China, but as  
19 of today, I think that supply chain is mainly for  
20 domestic production in those countries and very  
21 limited in capacity, not nearing the capacity  
22 that's that in Turkey at the moment.

1                   As to the details of that and the  
2 numbers, I'd have to look into that and get back  
3 to you with some more specifics.

4                   MR. MOO: Thank you very much.

5                   MR. OGUNC: You're welcome.

6                   MR. CHILDRESS: Thanks for that. And  
7 we'll move now to the Department of Commerce, who  
8 I believe has a question for Mr. Kalyan of  
9 Concord Global.

10                  MR. ABBYAD: Yes. Hello. My question  
11 for you, Mr. Kalyan, is you mentioned in your  
12 written testimony that Egypt and China can also  
13 supply the items you import.

14                  In your opinion, are Egyptian and  
15 Chinese rugs the best alternative? The trade  
16 data you provided in the attachments to your  
17 written testimony, those trade partners from  
18 other countries as well, and suppliers in those  
19 other countries increased the capacity to supply  
20 additional rugs as well. Thank you.

21                  MR. KALYAN: We feel that the capacity  
22 is definitely an issue between Egypt and China

1 and obviously from China there is an existing 25  
2 percent tariff. They don't bring the same value  
3 and the same qualities to the U.S. The labor is  
4 also cheaper than it is in Turkey. So with this  
5 in mind, they're still able to maintain lower  
6 quality goods, but they're even lower to some of  
7 the products that we bring in.

8 In terms of our experience and what  
9 we've seen with Egypt, their production maybe as  
10 long as six to nine months and possibly even  
11 longer where in Turkey it's four to six weeks, so  
12 we're always able to maintain the supply chain.  
13 We're always able to maintain in stock for the  
14 U.S. retailers. Some of them are very well  
15 known. You know, we take Ross stores. We take  
16 Home Depot and what not, so on and so forth.

17 So we feel that Turkey has a strong  
18 foothold as opposed to Egypt and China and  
19 continue to do so. And did that clarify your  
20 question?

21 MR. ABBYAD: It did. That was very  
22 helpful. Thank you very much.

1 MR. KALYAN: Thank you.

2 MR. CHILDRESS: Thank you. We'll move  
3 now to the Department of Treasury who I believe  
4 has a question for Mr. Peykar.

5 MR. CHANG: Yes. Thank you very much  
6 for your testimony.

7 Mr. Peykar, you mentioned in your  
8 testimony, you mentioned that you know from past  
9 experience that an increase in duties curtails  
10 sales.

11 Is there a specific instance that you  
12 are referring to? If so, can you elaborate on  
13 that? Thank you very much.

14 MR. PEYKAR: Yes. Thank you. So  
15 China has with the tariffs that have been imposed  
16 in China, the 25 percent it has decreased our  
17 sales from our company for Chinese-made products  
18 significantly. I think before that, we were  
19 probably 50 to 60 percent of our sales were from  
20 China and that has gone well below half, probably  
21 about 25 percent of our total sales are now  
22 China.

1                   And Turkey has taken up the slack and  
2 helped us to compete and sell products that are  
3 competitively priced. China has basically with  
4 tariffs priced themselves out of the market.

5                   MR. CHANG: Thank you very much for  
6 that information. That's very helpful.

7                   MR. PEYKAR: You're welcome. Thank  
8 you.

9                   MR. CHILDRESS: Thank you. We'll move  
10 on now to Customs and Border Protection, I  
11 believe has a question for Mr. Peykar as well.

12                   MS. WADDY: So this is to all  
13 panelists. To your knowledge, have any (Audio  
14 interference.) reached out to the Government of  
15 Turkey to request that Turkey address U.S.  
16 concerns with Turkey's DST?

17                   And have you considered making such a  
18 suggestion to your suppliers?

19                   MR. PEYKAR: So if I may -- go ahead,  
20 Adam, you can answer as well.

21                   MR. OGUNC: No, go ahead, Andrew.

22                   MR. PEYKAR: So we talked to our

1 suppliers. Our suppliers have their own  
2 association on the Turkish side and they are  
3 trying to have conversations with the government.  
4 They don't know how far that's progressed or  
5 where that's gone.

6 MR. OGUNC: I was going to say  
7 similarly, I know that there are conversations  
8 happening there, but I'm not sure -- I'm not  
9 aware how far that is and what stages those are.

10 MR. PEYKAR: Sorry, just to add to  
11 that. Our suppliers are very concerned about  
12 this as well. Their livelihoods could be greatly  
13 impacted, so they -- you know, it's in their best  
14 interest, obviously to go after their government  
15 and get them to work something out.

16 MR. OGUNC: Yes, just as an aside  
17 Alex, since the start of this and in coordination  
18 with us and seriously concerned about it from the  
19 hand-made rugs across all tariff codes, our  
20 counterparts over there have been very  
21 communicative.

22 MR. KALYAN: I wanted to add that our

1 suppliers are concerned and I'm sure they did  
2 reach out. I do want to add that our retail  
3 partners in the U.S. have also reached out and  
4 written letters to see if we can prevent this  
5 from moving forward because obviously, they'll  
6 see how it's going to affect the retail prices  
7 which will also affect the U.S. consumer. Nobody  
8 wants to pay a higher price. I think it will  
9 definitely shift things -- they'll continue to  
10 run their businesses, too, being that Turkey is a  
11 major partner. And some of those are, again,  
12 very big, retailers in the U.S. that have written  
13 letters on our behalf. Thank you.

14 MR. OGUNC: Just to add to that. What  
15 I would say is that is that U.S. consumers though  
16 are not very aware of the current circumstances  
17 that their supply chains are experiencing as it  
18 relates to costs. 2021 forward, costs have  
19 increased. Alex and Andrew have both earlier  
20 mentioned, costs have increased 30, 40 percent.  
21 Ocean freight shipping has increased. These  
22 costs have slowly started to affect our costs to



1 our retail partners, retail channel partners.  
2 It's quite an unstable period, but the retail  
3 consumer, I believe, isn't aware that they're  
4 paying more, incrementally more and with tariffs,  
5 there would be an even further expense to the  
6 product they pay and also the burden it would  
7 place on the design companies, entrepreneurs that  
8 are timing their investments and their cash flow  
9 projections going forward. It's quite an  
10 unpredictable period as it relates to that.

11 As an e-commerce company, we've seen  
12 great growth over 2020. However, this year, it's  
13 quite a bit of instability and sort of caution as  
14 it relates to our investments forward. Thank  
15 you.

16 MR. CHILDRESS: Thank you very much  
17 for those answers. I'd now like to ask the U.S.  
18 Government Panel if anyone has any further  
19 questions for our witnesses on Panel 1?

20 Okay, great. Now I'd like to give the  
21 witnesses an opportunity to make any final  
22 comments before we conclude today's panel.

1           Okay, great. Well, thank you all very  
2 much. This was very helpful testimony and we  
3 appreciate your time this morning. And with that  
4 we will conclude Panel 1 and take a short break  
5 while we assemble the witnesses for Panel 2.

6 Thank you.

7           (Whereupon, the above-entitled matter  
8 went off the record at 10:10 a.m. and resumed at  
9 10:20 a.m.)

10           MR. CHILDRESS: Good morning, again.  
11 I think we're ready to start with our second  
12 panel of the day. And on this panel, we have  
13 five witnesses who will be testifying. The first  
14 is Jacob Goren of Empire Industries, Inc.,  
15 followed by Fatih Citoglu of Dragos Marble, Inc.;  
16 Haldun Cetinbay of FBR Marble; Recep Bozanli of  
17 the Istanbul Mineral Exporters Association; and  
18 then finally, our fifth witness will be Hande  
19 Erborra of Ema Stone.

20           So the first witness I mentioned is  
21 Jacob Goren. Mr. Goren, are you available to  
22 testify at the moment or is someone else from

1 Empire Industries on the line? Okay, hopefully,  
2 Mr. Goren will be able to join us throughout the  
3 course of the panel and we can come back to him  
4 at the end to receive his testimony.

5 So with that we'll move forward with  
6 Fatih Citoglu of Dragos Marble, Inc. If you're  
7 ready, you may begin your testimony.

8 MR. CITOGLU: Hi. I am Fitah Citoglu  
9 of Dragos Marble and our company is located in  
10 Los Angeles, California. We are an importer of  
11 of Turkish natural stone products, they have been  
12 in business in Los Angeles for 18 years.

13 We send our imported stone products to  
14 fabricators, builders, installation companies,  
15 and home owners. Our imported materials are used  
16 both in residential and commercial projects.

17 Respectfully, we strongly oppose the  
18 imposition of the import tariffs on the natural  
19 stone products imported under HTS headings which  
20 are 86802, 10006802, 21106802, 2150, and  
21 608029200.

22 Imposing tariffs on these categories

1 of natural stone products would cause dysfunction  
2 and harm to U.S. businesses like ours and to U.S.  
3 consumers to whom we service. Turkey have an  
4 abundance of natural stone resources due to its  
5 topography and it is an important supplier of  
6 these materials to the U.S. moderate income  
7 market.

8 Natural stone products like marble,  
9 limestones, and travertines which we import from  
10 Turkey are very reasonably priced. Therefore,  
11 these products are widely used by medium and low-  
12 income forms, whenever the natural stone is  
13 selected for both new construction and renovation  
14 projects.

15 Imposing tariffs will create to harm  
16 this group of homeowners, importers,  
17 distributors, and the whole ecosystem that  
18 provides services to this sector like  
19 fabricators, installers, and trucking companies.

20 We do not work within high profit  
21 margins and we simply cannot absorb cost increase  
22 the tariffs would give rise to. We must pass any

1 increase in costs resulting from the tariffs on  
2 to our customers. Basically, if tariffs are  
3 imposed, those consumers will have to pay the  
4 bill, but at the same time, I am afraid as a  
5 result of imposed tariffs, trade will decrease  
6 from Turkey resulting in materials shortage  
7 which, in turn, will result in higher prices,  
8 longer direct costs affect all the proposed  
9 tariffs.

10 The COVID-19 pandemic has caused  
11 serious disruptions to the shipping industry.  
12 During the last several months, shipping  
13 companies have been raising continual ocean  
14 freight prices from Turkey. This is adversely  
15 affecting our business and forcing us to raise  
16 our prices to our customers.

17 To give you an example, three to four  
18 months ago, we used to pay about \$3,000 to \$3,400  
19 per transport container to import materials from  
20 Turkey. Right now, we are paying about \$8,000  
21 for the same container shipment. Just for this  
22 reason, shipments from Turkey are on hold and

1 this will cause material shortages and consequent  
2 disruptions in the retail market.

3 I have been talking to different  
4 importers in our area for several weeks. They  
5 all agree that prices will increase significantly  
6 in order to just cover the cost of increase in  
7 shipping. Material imports are naturally heavy  
8 therefore its prices are very sensitive to  
9 shipping costs.

10 As a U.S. business, we are very  
11 concerned about this situation. On top of that,  
12 if tariffs are imposed, this will be devastating  
13 to our business, workers, and consumers. This  
14 poses an extension of the crisis that will affect  
15 U.S. consumers, U.S. workers, and U.S.  
16 businesses.

17 I do urge you not to impose tariffs on  
18 natural stone imports from Turkey. U.S. jobs and  
19 businesses like ours depend on access to these  
20 these imports. This concludes my testimony and  
21 thank you in advance for your serious  
22 consideration to these matters. Thank you.

1 MR. CHILDRESS: Thank you very much  
2 for that testimony. We'll move on now to Haldun  
3 Cetinbay of FBR Marble.

4 MR. CETINBAY: Are you able to see and  
5 hear me?

6 MR. CHILDRESS: Yes. I can see and  
7 hear you.

8 MR. CETINBAY: Okay, great. Thank  
9 you. We are an importer of natural stone  
10 products from countries including Turkey, Egypt,  
11 Greece, and China mainly.

12 I would like to about why it's going  
13 to be a big issue if U.S.A. starts applying  
14 additional duties on the products we import from  
15 Turkey. The majority of these products coming  
16 from Turkey are thick pavers and copings that are  
17 used in backyards. When COVID hit, all economies  
18 in the world paused for a few months and to  
19 revive these economies, governments and central  
20 banks flooded the markets in capital which in  
21 return caused so much demand, but not enough  
22 supplies.

1                   This caused a shortage in containers  
2                   available worldwide, but more so in the United  
3                   States as a result of the trade war with China.  
4                   Average freight from Turkey was around \$2,000  
5                   back in November. Now it's almost \$8,000. It's  
6                   all resulted in an average of 60 to 70 percent  
7                   price increase for a 3 CM paver product imported  
8                   from Turkey.

9                   As you probably aver, construction in  
10                  the United States is booming and demand is much  
11                  bigger than supply, especially for products that  
12                  help people spend more time at their homes or  
13                  outdoors, in general, such as backyards or pools.  
14                  It is exactly the segment of our industry that  
15                  has seen a big growth, natural stone pavers,  
16                  copings, and ledgers. These are thick materials  
17                  that are heavy, difficult to process, and require  
18                  a good amount of natural reserves. The U.S. does  
19                  not have any of these reserves, not anywhere  
20                  close enough to meet the demand. It takes  
21                  intensive labor to process the natural stone  
22                  block into pavers, copings, and tiles. And even



1 if U.S.A. had these quarries, it would be almost  
2 impossible to process these stones with the  
3 expensive U.S. labor, not to mention the shortage  
4 of labor everywhere due to COVID. We are even  
5 struggling to get people apply to job postings  
6 for office personnel now.

7 Our company stopped shipping  
8 containers as of this week, not only from Turkey,  
9 but from all the other countries, because we  
10 think consumers will most likely not be able to  
11 pay the higher prices that we have to inflict  
12 upon them. 2020, import figures may not reflect  
13 the struggle yet, as this has become a major  
14 issue really in the last couple of months. We  
15 will be able to see the impact when you compare  
16 first and second quarters of 2021 import figures  
17 with last year's.

18 Domestic trucking costs have increased  
19 dramatically as well, since supply cannot meet  
20 the demand. It has become a supply shortage  
21 story in a booming demand scenario all around.

22 Increasing ocean freight rates,

1 booming demand, and supply shortages are already  
2 resulting in major price increases to the end  
3 customer. And the effects of this now probably  
4 will be seen in the figures for the last couple  
5 of months. Construction will probably slow down.  
6 Construction is a key driver of the economy  
7 recovery, so I think it is important that we keep  
8 it going rather than risking a slowdown,  
9 additional duties on a couple of the existing  
10 cost challenges U.S. is facing.

11 We are a medium-size operation with  
12 not too many employees. But when I think about  
13 the overall industry, I don't think additional  
14 duties on top of the existing logistics costs  
15 will leave us with any choice but to scale down  
16 immediately. This will hurt the U.S. economy  
17 which is about to see inflation everywhere.

18 As an American, I will be proud to  
19 promote American products, but some of the  
20 products USTR is trying to put additional duties  
21 on are not available domestically. And it  
22 carries the risk of slowing down the construction

1 entity dramatically and putting the cost directly  
2 on the consumers.

3 I'm here to answer any questions you  
4 might have.

5 MR. CHILDRESS: Thank you very much  
6 for that helpful testimony. We will now move on  
7 to testimony from the Istanbul Mineral Exporters'  
8 Association. Mr. Recep Bozanli, are you  
9 available to give your testimony?

10 MR. BOZANLI: Hello.

11 MR. CHILDRESS: Hi, how are you?

12 MR. BOZANLI: I am fine. Can you hear  
13 me?

14 MR. CHILDRESS: Yes, I can hear you.  
15 I can't see you though.

16 MR. BOZANLI: All right, but it is not  
17 -- I do not know why you cannot see me. Also,  
18 there is a black screen here too. It's still  
19 black.

20 MR. CHILDRESS: Okay, great. I can  
21 see you right now.

22 MR. BOZANLI: Okay. Okay. Good

1 morning, everyone. Thank you for the opportunity  
2 to speak. I am a representative of the Istanbul  
3 Mineral Exporters' Association in short. I am  
4 presenting and defending our comments as it is.  
5 IMEA strongly opposes the imposition of the  
6 retaliatory tariffs on natural stone products  
7 such as marble, travertine, et cetera. These are  
8 imported under HTS U.S. headings 021000, 68022810  
9 68022N2150, and 68029200. Tariffs on these  
10 products would cause disproportionate harm on our  
11 U.S. business partners without meaningful impact  
12 on the underlying dispute.

13 IMEA is a professional, nonprofit  
14 association that deals with all export activities  
15 in the mineral sector including natural stone.  
16 Our organization was founded in 1976 and has more  
17 than 5,000 members presently.

18 In Turkey, there are approximately  
19 2,800 natural stone quarries, 2,000 facilities  
20 operating at factory scale and 9,000 medium and  
21 small scale workshops together employing around  
22 200,000 workers. Turkey is home to the world's

1 largest natural stone reserves. With more than  
2 150 stone types in more than 650 colors and  
3 patterns. Turkey is the top global marble and  
4 travertine exporter with \$1.65 billion in product  
5 exported in 2020 of which \$900 million was  
6 processed stone.

7 Turkey is the top processed stone  
8 supplier to the United States market totaling  
9 around \$300 million annually. Italy is the  
10 second biggest supplier to the United States,  
11 exports totaling around \$350 million annually.  
12 But since natural stone is a part of the nature,  
13 it is not possible to obtain the exact same  
14 material that Turkey exports from anywhere else,  
15 making Turkey's exports unique and impossible to  
16 replicate from the U.S. domestic and other import  
17 sources.

18 Each year, Turkey exports natural  
19 stone to more than 450 U.S. companies ranging  
20 from small and medium size enterprises to large  
21 distributors. We urge the Section 301 Committee  
22 to consider the follow as it assesses how

1 businesses and U.S. economy would be affected by  
2 the imposition of large new tariffs on these  
3 goods.

4 There are many ongoing construction  
5 projects currently using Turkish stone products.  
6 If the proposed new tariffs are placed on Turkish  
7 goods, our customers will be unable to purchase  
8 identical product from anywhere in the world  
9 causing domestic contractors to bear the highest  
10 cost associated with it merely impose the import  
11 duty.

12 Increased tariffs on stone products  
13 from Turkey would principally benefit cheaper,  
14 lower quality substitutes from other parts of the  
15 world, further imbalancing United States trade  
16 with that country.

17 Any small to medium size company,  
18 American companies, we have to continue selling  
19 Turkish stone products since there is no Asia  
20 substitute for the color, pattern, unique design,  
21 and affordable price. Increased tariffs will get  
22 passed on to the U.S. consumers in the form of

1 higher prices. Just as these companies are  
2 recovering from the COVID-19 pandemic and at the  
3 time the building construction in U.S. is  
4 skyrocketing.

5 If the large new tariffs ultimately  
6 make Turkish stone products uncompetitive in the  
7 U.S. market, the small and medium sized U.S.  
8 businesses that truly rely most heavily on  
9 Turkish products will face closures and worker  
10 unemployment.

11 On the other hand, I therefore urge  
12 you not to impose tariffs on these already  
13 mentioned goods. U.S. jobs and businesses depend  
14 on access to these imports.

15 Also, I would like to thank you for  
16 the opportunity to provide these comments and to  
17 appear at the forthcoming hearing. Please let me  
18 know if you require any further information  
19 regarding these comments or my upcoming hearing  
20 testimony. Thank you very much.

21 MR. CHILDRESS: Thank you very much  
22 for that testimony. We'll move on now to Hande

1 Erbora from Ema Stone.

2 MS. ERBORA: Good morning, committee  
3 members. Can you hear me? Hello.

4 MR. CHILDRESS: Yes, we can hear you  
5 and we can see you well.

6 MS. ERBORA: Thank you. Thank you for  
7 the opportunity to testify today on this crucial  
8 issue which is affecting so many companies  
9 including from Turkey. My company is an importer  
10 and distributor of natural stone products mainly  
11 from Turkey. We at Stone strongly disapprove of  
12 the retaliatory 25 percent digital service tariff  
13 to be imposed on our products from Turkey. It  
14 will hurt us and will have a huge financial  
15 burden for our business and the local economy.  
16 Since 2020, we have been put under so much  
17 threats, namely the challenging threats are as  
18 you know, the pandemic. We faced and overcome  
19 the closures and restrictions.

20 Despite a little relief and increasing  
21 demand as the pandemic is so unstabalizing.  
22 Global container shortages are tying up our



1 supply chain. We believe there is a global  
2 transportation crisis right now.

3 Shipping rates have risen 300 percent  
4 and we expect shipping rates to go up even more  
5 as the container shortages continue and we also  
6 expect prices to stay high for the next few years  
7 due to price wars and the fact that many shippers  
8 have already locked in long-term contracts.

9 Foreclosures, port closings, causing  
10 us to pay double, triple transportation charges,  
11 all astronomical demoralizing charges that the  
12 transporters cannot pull out of containers with  
13 timing.

14 To recounter more burden and  
15 difficulties is supplying for the projects such  
16 as the proposed tariff. We are looking at  
17 substantial problems meeting our contractual  
18 obligations while many construction projects  
19 failing to meet competitions and facing possibly  
20 of cancellation at this moment.

21 We are losing so many valid customers  
22 as we try to overcome these challenges. Tariffs

1 at these levels on top of all we have been  
2 through will turn those predictions upside down  
3 and straining relationships we've built over  
4 decades.

5 Firms like us, or especially those  
6 that are operating at low profit margins will  
7 have to go out of business or need to make  
8 strategic decisions to exit the market that is  
9 not economically viable any more. Why we are  
10 subject to carry the economic burden of the  
11 digital service tariffs. It is simply not fair.  
12 You should not enroll us. We are not an e-  
13 commerce company. We are corporate in this  
14 tariff war, which we are not part of. Why our  
15 customers should bear the financial burden to a  
16 higher prices, or should we lay off our  
17 employees or lower their wages to sustain our  
18 existence. We are in chaos right now. Our  
19 sector is in chaos. Any additional unfair  
20 expenses incurred upon us could lead to  
21 bankruptcies, closing doors, and worse,  
22 unemployment of our valued employees.

1           We truly hope a much better solution  
2 needs to be sought to answer digital service  
3 tariffs war that does not come at the expense of  
4 our businesses as importers. We truly hope non-  
5 digital businesses such as us will be spared from  
6 these retaliatory tariffs. It does not make any  
7 sense and it is not fair to get punished for  
8 something that we are not part of and we hope for  
9 your consideration in these extremely difficult  
10 and challenging times. And thank you.

11           MR. CHILDRESS: Thank you very much  
12 for that testimony. I'd now like to circle back  
13 and see if Jacob Goren or someone else from  
14 Empire Industries, Inc. is available to provide  
15 testimony.

16           Okay, I think then we can move on to  
17 questions from the U.S. Government Panel and I  
18 believe our first question this morning is from  
19 the State Department.

20           MR. MOO: Thank you, Patrick. Yes, I  
21 have a question for -- or comment from Dragos  
22 Marble. You mentioned that you will need to

1 increase price for your products if these tariffs  
2 are put in place. And I'm interested to know how  
3 sensitive you are with demand for your products  
4 with those price rises. Is the price stay the  
5 same for your residential or commercial  
6 customers? Thank you.

7 MR. CITOGLU: Well, especially for the  
8 residential customers it is much more price  
9 sensitive rather than commercial customers. But  
10 at the same time the problem we are facing right  
11 now is for example, we have a specific project we  
12 priced several months ago and this project is  
13 continuing and we already made the price  
14 commitment to the project now. The shipping  
15 costs have increased as you all know right now.  
16 In addition, if you impose another, you know, 20,  
17 25% additional tax, as a company we will not be  
18 able to raise our prices because commitments have  
19 already been made and this is going to be very  
20 difficult for us to deal with.

21 MR. MOO: Thank you very much. No  
22 further questions from me, Patrick.

1                   MR. CHILDRESS: Thank you. We will  
2 move on now to Treasury for the second question.

3                   MR. CHANG: Hi, hello. I would like  
4 to thank the panelists for their testimony. I  
5 have a question for Haldun Cetinbay, FBR Marble.  
6 You mentioned that U.S. production is not a  
7 viable alternative to imports from Turkey, but  
8 can you discuss whether or not there are other  
9 countries from which you might be able import the  
10 stone? Thank you.

11                   MR. CETINBAY: Unfortunately not. We  
12 looked at that actually in the past just in case  
13 the trade war in China ever were witnessing. But  
14 these natural stones are very unique and they  
15 come from certain mountains. And the processing  
16 is you cut these blocks into several different  
17 sizes and then its very labor intensive and the  
18 technology behind it and the machinery behind it,  
19 there is a lot of investment by certain countries  
20 and Turkey is the top country for it.

21                   So some importers tried Mexico, but  
22 they failed because, you know, its close by, but

1 they failed. So far, I have not been able to  
2 find an alternative to what we're doing.

3 MR. CHANG: Thank you very much for  
4 that information.

5 MR. CETINBAY: Thank you.

6 MR. CHILDRESS: Thank you, and I  
7 believe next we have a question from the SBA. Is  
8 Small Business Administration on the line?

9 Okay, I have the question here, so  
10 I'll go ahead and ask it. This is a question for  
11 Mr. Bozanli, the Istanbul Mineral Exporters'  
12 Association. My question is can you explain why  
13 stone from a country other than Turkey might be  
14 incompatible with a given project?

15 MR. BOZANLI: I can't hear you. Can  
16 you repeat it again, please, because at the  
17 beginning, I didn't hear you. That was a line  
18 cut off, I suppose. I couldn't hear you.

19 MR. CHILDRESS: Okay, sorry about  
20 that.

21 MR. BOZANLI: Hello?

22 MR. CHILDRESS: I'm sorry, can you

1 hear me now?

2 MR. BOZANLI: Yes, I can hear you now  
3 very well now.

4 MR. CHILDRESS: Okay, great. My was  
5 that what is unique about the Turkish stones that  
6 makes them hard to replace?

7 MR. BOZANLI: Well, I do not know if  
8 you have any idea about natural stone. Our  
9 stones are -- cannot be seen anywhere because of  
10 the pattern, color rays, and also too much  
11 varieties, you know. And the most desirable  
12 material than in other sources. And also they  
13 are not on the list for processed material.  
14 Also, they are the source of the raw material as  
15 well, the other countries who gets the raw  
16 material from us and to process and to make them  
17 finished products and to use in other countries  
18 as well.

19 It makes -- if you put these  
20 undesirable taxes on these materials, is the  
21 other parts will -- it increases the prices in  
22 the U.S. market. Also, we are having

1 difficulties of getting container costs at the  
2 moment and also has increased the prices in the  
3 market as well.

4 MR. CHILDRESS: Understood. Thank you  
5 for that clarification. We'll move on now to the  
6 question from the Department of Labor.

7 MS. KHAN: Hello, can you hear me?

8 MR. CHILDRESS: We can hear you. I  
9 can't see you, but I can hear you clearly.

10 MS. KHAN: Okay, yes. I seem to be  
11 having a problems with the video, but I'll go  
12 ahead and ask my question. My question is for  
13 Hande Erborra from Ema Stone. And I want to thank  
14 you for your testimony.

15 Can you describe any efforts that you  
16 have made to seek out alternative non-Turkish  
17 sources of stone? Thank you.

18 MS. ERBORA: Ms. Khan, we are  
19 representing Turkish marble company which is one  
20 of the biggest natural stone exporters in Turkey,  
21 so we are mainly 95 percent bringing our  
22 materials from our company in Turkey.



1 MS. KHAN: Okay. Thank you very much.

2 MS. ERBORA: Thank you.

3 MR. CHILDRESS: And Ms. Erborra, if I  
4 could follow up. Can you give us an idea of who  
5 are some of your main competitors from those  
6 exporting similar stones to some of the same  
7 markets that you target?

8 MS. ERBORA: There are so many other  
9 Turkish companies who have the wholesale  
10 businesses here and also Italian companies,  
11 companies from Spain are our main competitors.  
12 But we have a niche for our own products that we  
13 bring from Turkey right now and hopefully, we'll  
14 continue, be able to continue to bring the same  
15 material as we did before.

16 MR. CHILDRESS: Okay. Thank you for  
17 that clarification. Now we'll move on to a  
18 question from Customs and Border Protection.

19 MS. WADDY: So this for all panelists.  
20 To your knowledge, have any Turkish suppliers  
21 reached out to the Government of Turkey to  
22 request that Turkey address U.S. concerns with

1 Turkey UST? And have you considered making such  
2 a suggestion to your suppliers?

3 MS. ERBORA: First of all, again, we  
4 are not an e-commerce company, if I may answer  
5 first, so we believe this tax does not involve us  
6 and yes, natural stone suppliers, we are a  
7 wholesale company and we still don't understand  
8 why we are being subject to this tax.

9 MR. CETINBAY: Can I make a comment?  
10 So if it was a product line that U.S. produced,  
11 then I would understand putting tariffs so we can  
12 divert the business to the local businesses that  
13 -- I've been witnessing the quartz business,  
14 quartz conduct of business from China what has  
15 been done in 25 percent -- 300 percent extra  
16 duties on China. But this is an industry, the  
17 natural stone industry is very labor intensive  
18 and U.S. is not ready to take on this duty. U.S.  
19 cannot produce these materials. And import from  
20 several of the countries, we're not only doing  
21 this with Turkey and so far we have not been able  
22 to find an alternative because we have to do our

1 research and if anything happens like this, 24  
2 percent is extreme. We have to divert the  
3 business to other countries and try to do this  
4 within our country. This is not possible in the  
5 United States. What we're discussing these four  
6 HTC codes, it's not possible to produce in the  
7 United States with the machinery, the labor, and  
8 the quarries we have.

9           There's a couple quarries in the  
10 United States, some in Indiana, some in Houston  
11 for some limestone products and therefore, small  
12 applications, very unique applications. That's  
13 why U.S. imports, majority of the natural stone  
14 independent of the country.

15           And as an importer in the United  
16 States here, cannot just choose Turkey. Every  
17 country is on the same boat in this thing. U.S.  
18 is not ready for it. And there's no relation --  
19 I would understand if you are trying to balance  
20 the trade by making it here or I would understand  
21 our local manufacturing of quartz countertops  
22 within the country, but this is not the case

1 here.

2 So this may be a general answer for  
3 everybody's question. There are no alternatives,  
4 sorry.

5 MR. CHILDRESS: Thank you, Mr.  
6 Cetinbay. I believe Ms. Waddy's question was a  
7 bit more focused on any efforts that your Turkish  
8 suppliers have made to contact the Turkish  
9 Government you seek reconsideration of the  
10 Turkish Government's approach to digital services  
11 taxes. Are you aware of any outreach from your  
12 suppliers in that regard?

13 MR. CETINBAY: I'm sure they are. You  
14 know, this is probably lobbying on this end, and  
15 lobbying efforts on the other hand to meet in the  
16 middle. But for my part, I'm in the U.S. I'm in  
17 Los Angeles. I don't know much, but I'm sure  
18 there are some negotiations going on in that  
19 respect. Again, I try to survive in this  
20 environment and I can only do so much in a day,  
21 but I'm hearing there are so many negotiations  
22 going on.

1 MR. CHILDRESS: Thank you. That's  
2 very helpful. Would any of the other witnesses  
3 like to comment on this question?

4 Okay. Thank you. I'd now like to ask  
5 if there are any further questions from the USTR  
6 Government Panel? Yes.

7 Ms. Gudicello, would you like to ask  
8 a question?

9 MS. GUDICELLO: Yes. Thank you. This  
10 question is really for anyone, but mainly for  
11 Dragos and FBR Marble. After the products are  
12 imported into the United States, do either of  
13 your companies or any of your partners do any  
14 additional processing or further manufacturing to  
15 the items or are you pretty much importing a  
16 finished product? Thank you.

17 MR. CETINBAY: Well, I've been on and  
18 far. We're 100 percent in the line and we are  
19 distributing the products. We don't touch the  
20 product again. It's finished.

21 MS. ERBORA: Same for us. We bring  
22 all palleted material, nothing has been

1 manufactured, fabricated here.

2 MS. KHAN: May I ask a follow-up  
3 question to that? This is Leena Khan from  
4 Department of Labor. And I guess I would perhaps  
5 direct the question to Mr. Fatih Citoglu where  
6 you describe in your testimony that the products  
7 are used by middle and low-income homes, so I  
8 would just be curious to hear a little bit more  
9 about that product and how that's being used in  
10 the United States in middle and low-income homes  
11 in particular if you can expand. Thank you.

12 MS. GUDICELLO: I'm sorry, Mr.  
13 Citoglu, I think you're on mute.

14 MR. CITOGLU: Sorry, Turkish products  
15 -- are you able to hear me?

16 MS. KHAN: Yes, we are.

17 MR. CITOGLU: Thank you. Turkish  
18 products are very reasonably priced in the  
19 market. Therefore, there is abundance of  
20 materials in Turkey and there are many quarries,  
21 you already heard about that. Because of that,  
22 if you are able to get materials that are

1 reasonably priced, so in this kind of situation,  
2 natural stone is selected and they're able offer  
3 these materials, for example, for flooring  
4 materials, travertine and marble and limestone at  
5 very relatively cheap price.

6 We also get material from Italy and  
7 those materials cannot be used in middle or lower  
8 income houses. It is impossible. Because of  
9 that, Turkish materials have been in the market  
10 for a very long time and they are helping this  
11 group of customers whenever they would like to  
12 use natural stone.

13 In addition, China is an important  
14 sector in this area, but the challenge that they  
15 have, I understand your supply has been limited  
16 or not really competitive in this area and I hear  
17 this from Turkish manufacturers because some of  
18 the manufacturers who have been out of the U.S.  
19 market for some time, and they stopped exporting  
20 to the U.S. after tariffs have been put on  
21 Chinese material. So in that regard this helped  
22 Turkey to fill some of the holes that tariffs

1 have created in the U.S. market because of  
2 Chinese imports have decreased. And so in that  
3 regard, the tax is on a lower income class, lower  
4 income houses, they like to use materials from  
5 Turkey.

6 MS. KHAN: Thank you very much.  
7 That's very helpful.

8 MR. CITOGLU: My pleasure.

9 MR. CHILDRESS: Thank you. Are there  
10 any further questions from the U.S. Government  
11 Panel? Okay, great. Now I'd like to give our  
12 witnesses an opportunity to make any final  
13 comments before the panel concludes.

14 Okay, hearing none, I'd like to thank  
15 all of the witnesses for their helpful testimony  
16 this morning and that will conclude our second  
17 panel of the day and we will take a short break  
18 before convening again for Panel 3. Thank you  
19 very much.

20 (Whereupon, the above-entitled matter  
21 went off the record at 11:00 a.m. and resumed at  
22 11:09 a.m.)



1                   MR. CHILDRESS: Good morning again, I  
2 think we are now ready to begin our third panel.  
3 And that panel has five witnesses, and those  
4 witnesses are, first, Funda Gurgoze from Pera  
5 Tile, Eric Astrachan from the Tile Council of  
6 North America, Don Haynes from Florim, Rick  
7 Church from the Cermaic Tile Distributors  
8 Association, and Michael Jacobson from Anatolia  
9 Stone & Tile/Bedrosians Tone -- Tile & Stone, and  
10 MS International Inc.

11                   So we will begin our testimony for  
12 this panel with the representative of Pera Tile.  
13 So if you're ready, you may begin.

14                   MS. GURGOZE: Good morning, and thank  
15 you for the opportunity to speak at this hearing.  
16 My name is Funda Gurgoze and I own a medium-sized  
17 tile and stone wholesale distribution company  
18 based out of Los Angeles. We strictly work with  
19 trade professionals in the construction industry,  
20 and we have no ownership in trust in any of the  
21 factories overseas or domestically.

22                   I want to start out by giving you an

1 idea of what the last two years have been like  
2 for a business like ours. Back in 2019, we had a  
3 portfolio of tile and stone products we used to  
4 import from all the usual suspects around the  
5 world. A good portion of the tile and stone  
6 imports came from China.

7 First we got hit with additional 25%  
8 on all Chinese imports. It had some impact on  
9 stone imports, but it was limited, and here's  
10 why. Availability and affordability of stone  
11 from any country depends on the country's natural  
12 resource and production capability. Based on my  
13 years of experience in this industry, China and  
14 Turkey are the two countries that have both in  
15 abundance.

16 There are other countries with natural  
17 stone resource, but they lack in either  
18 production capacity, competitiveness, or quality.  
19 With the additional tariffs, we import less from  
20 China now, a little more from Turkey, but the  
21 main impact has been on the U.S. consumer in  
22 terms of higher prices.

1                   Then came the 300% penalties on tile  
2 imports from China and that was a whole different  
3 story. It was impossible to bring tile from  
4 China and be competitive. Many people turned to  
5 other countries for replacements, including  
6 Turkey and other European countries.

7                   We were a bit more careful before  
8 rushing to switch to another country. We got  
9 into a contract with a domestic factory to  
10 produce our own lines of porcelain pavers. That  
11 is not the regular thin porcelain tile, that's  
12 the 2 cm thicker, porcelain pavers.

13                   Just when we thought we could catch  
14 our breath, then came COVID. Contrary to what we  
15 initially thought, construction and home  
16 improvement have been the categories with the  
17 largest spanning in growth since the pandemic  
18 started. However, on top of the increasing  
19 operational costs, we're now also dealing with  
20 backlogs at the port and increasing ocean freight  
21 rates, not to mention shortage in trucking  
22 capacity domestically.

1                   The biggest issue facing our industry  
2 now is supply shortage in both stone and tile.  
3 The factory I had the contract with for the 2 cm  
4 porcelain pavers cannot give me the additional  
5 capacity I need, and the story is similar with  
6 other factories we contacted.

7                   This additional duty on tile and stone  
8 products will only exacerbate the existing supply  
9 shortage, especially in certain product  
10 categories where we don't have the resources  
11 domestically to meet the booming demand.

12                   We cannot source natural stone in the  
13 U.S., not even a portion of the demand, even if  
14 we wanted, because we don't have the resource or  
15 the labor force. U.S. factories do not have the  
16 capability or capacity to produce certain tile  
17 categories, mainly wall tiles, polished tiles,  
18 technical products, glass, and 2 cm thick  
19 porcelain tiles.

20                   Turkey is one of the few remaining  
21 countries that can reliably supply product in  
22 these categories. Accordingly, certain segments

1 of the market focused on these products will be  
2 hit especially hard as we will have no  
3 replacement products.

4 There is enough uncertainty in the  
5 market with all the input and logistics issues  
6 that I'm not how I can continue to operate and  
7 employ as many people when the landed cost  
8 increases hit us on top of the existing supply  
9 shortage.

10 You may not have seen this in the  
11 import data yet, but I know many importers also  
12 paused on moving containers from Turkey since  
13 ocean freights nearly quadrupled. And an  
14 additional tariff will definitely further  
15 slowdown imports.

16 Small to medium-size distributors make  
17 up a good chunk of our industry. We're already  
18 taking on too much risk, and I'm not sure how  
19 many of us have the appetite to continue to bring  
20 in material. It certainly feels like we can't  
21 get a break and focus on running our businesses  
22 because we have to constantly adapt to changing

1 conditions.

2           Having said all of these, I understand  
3 the need to respond to Turkey. But I strongly  
4 believe that additional tariffs will do more harm  
5 than good, especially without a closer look at  
6 what it will do to specific subcategories of  
7 products where we lack the capability  
8 domestically.

9           Construction is one of the driving  
10 forces behind economic recovery after the  
11 pandemic, and additional tariffs on building  
12 materials will cause major disruption in the  
13 supply and have trickle-down effects on all  
14 players in the industry.

15           I urge this panel to carefully  
16 consider the impact of these tariffs on the  
17 construction industry overall versus how much it  
18 will move the needle for us in twisting another  
19 country's arm. I don't believe that we will gain  
20 much, if any, from this action, and it will  
21 further harm an industry that's been struggling  
22 to keep up with the changes we've been dealing

1 with in the last two years.

2 Thank you.

3 MR. CHILDRESS: Thanks very much for  
4 that testimony. We'll move on now to hear  
5 testimony from the representative of the Tile  
6 Council of North America.

7 MR. ASTRACHAN: Good morning, can you  
8 hear me?

9 MR. CHILDRESS: Yes, I can hear you.  
10 I cannot see you, though. But I can see you now.

11 MR. ASTRACHAN: Great. All right,  
12 thank you. Good morning, my name is Eric  
13 Astrachan, and I serve as the Executive Director  
14 of the Tile Council of North America.

15 The Tile Council is the trade  
16 association for the North American tile industry.  
17 Our member companies account for more than 99% of  
18 U.S. tile production and over 99% of U.S. mortar,  
19 grout, and related installation products  
20 manufacturing.

21 In 2020, our member companies shipped  
22 \$1.3 billion of domestically made tile, and our

1 tile-producing member companies employed more  
2 than 5700 American workers. Clearly our industry  
3 is sizable.

4 It is also vibrant and diverse. It  
5 includes both large and small companies offering  
6 aesthetically pleasing, innovative products,  
7 which compete alongside dozens of family-owned  
8 craft facilities.

9 I'm here today to ask you to keep  
10 ceramic tile products, all of which are  
11 classified -- classifiable under HTS 6907, on the  
12 list. Specifically, the Tile Council supports  
13 the inclusion of items covered by 6907.21.10, up  
14 to and including 6907.40.90.

15 These products are the bread and  
16 butter of U.S. manufacturers. U.S. tile  
17 manufacturers do produce 2 cm tile, wall tile,  
18 polished tile, and large format tile, along with  
19 all the other ceramic tiles of which ceramic and  
20 porcelain tiles with which you're familiar.

21 Despite our industry's size, it is  
22 threatened by the surging presence of unfairly



1 traded Turkish imports in the marketplace.  
2 Imports of Turkish tile merit inclusion on the  
3 list of products subject to tariffs because such  
4 imports have surged in recent months,  
5 significantly undersell U.S.-made tile. And the  
6 low prices of Turkish tile imports are caused, at  
7 least in part, by subsidies provided by the  
8 government of Turkey.

9 For these reasons, the inclusion of  
10 tile on USTR Turkey's DST retaliation list would  
11 have broad-based support among U.S. ceramic tile  
12 manufacturers, and would be justified on trade  
13 policy grounds. I'll add as well anecdotal  
14 reports of IP design violations.

15 According to the latest ITC data,  
16 Turkish tile imports increased by 105% in  
17 February 2020 compared to February 2019, an  
18 increase by an additional 19% in February 2021  
19 compared to February 2020. Meanwhile, Turkish  
20 imports are priced at 74 cents per square foot, a  
21 dramatically lower price than the \$1.51 per  
22 square foot for domestic shipments of ceramic

1 tile.

2 This dramatic price discrepancy is  
3 indicative of dumping, particularly in light of  
4 the fact that some of the best clay deposits in  
5 the world are in the United States, close to  
6 manufacturing facilities of TCNA members.

7 Ceramic tile manufacturers in Turkey  
8 also enjoy substantial government subsidies. The  
9 Turkish government provides energy subsidies and  
10 provides support for the capital investments of  
11 ceramic tile producers, among other measures. As  
12 one can imagine, government support for energy  
13 costs and plant upgrades is no minor thing.

14  
15 Ceramic tile is an energy-intensive  
16 industry, and capital equipment such as kilns is  
17 an extremely expensive proposition for tile  
18 producers. The presence of these subsidies make  
19 Turkish ceramic tile an appropriate addition to  
20 USTR's retaliation list.

21 The subsidies are also an indication  
22 that the tile industry in Turkey is well-

1 connected, which in turn is an indication that  
2 remedial tariffs on Turkish tile would be an  
3 effective means to pressure the government of  
4 Turkey to repeal or amend its DST.

5 Tile importers may claim that Section  
6 301 tariffs on ceramic tile from Turkey will  
7 raise costs and limit choices, despite the fact  
8 that importers of ceramic tile can choose from a  
9 wide variety of sourcing options, many of which  
10 are less expensive than Turkish origin tile.

11 Turkey accounts for little more than  
12 two percent of global ceramic tile production.  
13 Turkish tile amounts to 13% of U.S. imports by  
14 volume, and ten percent of domestic consumption.  
15 Spain, Mexico, Italy, India, Brazil, Malaysia,  
16 Peru, Vietnam, and Portugal are all substantial  
17 exporters of ceramic tile to the United States.

18 It is worth noting that imports from  
19 Turkey have surged in recent months in part as a  
20 consequence of trade remedy tariffs on Chinese  
21 tile that were establish in May of 2020. This  
22 surge in imports of Turkish tile in response to

1 the China AD/CVD tariffs in and of itself shows  
2 that importers can respond quickly to the  
3 imposition of tariffs by turning to other country  
4 producers.

5           Moreover, Turkish tile, while  
6 significantly underselling U.S.-made tile, is not  
7 the least expensive option. The average unit  
8 values of ceramic tile from India, Mexico, Brazil  
9 and Peru are all lower than Turkey import prices.

10  
11           U.S. producers, moreover, are not at  
12 100% capacity utilization. I know from  
13 discussions with U.S. producers that they have  
14 excess capacity sufficient to respond to a change  
15 in demand as a result of the proposed tariff.

16           In sum, the U.S. ceramic tile industry  
17 is threatened by subsidized Turkish products, and  
18 U.S. producers wholeheartedly support the  
19 inclusion of ceramic tile classifiable under HTS  
20 6907 to the list of products subject to  
21 additional duty.

22           Thank you for the opportunity to

1 testify today, and I look forward to any  
2 questions.

3 MR. CHILDRESS: Thank you for your  
4 testimony, Mr. Astrachan. We will move on now to  
5 Don Haynes from Florim. Mr. Haynes, are you  
6 available to give your testimony?

7 Okay, we will move along and we will  
8 try Mr. Haynes at the end of the panel. Our next  
9 witness is Rick Church from the Ceramic Tile  
10 Distributors Association.

11 Mr. Church, if you're ready, you can  
12 begin.

13 MR. CHURCH: Good morning. I'm Rick  
14 Church, I serve as the Executive Director of the  
15 Ceramic Tile Distributor's Association.

16 CTDA has over 300 member companies  
17 with more than 1000 locations throughout North  
18 America. CTDA's regular members consist solely  
19 of independent distributors of ceramic tile and  
20 stone products who primarily sell at wholesale.  
21 Our tile products are used primarily for building  
22 and remodeling purposes, such as flooring, walls,

1 and ceilings.

2 Independent distributors represent  
3 approximately 35-45% of the total market for  
4 ceramic tile and stone distribution in the United  
5 States. CDTA's members represent at least 90% of  
6 the segment of the market, thus we speak for this  
7 U.S. market segment.

8 CDTA is strongly opposed to the  
9 imposition of massive additional U.S. tariffs of  
10 up to 25% ad valorem on nine U.S. HTS  
11 classifications of imported ceramic tile and  
12 stone from Turkey for seven key reasons.

13 First, our members are small  
14 businesses. Seventy-five percent of CTDA member  
15 companies have fewer than 100 employees. These  
16 companies operate on small margins already beset  
17 by the negative impact of the COVID pandemic.  
18 The impact on our industry of the past 13 months  
19 of COVID is shown by shuttered stores, limited  
20 access and hours for those which have remained  
21 open, and employee layoffs.

22 These effects have been magnified by

1 our inability over the past two years to hold our  
2 annual trade show where new tiles are displayed  
3 and sales completed. Our members can little  
4 afford additional costs in the form of punitive  
5 tariffs applied to goods which are not the  
6 subject of the dispute over the DST tax.

7           Second, our industry has sustained  
8 increasing competition from other types of  
9 flooring and wall coverings. For instance,  
10 luxury vinyl tile, which is not targeted for  
11 additional tariffs, has encroached on the share  
12 of the domestic market for floor coverings  
13 traditionally held by ceramic tile.

14           In 2020, the U.S. imported nearly \$3.7  
15 billion worth of such LVT flooring, of which  
16 China accounted for nearly 85% by value. This  
17 comprised a 20% increase in value of U.S. LVT  
18 imports over the -- in the pandemic year. By  
19 contrast, imported tile fell in value by nearly  
20 six percent in 2020, and all ceramic tile imports  
21 are less than half of LVT flooring.

22           Third, you may have heard that the

1 building products industry has been booming in  
2 sales and pricing increases due to stay-at-home  
3 renovators and rising demand for new homes. By  
4 one account, the generic lumbar spot price has  
5 more than tripled the figure of December 2019.

6 The National Association of  
7 Homebuilders estimates that in the past year this  
8 alone has added \$24,000 to the average cost of a  
9 new home construction. Given the small margins  
10 prevalent in our industry, the cost of additional  
11 import tariffs can only be passed on to a  
12 consumer already beset by rising prices.

13 Fourth, our industry has not shared in  
14 the increased demand for building products. A  
15 report by TCNA indicates that the U.S.  
16 consumption of ceramic tile dropped by 11.6% in  
17 the first nine months of 2020, compared to that  
18 same period of 2019.

19 Fifth, our independent distributors  
20 are heavily dependent on imports. By TCNA's own  
21 account, the domestic tile manufacturing industry  
22 annually supplies 30-32% of the U.S. tile demand.



1 CTDA's written statement includes an exhibit of  
2 CTDA's statement to the Federal Maritime  
3 Commission describing the additional supply chain  
4 interruptions and delivery delays that have been  
5 inflicted on our members by the shipping  
6 container crisis.

7 Sixth, ceramic tile imports in  
8 question are already subject to the 8.5-10% ad  
9 valorem tariff. According to the U.S. Trade  
10 Representative, the United States currently  
11 applies a trade-weighted average import tariff  
12 rate of two percent on industrial goods, while  
13 fully one half of all industrial goods entering  
14 the U.S. enter duty-free.

15 The current tariff also dwarfs the  
16 5.3% U.S. tariff applied to luxury vinyl tile  
17 flooring, which is not being targeted for the  
18 Section 301 tariffs. There's no logic or reason  
19 to dramatically increase the already high tariff  
20 on ceramic and stone tile from Turkey. Our  
21 independent distributor members are already  
22 paying four to five times the average U.S. tariff

1 rate on industrial goods.

2           Seventh and finally, some may make the  
3 point that U.S. imports of ceramic tile from  
4 Turkey have increased significantly from 2019 to  
5 2020. This occurred after a decline in Turkish  
6 shipments to the U.S. in the prior year, 2018.  
7 There's a probable reason for this. In 2018,  
8 China, and generally considered to be the low  
9 cost supplier, accounted for over 26% of U.S.  
10 ceramic tile imports by quantity.

11           According to TCNA's published figures,  
12 Chinese imports through the third quarter of 2020  
13 were down 98.4% by value, versus third quarter  
14 2019, a decline of 416 million square feet.  
15 Turkey, along with other tile-supplying  
16 countries, filled some of the void created by the  
17 departure of the low-cost supplier. But it still  
18 only accounted for 12.7% of U.S. tile imports by  
19 quantity, and 9% by volume.

20           In conclusion, the CTDA respectfully  
21 requests the Section 301 Committee and the USTR  
22 not add to the ongoing pressures on our industry

1 brought on by COVID, shipping container  
2 shortages, increased competition from alternative  
3 products enjoying lower tariffs and not on the  
4 targeted products list, many of which are  
5 imported from China, and existing higher tariffs  
6 compared to those on competing products.

7 For these reasons, we request that the  
8 targeted U.S. HTS tariff subheadings covering  
9 ceramic tile and the one subheading covering  
10 stone tile from Turkey be removed from the  
11 products list for the Turkey DST review.

12 Thank you, and I welcome any  
13 questions.

14 MR. CHILDRESS: Thank you for your  
15 comments, Mr. Church. We will move on now to  
16 Michael Jacobson from Anatolia Stone and Tile.

17 Mr. Jacobson, if you're ready, you may  
18 begin your testimony.

19 MR. JACOBSON: Can you hear and see  
20 me?

21 MR. CHILDRESS: I can hear you, I  
22 cannot see you.

1 MR. JACOBSON: I'm not sure why, my  
2 view is on. But I'll start with audio and  
3 hopefully it kicks in.

4 MR. CHILDRESS: Okay, great.

5 MR. JACOBSON: My name is Michael  
6 Jacobson, I'm an attorney at the law firm Hogan  
7 Lovells. Thank you for the opportunity to appear  
8 before the Committee.

9 I appear on behalf of Anatolia Stone  
10 and Tile, Bedrosians Tile and Stone, and MS  
11 International, U.S. companies that import and  
12 distribute tile and stone products. I urge USTR  
13 not to impose new tariffs on building material  
14 products from Turkey.

15 Specifically, I request that USTR  
16 remove all products classified under HTS U.S.  
17 headings 6802 and 6907 from the preliminary list.  
18 As I will discuss today, new tariffs on tile and  
19 stone products would be devastating to the  
20 building sector. The harm would fall at the feet  
21 of thousands of small and medium-sized  
22 enterprises and millions of average American

1 homeowners and home buyers.

2 Nor would tariffs serve to accomplish

3 USTR's goals related to digital services taxing.

4 First, a little background on these products.

5 Stone and tile products that are on the

6 preliminary Turkey list are created by manually

7 cutting raw materials from a quarry on the side

8 of a mountain and then transforming those

9 materials into unique pieces of art.

10 These tile and stone products are

11 important building materials that are purchased

12 and installed into new single family, multi-

13 family, and affordable housing construction, home

14 remodeling, and commercial buildings, among other

15 applications. You can find these products at

16 large retailers like Home Depot and Lowes,

17 through specialized kitchen and bath stores, and

18 via distributors.

19 End customers include builders,

20 developers, installers, many of whom are SMEs,

21 and also ordinary Americans doing do-it-yourself

22 projects at home. The first major product -- a

1 problem with new tariffs on these products is  
2 that they would thousands of American SMEs and  
3 their workers by creating severe supply shortages  
4 and increasing prices.

5           You've heard today from the Ceramic  
6 Tile Distributors Association and several small  
7 companies about this harm. U.S. industry leader  
8 Mohawk, the parent company of Dal-Tile, recently  
9 discussed higher than normal backlogs and supply  
10 constraints.

11           Other impacted businesses and workers  
12 who are likely unaware of the tariffs would  
13 include, for example, contractors, carpenters,  
14 installers, craftspeople, floor coverers,  
15 architects, developers, builders, logistic  
16 workers, many others.

17           Tariffs would also hurt a large and  
18 important sector of the American economy. The  
19 building sector has been a rare economic bright  
20 spot during the pandemic. Americans are spending  
21 more time at home and require more space or  
22 better space to live and work. This has caused

1 demand for new construction and home renovation  
2 to increase.

3 New housing starts, single family home  
4 sales, and U.S. construction spending have  
5 recently increased. However, building materials,  
6 including tile and stone products, have become  
7 more scarce and more expensive during the  
8 pandemic. Although U.S. tile producers have  
9 increased their shipments 2019-2020, tile imports  
10 are now declining.

11 Why is this the case? Mostly because  
12 there are major supply shortages for imported  
13 products. The IHB stated in its public comments  
14 in this proceeding on the record that new tariffs  
15 will have a cumulative effect on these rising  
16 costs across the building sector and will just  
17 add to the problem of the rising costs of  
18 building, owning, and remodeling.

19 Logistics have also become a nightmare  
20 for this sector. Shortages, delays, and surging  
21 freight expenses are the new normal. And tile  
22 and stone products are quite heavy, so their high

1 weight-to-value ratio magnifies these supply and  
2 distribution problems. When supply is short and  
3 costs increase, the consumer ends up bearing the  
4 brunt of these costs.

5 In this case, that end consumer is the  
6 average homeowner and home buyer. Low and middle  
7 income Americans may not be able to achieve the  
8 American dream of homeownership if the cumulative  
9 cost of building materials continue to push up  
10 home prices. New tariffs would make things even  
11 worse.

12 Finally, the Turkish stone and tile  
13 sectors are not state-owned, not highly  
14 influential, not politically connected. And tile  
15 and stone are Turkish products that have been  
16 around for centuries. These are truly analog  
17 products that have nothing to do with the digital  
18 economy or digital services taxes.

19 If USTR imposes tariffs on tile and  
20 stone products from Turkey, it will have no  
21 impact on USTR's goals of influencing Turkey's  
22 decision whether to impose digital services



1 taxes.

2 In conclusion, tariffs on tile and  
3 stone products would be inconsistent with USTR's  
4 policy objectives. USTR should not tax the  
5 building sector, which is a rare bright spot in  
6 the American economy amidst the still ongoing  
7 pandemic.

8 Tariffs would worsen material  
9 shortages, increase home costs, and reduce the  
10 welfare and employment of small and medium-sized  
11 American companies and their workers. And  
12 ultimately, the cost of new tariffs would be  
13 borne primarily by lower and middle class  
14 consumers.

15 I welcome your questions. Thank you.

16 MR. CHILDRESS: Thank you, Mr.  
17 Jacobson. I'd now to circle back to see if we  
18 have some of our technical issues resolved with  
19 Mr. Haynes. So Don Haynes from Florim, are you  
20 available to provide your testimony?

21 MR. ASTRACHAN: Mr. Moderator, this is  
22 Eric Astrachan. As you may have seen in the

1 chat, Mr. Haynes is here but appears to be  
2 experiencing some technical problems with his  
3 camera and microphone. I mention this because  
4 his counsel, David Spooner, is also available and  
5 has his testimony, if that is acceptable. I have  
6 it as well.

7 MR. CHILDRESS: Okay, great. Yeah, if  
8 Mr. Spooner's available to provide the testimony  
9 on behalf of Mr. Haynes, that would be great.

10 MR. SPOONER: Great, thank you. I  
11 have his -- I should ask if you can hear and see  
12 me.

13 MR. CHILDRESS: I can hear you. I  
14 cannot see you but I can hear you -- hear you  
15 clearly.

16 MR. SPOONER: Okay. I enabled my  
17 video, I'm not sure why it's working -- or why  
18 it's not working. I can quickly provide Don  
19 Haynes's testimony. And you know, I'd want you  
20 to be honest, if you'd prefer that we submit it  
21 for the record, we can also do that as well.

22 But I can quickly run through it now,

1 and of course, it will be from Don Haynes's  
2 perspective. It would be exactly what he would  
3 have conveyed, because Don provided this  
4 testimony in advance to me.

5 MR. CHILDRESS: Right, understood.

6 Thanks very much.

7 MR. SPOONER: Just briefly to keep us  
8 on track, thank you to the Section 301 Committee  
9 for holding this hearing today. Don is the  
10 Environmental Manager at Florim USA, a ceramic  
11 tile producer based in Clarksville, TN.

12 Florim, where Don works, is one of the  
13 largest tile producers in the United States.  
14 Florim employees 290 people at its plant located  
15 not too far from Nashville.

16 Don has over 30 years of experience in  
17 environmental compliance and has been with Florim  
18 since 2014. As Environmental Manager, Don is  
19 responsible for virtually all of the production  
20 activities at the company and is for -- is  
21 responsible for posted sales, service, and is  
22 therefore intimately involved and intimately

1 aware of all of the operations at Florim.

2 I'm here today to convey Florim's  
3 strong support for the retention of ceramic tile  
4 on USTR's proposed Turkey DST retaliation list.  
5 Imports of incredibly cheap tile from Turkey have  
6 surged over the last two years.

7 These imports have surged in part, to  
8 be sure, because importers have been able to  
9 quickly shift from China after the Commerce  
10 Department in 2020 imposed antidumping and anti-  
11 subsidy tariffs on Chinese tile.

12 I understand that our trade  
13 association, the Tile Council of North America,  
14 has uncovered ample evidence of Turkish  
15 government subsidies to its ceramic tile  
16 industry. Surely such subsidies lower the prices  
17 of Turkish imports, putting American companies  
18 such as Florim USA at a disadvantage.

19 Don is not a trade attorney like  
20 myself, but he had written that it sure seems to  
21 him that the government of Turkey would make  
22 Turkish tile -- that support from the government

1 of Turkey would make Turkish tile an appropriate  
2 product to include on this list. Such government  
3 support shows that the Turkish tile is probably  
4 -- industry is probably well-connected, and is an  
5 indication that such imports are unfairly traded.

6 For what it's worth, Turkish tile and  
7 U.S. tile are typically comparable in quality and  
8 consumers use them interchangeably in the  
9 applications where ceramic tile is consumed.

10 Turkish tile directly competes with Florim, it  
11 competes with Florim vigorously. Florim's plant  
12 in Clarksville, TN, is a state-of-the-art  
13 facility, but it is not operating at full  
14 capacity.

15 I would say in 2016 or 2017, Florim  
16 was at a high production utilization. But  
17 beginning around mid-2018, Florim's production  
18 utilization was significantly reduced due to a  
19 lack of sales due to low cost imports. This was  
20 especially frustrating for Florim because Florim  
21 installed costly new production equipment.

22 Florim found that it was holding a

1 great deal of unsold inventory, so Florim was  
2 forced to reduce production and unfortunately to  
3 lay off some of its value team members at the  
4 factory. In recent months, a global lack of  
5 international freight capacity with its resulting  
6 delays and higher costs is one of the impact of  
7 import.

8           Once the pandemic-induced situation is  
9 resolved, though, Florim anticipates that imports  
10 will increase more quickly in the U.S. market.  
11 Even in this interim period, the Turkey price  
12 point is significantly putting downward pressure  
13 on pricing.

14           In a nutshell, the reason Florim is  
15 running below production capacity and the reason  
16 why Florim has had to scrap expansion plans is  
17 because the price depression in the market from  
18 imports, particularly imports from Turkey.

19           Florim is doing it best to stay  
20 competitive on price, including maximizing  
21 efficiency of its production to the point that  
22 Florim believes it has the lowest cost tile body

1 in the United States.

2 Florim also has an aggressive content  
3 recycling program, which helps reduce costs. Our  
4 plant, as I mentioned earlier, is located in  
5 Clarksville, TN, which is within 500 miles of  
6 about a third of the U.S. population and over 95%  
7 of Florim's raw materials. The strategic  
8 location in the southeastern United States places  
9 Florim's plant near five major interstates,  
10 saving time, money, and resources.

11 Even then, Florim can't compete with  
12 prices coming from Turkey, prices that are about  
13 half of U.S. prices. Florim competes with tile  
14 imported from Turkey that is priced at or in some  
15 cases under Florim's costs of production.

16 Finally, I'd like to make one point  
17 regarding the potential impact of tariffs on  
18 importers and distributors. In Florim's humble  
19 opinion, in Don's humble opinion, many smaller  
20 distributors would be in a better place if cheap  
21 subsidized imports were more fairly priced  
22 inasmuch as the primary importers are -- have

1 huge operations.

2 Their business model is driven by lost  
3 cost and low margin. They have adequate mass and  
4 market to drive down pricing for everyone. I  
5 know this is not a Commerce CBD proceeding, but  
6 ensuring that imported tile is not heavily  
7 subsidized would increase the margin of smaller  
8 distributors.

9 It's sad to see this happen to Florim  
10 in a community Don cares deeply about. Given  
11 Florim USA's size, efficiency, and aggressive  
12 recycling activities, a company like Florim  
13 should be thriving. It's difficult, though, to  
14 compete against Turkish imports that are just  
15 about half as expensive as American-made product.

16 We'd encourage USTR to keep ceramic  
17 tile on the post-retaliation list for Turkey.  
18 Turkish tile imports have surged, are subsidized,  
19 and are ridiculously low priced, harming Florim  
20 USA, and I'm sure harming Florim's fellow  
21 domestic producers.

22 Thank you for your time and attention



1 today. Apologies for the technical difficulties,  
2 and we're happy to answer any questions.

3 MR. CHILDRESS: Thanks very much, Mr.  
4 Spooner, and also thank you to Mr. Haynes. If  
5 you can hear us, thanks for preparing that  
6 testimony today.

7 And with that, we'll turn now to  
8 questions from the U.S. Government panel. And I  
9 believe Treasury is up first.

10 MR. CHANG: Hello, everyone, thank you  
11 very much for your testimonies. My first  
12 question goes to Ms. Gurgoze of Pera Tile.

13 In your testimony, you mentioned that  
14 in response to tariffs on Chinese tile, you  
15 shifted your sourcing to one of the domestic  
16 factories. Would you be able to adopt the same  
17 approach, that is to source from domestic  
18 producers, if the new tariffs on Turkish tile  
19 were to materialize? Thank you. Oh, you're on  
20 mute, you're on mute.

21 MS. GURGOZE: Sorry, sorry about that.  
22 As I said in my testimony, we already are

1 experiencing an increasing demand for the  
2 products in the contract with the domestic  
3 factory. And we tried to increase the capacity,  
4 even for the existing lines with this factory.  
5 We couldn't increase capacity.

6 And I hear what TCNA is saying and  
7 Florim is saying. With all due respect, that  
8 applies to most of the maybe thin tiles or some  
9 of the thin tiles.

10 But there are stock categories of  
11 these products included in this proposal that  
12 will be very hard to source in the U.S., and  
13 that's what we're seeing. Like, you know, the 2  
14 cm porcelain pavers. Some of the technical  
15 products. Some of the wall tiles. The U.S.  
16 doesn't have capacity to produce, or the  
17 infrastructure to produce these.

18 We've already tried contacting other  
19 domestic factories here to shift some of the  
20 production to them so that I can meet the  
21 increasing demand, and the answer is no. What, I  
22 guess what I'm trying to say is some of the

1 categories can be definitely sourced here, but I  
2 would urge you to be extra careful because there  
3 are a lot of other subcategories that cannot be  
4 sourced at the moment domestically.

5 MR. CHANG: Thank you very much for  
6 that information.

7 MR. CHILDRESS: Thank you, we'll turn  
8 now to the Department of Commerce, who I  
9 understand has a question for Mr. Astrachan. I  
10 believe you're on mute.

11 MR. ABBYAD: Apologize for that. My  
12 question for you, Mr. Astrachan, is the  
13 following. Will you please expand on your  
14 testimony related to the surge in imported tile  
15 from Turkey? How has the surge impacted U.S.  
16 tile producers? You spoke some about price  
17 effects, but is there anything you would like to  
18 add, such as impacts to U.S. labor or business  
19 operations, etc.?

20 MR. ASTRACHAN: Yes, thank you. Can  
21 you see me or just hear me?

22 MR. CHILDRESS: We can see and hear

1 you.

2 MR. ABBYAD: I can hear and see.

3 MR. ASTRACHAN: Okay, excellent. So  
4 I provided you statistics with regards to how  
5 much it has surged. And for example, looking at  
6 annual data from 2018 to 2020, not just February  
7 year to date, but annual information. Imports  
8 from Turkey have gone up over 100%. That was '18  
9 to 2020. So it's been a very significant impact.

10 And as Mr. Spooner and Mr. Haynes  
11 spoke regarding testimony from one of our larger  
12 manufacturers, that puts negative downward  
13 pressure on all of the domestic manufacturers.  
14 And that has impacted their production volumes  
15 that they are exporting, as Mr. Church correctly  
16 noted from our economic reports that are released  
17 annually, and more often in fact.

18 Domestic shipments I believe, and I'd  
19 like to check the number, but were certainly down  
20 in 2020, although the pandemic was a economic  
21 boon in terms of construction, particularly  
22 remodeling construction in the United States.

1                   So we very much feel that imports  
2                   from, you know, any country that is subsidizing  
3                   tile exports is going to negatively U.S.  
4                   producers, impact jobs, and impact opportunities  
5                   within the United States.

6                   And you know, we believe that this  
7                   type of tariff will have an impact on the  
8                   government of Turkey. I hope I've answered your  
9                   question.

10                   MR. ABBYAD: That's very helpful.  
11                   Thank you, Mr. Astrachan.

12                   MR. CHILDRESS: Thanks, and Mr.  
13                   Astrachan, I have a question for you as well.  
14                   You mentioned in your testimony that the Turkish  
15                   tile industry is connected within the Turkish  
16                   government. I'm wondering if you could expand on  
17                   that a bit and explain to us why you believe the  
18                   tile industry might hold sway with the Turkish  
19                   Government.

20                   MR. ASTRACHAN: Let me say this in  
21                   public comments, which is we have found evidence  
22                   of the Turkish Government providing gas support

1 as wells as economic incentives as it applies to  
2 capital investment.

3 But for more details, we'd like to  
4 submit that answer with some type of business  
5 confidentiality as proprietary information, and  
6 we'd be happy to do so. Is that sufficient, Mr.  
7 Childers?

8 MR. CHILDRESS: Yes, understood. And  
9 absolutely, feel free to submit those additional  
10 materials with your post-hearing submissions.  
11 And just you know, be sure to mark them as  
12 business confidential.

13 MR. ASTRACHAN: We will do so. And I  
14 will say that participating in international  
15 standards organizations meetings, including a  
16 meeting we held a few years ago in Turkey, makes  
17 it very clear to us the extent, size, and extent,  
18 size, and influence of some of the larger Turkish  
19 tile companies with their government. And we'll  
20 provide more information in our commentary.

21 MR. CHILDRESS: Okay, that's great.  
22 Thank you very much.

1 MR. ASTRACHAN: Thank you.

2 MR. CHILDRESS: And for our next  
3 question, I believe we're going to the Department  
4 of Agriculture, who I think has a question for  
5 Mr. Church. Oh, sorry, I think you're on mute.

6 MR. McCALEB: Can you hear me?

7 MR. CHILDRESS: We can, yes.

8 MR. McCALEB: Okay, great, sorry about  
9 that. Thank you, Mr. Church, for your testimony.  
10 In that testimony you state that Turkish tile  
11 provides a lower to middle priced alternative.  
12 What possible other sources of lower to middle  
13 priced tile exist? And if substitutes are not  
14 available in the U.S., are there any import  
15 sources that compete in this market?

16 MR. CHURCH: Thank you for your  
17 question, Mr. McCaleb. And there are, as Mr.  
18 Astrachan pointed out during his testimony, many  
19 other lower priced alternatives to Turkish tile,  
20 including but not limited to tile from Mexico and  
21 Brazil and other countries. So there are --  
22 there are other price point alternatives to

1 Turkish tile.

2 MR. CHILDRESS: Okay, thank you for  
3 that answer, Mr. Church. I also have a question  
4 that is coming via our representative from the  
5 Small Business Administration, who unfortunately  
6 is having some technical difficulties. But she  
7 sent me her question to ask you.

8 And that question is this: in your  
9 testimony you mentioned that your membership is  
10 made up significantly of small businesses. Can  
11 you share if your small business members  
12 distribute U.S. products as well, or only  
13 international products?

14 And do you know the percentage of your  
15 small business members that are importing Turkish  
16 products and whether they would be able to pivot  
17 to other sources of supply?

18 MR. CHURCH: Thank you for the  
19 question. Yes, our members distribute product  
20 all over the world, including in the United  
21 States. And our members, TCNA member suppliers  
22 are very important to the businesses.



1                   Unfortunately, as has been pointed out  
2                   in much of the testimony, the U.S. manufacturing  
3                   community can't keep up with the demand, they  
4                   don't have the capacity to keep up with the  
5                   demand. So our members are forced to look at  
6                   alternatives in other countries.

7                   So I hope that answers the question.  
8                   I think there was a second part to the question,  
9                   though?

10                   MR. CHILDRESS: Yeah, yeah, the second  
11                   question was do you know, you know, approximately  
12                   what percentage of your small business members  
13                   are importing Turkish products, and then whether  
14                   they would be able to pivot to other sources of  
15                   supply.

16                   MR. CHURCH: Right, thank you. I  
17                   don't know the exact percentage, and we can find  
18                   that out and submit it in the testimony after the  
19                   fact. But if I'm sort of guessing based on  
20                   conversations with our members, at least I would  
21                   say 30-50% of our members are importing product  
22                   from Turkey at some level or another.

1                   And while it's been pointed out there  
2                   are definitely alternative options in other  
3                   countries, I think it was also well pointed out  
4                   by Mr. Haynes's testimony that the Turkish tile  
5                   is largely considered to be of similar quality to  
6                   the U.S. tile in terms of quality and production.

7  
8                   So, that makes Turkish tile an  
9                   important imported product for our members, not  
10                  just below the median price point, but also of a  
11                  quality product that you might not get from other  
12                  countries.

13                  MR. CHILDRESS: Thank you for that  
14                  answer. Our next question will come from the  
15                  Department of Labor.

16                  MS. KHAN: Thank you. My question is  
17                  for Mr. Michael Jacobson. In your testimony, you  
18                  stated that the impacts from tariffs will be felt  
19                  disproportionately on middle class and low income  
20                  Americans.

21                  There's two parts to my question.  
22                  First, can you explain or elaborate on the basis

1 of this statement. And second, would Turkish  
2 companies bear some of the tariffs if those were  
3 to be implemented? Thank you.

4 MR. JACOBSON: Thank you for that  
5 question. I'll answer the second part first.  
6 There's a economic model that was done as part of  
7 our written comments by Dr. Mitch Ginsburg, who's  
8 a PhD economist, and he looked at the impact of  
9 the proposed 25% tariffs on supply to the U.S.  
10 market and found that it would drop by more than  
11 half. And that there would be only a small  
12 increase in domestic and other sources of  
13 imports. This would create an enormous supply  
14 shortage.

15 Those supply shortages are going to  
16 impact the building community and the building  
17 sector and downstream, you know, end users, which  
18 is the American homeowner, the American home  
19 renovator, home buyer. And the vast majority of  
20 those Americans are lower and middle income  
21 Americans.

22 In addition, as has been mentioned

1 today, the U.S. product is on average a lot  
2 higher priced than the Turkish products. But the  
3 Turkish product is disproportionately going into  
4 homes of lower and middle income Americans as  
5 compared to a potential small uptick in U.S.  
6 sales.

7 So you know, in terms of your question  
8 about the impact on the foreign suppliers, those  
9 foreign suppliers that are not able to access the  
10 U.S. market will have to find alternative sources  
11 for their sales. Not clear what impact that  
12 would cause.

13 But what we do know is there would be  
14 an enormous impact on the U.S. market, not only  
15 the importers that would be paying the tariffs,  
16 the U.S. companies that would pay the tariff,  
17 but, you know, in particular all of the related  
18 and downstream industries and jobs that are just  
19 going to be severely impacted by this.

20 And a lot of those industries, it's  
21 not just the tile distributors, the stone  
22 distributors in those companies, but it's all of

1 the other related jobs across the supply chain,  
2 including those blue-collar construction jobs and  
3 tile-layer jobs, and all the important jobs  
4 across the entire supply chain. This would have  
5 a disproportionate impact on U.S. jobs mostly.

6 MS. KHAN: Thank you very much for  
7 your answer, that's very helpful.

8 MR. CHILDRESS: And we will now turn  
9 to Customs and Border Protection, who have our  
10 next question.

11 MS. WADDY: So I believe this is for  
12 in the Funda Gurgoze, but if other panelists want  
13 to answer this question, please feel free. So to  
14 your -- to your knowledge, have any of your  
15 Turkish suppliers reached out to the government  
16 of Turkey to request that Turkey address U.S.  
17 concerns with Turkey DST? And have you  
18 considered making such a suggestion to your  
19 suppliers?

20 MS. GURGOZE: Well, thank you for the  
21 question, but based on my limited conversations  
22 with my Turkish suppliers, there were some

1 discussions in Turkey to reach out to the  
2 government and see what can be done on their end.

3 But in think the consensus is that  
4 the, you know, the Turkish imports as part of the  
5 -- you know, these products as part of total  
6 Turkish exports is such a -- I mean it's not  
7 going to move the needle. You know, when you  
8 compare it to the digital tax imposed on the U.S.  
9 companies, it doesn't look like it's going to  
10 make huge impact.

11 So based on my limited knowledge,  
12 again, they tried to reach out to the government  
13 and there are some lobbying efforts done. I done  
14 know the status of those efforts, though, to be  
15 honest with you.

16 MS. WADDY: Thank you. Anyone else?

17 MR. JACOBSON: Hi, this is Mike  
18 Jacobson. I just wanted to add that there's been  
19 several allegations about dumping and subsidies  
20 here and in the written comments, but there's  
21 been no substantiation of those allegations or  
22 proof.

1           And my understanding is, is those of  
2 favor of tariffs are leaning upon alleged  
3 subsidies as the basis of their argument that the  
4 Turkish industry is somehow highly connected with  
5 the government. So not only do we not have  
6 evidence of subsidies, we also don't have any  
7 sort of evidence of this connection.

8           And our understanding is that there's  
9 no close connection between the Turkish tile and  
10 stone industries and the Turkish Government that  
11 would cause some sort of disproportionate  
12 bargaining power that would somehow cause a  
13 change in a totally unrelated issue in terms of  
14 digital services taxes.

15           MR. CHURCH: This is Rick Church from  
16 the Ceramic Tile Distributors Association. I'd  
17 respectfully add that we have a strong  
18 relationship with the manufacturing trade  
19 association in Turkey, just as we do with the  
20 Tile Council of North America and other  
21 manufacturing associations representing  
22 manufacturers around the world.

1           And in advance of this, we actually  
2           reached out to that association to ask them of  
3           they had a connection of any kind with the  
4           government, if any of their companies, their  
5           member companies had connections with the  
6           government, or had any kind of relationship with  
7           the government, whether that was some kind of  
8           ownership relationship, etc.

9           And they told us absolutely no  
10          companies are -- have any kind of -- are  
11          controlled in any way by the government or have  
12          any ownership by the government. And  
13          unfortunately, they felt that they didn't have  
14          enough influence with the government to make any  
15          kind of a case to impact the Turkish Government's  
16          position on the digital services tax.

17          I would add, as I believe Mr. Jacobson  
18          sort of just said, with greatest respect for the  
19          Tile Council of North America and its members who  
20          have largely made their case here today in favor  
21          of this tariff based on what they have claimed  
22          are some kind of subsidies from the government,



1 those claims should be made in a countervailing  
2 duty case if they are -- if they are in fact  
3 appropriate and are there.

4 And just as the Ceramic Tile  
5 Distributors Association did when the  
6 countervailing duty case, an antidumping case was  
7 made by TCNA a few years ago against China, we  
8 will either not take a position on it, or we will  
9 take a favorable position to support TCNA.

10 MR. ASTRACHAN: May I comment as well?

11 MR. CHILDRESS: Yes, please.

12 MR. ASTRACHAN: Thank you, and thank  
13 you for asking this question. As I noted before,  
14 we'll be happy to submit the information that  
15 we've uncovered in our confidential -- in a  
16 confidential submission. But additionally I  
17 noted three things.

18 I noted the very, very low prices,  
19 which is indicative of dumping. I noted what we  
20 have covered with regards to subsidies, and I,  
21 you know, replied as well with regards to  
22 design/intellectual property violations.

1 All three of those are appropriate  
2 when considering Section 301 retaliatory tariffs.  
3 And so while I'm not, you know, commenting on  
4 AD/CVD action, at the same time, we spoke in  
5 favor of the Section 301 tariffs as they applied  
6 to tile from China because of exactly these same  
7 kind of issues.

8 And we feel that this is the  
9 appropriate forum at this time to make USTR aware  
10 of these issues that are taking place and why  
11 this type of retaliatory tariff would be  
12 appropriate in response to DST taxes.

13 So again, we'll submit the information  
14 we have, and we appreciate, you know, this  
15 opportunity. Thank you.

16 MS. WADDY: Thank you all so much.

17 MR. CHILDRESS: Thank you for those  
18 answers. I'd now like to ask the U.S. Government  
19 panel if anyone has any further questions for  
20 this panel of witnesses. Okay, hearing none, I'd  
21 now like to turn to the witnesses. Would anyone  
22 like to make any final comments or statements

1 before this panel concludes?

2 MS. GURGOZE: I'd like to say --

3 MR. JACOBSON: Oh, sorry, please go  
4 ahead.

5 MS. GURGOZE: Yeah, I mean, we talk  
6 about the increase in the Turkish tile imports  
7 over the last two years. And a couple of people  
8 commented on the fact -- I want to reiterate, I  
9 think part of it was because of the 300%-plus  
10 penalty imposed on the Chinese imports. So that  
11 shifted some of the demand to Turkey.

12 But also, if you look at the overall  
13 demand for building materials, the increase that  
14 the TCNA quoted in the Turkish tile imports is  
15 not only because Turkish, you know, Turkey is  
16 exporting cheap material. It's partly driven by  
17 demand, right. So it's not only because of what  
18 Turkey is doing. It's also partly because of  
19 what the U.S. market is demanding.

20 And you asked about other countries  
21 where cheap tile can come from. I want to  
22 comment on that too. The prices that I'm getting

1 from India or some of the South America countries  
2 are actually comparable if not lower compared to  
3 what the prices that I'm getting from Turkey.

4 So the TCNA, you know, urging you to  
5 institute these additional tariffs doesn't  
6 surprise me, because their members have interests  
7 in manufacturing facilities in countries in  
8 Europe like Spain, Italy, Portugal.

9 So any time you make a move to block  
10 cheap imports from other countries -- which  
11 doesn't mean that those countries are dumping by  
12 the way. It just means they may have cheaper  
13 labor, and it's part of the economic development  
14 of the country. But any time you make a move to  
15 block those imports, it benefits TCNA members  
16 domestically, as well as in terms of their  
17 manufacturing facilities in Europe.

18 So what happened when you added the  
19 300% penalty on China, it's going to happen with  
20 Turkey again. We're going to shift the trade  
21 balance a little bit in favor of other countries.  
22 But unless the U.S. closes itself off to other

1 countries like India, South America, anywhere we  
2 get cheap imports from, this is not going to end.

3  
4 All it does is really make our life as  
5 small business owners more difficult because we  
6 have to constantly shift where we source from.  
7 So it's, you know, I understand what you're  
8 trying to do, but with all due respect, it just  
9 ends up making my life more difficult as a small  
10 business owner.

11 MR. CHILDRESS: Thank you for that.  
12 And I believe, Mr. Jacobson, you wanted to make a  
13 comment as well.

14 MR. JACOBSON: Thank you, Mr.  
15 Childress. So there was a question earlier about  
16 the impact on the U.S. industry and the U.S.  
17 market, and I just wanted to correct the record  
18 on a couple issues that I heard in response to  
19 that question.

20 First, it's important to note that  
21 there are massive shortages going on in the U.S.  
22 market for this product, and that's because

1 imports overall have declined while the U.S.  
2 industry has seen increases in their domestic  
3 shipments. And this is coming, this is on the  
4 record in our comments, and it's coming from  
5 TCNA's own data. So the domestic industry has  
6 done better in 2020 during the pandemic as  
7 compared to 2019.

8 And there's no better evidence of this  
9 than recent statements from Mohawk's CEO. Mohawk  
10 is the parent company of Dal-Tile, which is the  
11 market leader in the U.S. and abroad. They have  
12 several production facilities abroad, including  
13 in Mexico and Brazil, etc.

14 And he said just a few days ago, We  
15 believe the present trends, meaning that the  
16 shortages, will continue into the second quarter  
17 of this year. And the second quarter also  
18 including the expected supply limitations that  
19 are going on. We are raising our prices, and we  
20 expect to run all the facilities at high rates.

21 And then recently Mohawk raised  
22 prices. They indeed, Dal-Tile raised prices on

1 tile products, and they're basically saying we  
2 have shortages and we're going to keep raising  
3 our prices. And in the recent financial reports,  
4 they celebrated, quote, all-time record sales,  
5 eye opening.

6 So if there's any impact that's going  
7 to happen from these tariffs, it's going to be  
8 more shortages, and it's going to be harm to the  
9 U.S. building community and to the broader  
10 industry, while the domestic industry, at least  
11 its market leader, appears to be doing very, very  
12 well already.

13 MR. ASTRACHAN: If I may, and this is  
14 Eric Astrachan from Tile Council. Of course  
15 Mohawk makes a lot more than ceramic tile, and so  
16 I don't know if those comments refer to their  
17 other materials and other flooring materials that  
18 they make. As people probable know, they're  
19 manufacturers of carpet as well as plastic  
20 products such as LVT.

21 But I know for a fact that tile  
22 manufacturers are not doing as well as has been

1 represented here. And again, since much of this,  
2 in particular with regards to individual  
3 manufacturers, is business proprietary data, we  
4 will seek their permission to send that  
5 information on to USTR.

6 But I'm telling you here that it is  
7 not the rosy picture that Mr. Jacobson has  
8 presented to you. And we have the actual data  
9 from the manufacturers to speak to that, and not  
10 the reports of just Mohawk in general. But with  
11 that said, we're happy to make that information  
12 available on a proprietary basis. Thank you.

13 MR. CHILDRESS: Okay. Thank you.  
14 Would any of the other witness like to make any  
15 final comments?

16 Okay, if not, I'd like to thank you  
17 all for your testimony today. It's been helpful,  
18 and we appreciate the contribution that you've  
19 made to our investigations.

20 And with that, we will conclude this  
21 panel. And we will take a pause before the  
22 fourth panel of the day for lunch. Let's plan to



1 mark that fourth panel at 1:15 p.m. Eastern Time.

2 So thank you all again, and enjoy your  
3 lunch.

4 (Whereupon, the above-entitled matter  
5 went off the record at 12:09 p.m. and resumed at  
6 1:17 p.m.)

7 MR. CHILDRESS: Good afternoon and  
8 welcome back to the hearing in this DST Section  
9 301 investigation of Turkey's digital services  
10 tax. We will now resume with our fourth panel of  
11 the day.

12 Before we get started, just a couple  
13 of technical points. If I could remind all of  
14 the participants to please mute your video and  
15 your microphone when you're not speaking.

16 And I also received a note from our  
17 court reporter that he's having some trouble with  
18 feedback after the members of the U.S. Government  
19 panel ask questions. So if I could just ask the  
20 folk on the U.S. Government side to please mute  
21 your microphone after you ask your question.

22 Thanks very much.

1                   And I understand that all of the  
2 panelists for our fourth panel are present, so we  
3 can begin. And the witnesses that we'll be  
4 hearing from in this panel are Fatih Kemahli from  
5 Arpas Ltd., Shlomo Ozdamar from Royal Chain Inc./  
6 and JAS Imports LLC, and Ceyhan Hosgor from the  
7 Jewelry Exporters Association.

8                   With that, we'll start with Fatih  
9 Kemahli. If you're ready please begin your  
10 testimony.

11                  MR. KEMAHLI: Hello, Mr. Childress, I  
12 hope you hear me.

13                  MR. CHILDRESS: I can. I can see and  
14 hear you well, thanks.

15                  MR. KEMAHLI: Wonderful. I'm Fatih  
16 Kemahli of Arpas International New York. I have  
17 been in the jewelry business since 1998, so that  
18 puts a lot of experience about the industry on my  
19 shoulders.

20                  I can -- I would like to start with a  
21 point that, as someone from the jewelry industry,  
22 I really do not have any idea and I don't want to

1 accept that fact that I am here today due to a  
2 digital tax issue in Turkey. We live and operate  
3 in the United States, and you know, we have our  
4 income there.

5 And we really do not understand, we  
6 don't want to understand why we are dealing with  
7 a situation like this, especially at a time kind  
8 of like this, you know, with the pandemic and  
9 all, given the past two year.

10 That I would like to explain a little  
11 bit about the jewelry industry around the world.  
12 The major players of supply in jewelry industry  
13 is Turkey, Italy, and Far East countries like  
14 India and China, and especially given the sector  
15 of gold and diamonds.

16 China and India are focused more on  
17 diamonds part. Italy, being a major player, a  
18 wonderful supply to the United States over the  
19 years, has been more focused on the machine-made,  
20 mechanical products, and Turkey has been  
21 traditionally focused more on the U.S. consumer  
22 taste in terms of handmade filigree type of

1 jewelry.

2           There is definitely a strong demand  
3 for the Turk jewelry, and we have been importing  
4 through our operations since 1998. This is --  
5 our company is founded since -- in '98 in New  
6 York. And this issue is very much reaching up to  
7 us because every piece of jewelry that we sell is  
8 priced with gold -- price of gold included.

9           And as you can imagine, gold is a very  
10 expensive item and we are already paying five and  
11 a half percent duty for imports out of Turkey.

12           With that said, I would also like to  
13 add that, you know, our industry actually makes  
14 it profit not from the price of gold but the  
15 labor itself. So you know, I have included in my  
16 written testimony that, you know, when we buy  
17 something, it is the labor that we pay which is  
18 our real cost. Because gold is traded at a daily  
19 value, so we buy and sell gold, and there's no  
20 profit to it, it's just the labor.

21           So the taxes that we pay includes  
22 labor and gold itself, which is coming up to a

1 very high value. So when we say like, you know,  
2 25 -- up to 25% imposed tax on Turkish jewelry,  
3 we are actually thinking about doubling our cost  
4 in terms of labor and doubling our prices.

5 There will definitely be demand for  
6 the Turkish jewelry even if this tax is imposed.  
7 And the U.S. business will hurt, we will have  
8 dwindling business in the coming times. It will  
9 not be easy to go to different suppliers such as  
10 China because they are not making the same kind  
11 of jewelry.

12 And even if we can somehow convince  
13 them to make Turkish type of jewelry, it would  
14 definitely be at a higher cost to us because  
15 they're not specialized to it, number one. And  
16 they will know the need we have for it. So they  
17 will absolutely price it a higher point.

18 And I think this is a lose-lose  
19 strategy for U.S. business and U.S., you know,  
20 the jewelry that we're supplying distributes to  
21 consumers through 40,00 retail stores, roughly  
22 speaking. And I said 40,000 retail stores just

1 to give an idea about, you know, how many outlet  
2 sales points there is to it.

3 But it's going to hurt some major  
4 companies, like Helzberg, Zales, Costco,  
5 Walmarts, and it's definitely going to hurt  
6 family-owned businesses a lot more than it hurts  
7 the big companies.

8 And at this point I would like to make  
9 an appeal that this unilateral action will not go  
10 forward at this point because a new  
11 administration is being elected in. And we  
12 really do not want to the habits and the actions  
13 of the past administration, which definitely had  
14 not been, you know, approved by the -- by the  
15 business community.

16 If you have any questions, I would  
17 love to answer them. But my statement will be at  
18 this right now.

19 MR. CHILDRESS: Thanks very much for  
20 that testimony. We'll move on now to hear  
21 testimony from Shlomo Ozdamar from Royal Chain,  
22 Inc.

1 MR. OZDAMAR: Good afternoon, this is  
2 Shlomo, can you see me, can you hear me?

3 MR. CHILDRESS: Yes, we can hear you  
4 and we can see you.

5 MR. OZDAMAR: Thank you. I represent  
6 Royal Chain and JS Imports LLC. Royal Chain has  
7 been a large importer of gold and silver jewelry  
8 since 1978. We employ currently approximately 70  
9 people in our New York offices.

10 As my friend Fatih alluded to a little  
11 earlier, about 75-80% of the value of the  
12 products that we bring from Turkey is the  
13 precious metal itself, which has the same, exact  
14 cost all over the world, every single day.

15 Also, the jewelry tariffs in questions  
16 were already hit by Turkey being removed from GST  
17 a few years ago by five and a half percent. So  
18 we have been trying to include that into our cost  
19 over the past three or four years. As you know,  
20 GST refers to generalized system of taxes.  
21 Turkey was kicked out of that.

22 To add another 25% to the cost of our

1 goods coming to the U.S. will be a nonstarter for  
2 us. No customer will be able to pay this  
3 increase, considering that, again, 75-80% of the  
4 taxable value is the precious metal itself. And  
5 also our industry and our category works with  
6 very, very low margin.

7           So we would have no choice but we  
8 would have to resource these items, a 25% tariff  
9 is out of question. Resourcing will be  
10 disrupting to our business and it will take a  
11 long time. We have been working with Turkey for  
12 many, many years and we have great business  
13 relationships, including credit, delivery,  
14 pricing, product development, etc.

15           And there is hundreds of years of  
16 culture and art of making jewelry that is  
17 reflected in their products. They have  
18 creativity and special production techniques that  
19 is unique that would be very difficult to  
20 replicate and to resource.

21           The last point I want to add is there  
22 are no current manufacturers in the U.S. that



1 would be able to produce these categories. So if  
2 we are not able to bring these goods from Turkey  
3 and the taxes are -- the tariffs are implemented,  
4 we would have to go to other countries, where our  
5 life would become very, very hard.

6 And at the end of the day, I think it  
7 will disrupt the flow of products, resulting in  
8 lost revenues, shortage of product. It might  
9 even result in layoffs in U.S. companies due to  
10 loss of business.

11 We could end up laying some people --  
12 laying off some people. Our retail accounts  
13 might end up laying off people. There will be  
14 five and a half percent duties that would be  
15 lost. And I think it would be a losing  
16 proposition for everybody.

17 I am very, very surprised to find out  
18 that our category, jewelry, was picked as one of  
19 the tariffs to be implemented in this issue.  
20 Again, we are basically trading labor, and to  
21 include a precious metal into this whole equation  
22 that is the same price all day long, every single

1 day all over the world just doesn't make sense.

2 Thank you.

3 MR. CHILDRESS: Thank you, Mr.  
4 Ozdamar. We'll move on now to Ceyhan Hosgor from  
5 the Jewelry Exporters Association. If you're  
6 ready, you may begin.

7 MR. HOSGOR: Hi, you see me? Hello?

8 MR. CHILDRESS: Yes, I can see, I can  
9 see you and hear you.

10 MR. HOSGOR: Okay, perfect. Good  
11 evening from Istanbul. I would like to thank for  
12 all, for giving us opportunity to express our  
13 (Audio interference.) And I would like to read  
14 my testimony. Just bear with me.

15 So jewelry is a form of art. Shaping  
16 precious metals is a way of expressing oneself.  
17 As a cradle of civilizations, Turkey has been the  
18 leader in this art for centuries. The first  
19 jewelry artifacts in Turkish museums date back to  
20 5000 BC. Due to that immense past, the country's  
21 jewelry masters inherited the most important  
22 aspects of this craft, a mix of history,

1 heritage, and culture.

2 A melting pot of Muslims, Jews, and  
3 Christians create the most beautiful jewels that  
4 reflect the spirits of the Assyrians, Lydians,  
5 Byzantines, and the Ottomans. Turkish jewelry  
6 has always been the most sought-after in the  
7 world. Just to put that in numbers, in 2020 we  
8 exported a total of almost two billion U.S.  
9 dollars, compared to a mere nine million U.S.  
10 dollars in 1985.

11 In 2020, the U.S. constituted  
12 approximately ten percent of the official jewelry  
13 exports. I would like to emphasize the word  
14 official exports because the tourist purchases,  
15 which are as much as half the official export  
16 numbers, are not included in the official  
17 statistic, export statistics.

18 Turkish jewelry is imported through  
19 either large distributors such as Walmart,  
20 federated department stores, chain stores such as  
21 Zales and Kay Jewelers. Or, by the 30,000 small  
22 to medium sized retailers which you call mom-and-

1 pops from all around the country. 2020 import  
2 numbers rank Turkey number eight in U.S. import  
3 numbers.

4           However, make no mistake about it,  
5 Turkish imports are more important to the U.S.  
6 businesses than the ranking suggests. Turkey and  
7 Italy are the only two countries that sell plain  
8 gold jewelry. And Italy does not have the cost-  
9 effectiveness that Turkey possesses while both  
10 countries are known for more or less similar  
11 quality goods.

12           Thus, if consumers -- thus if an exit  
13 duty is imposed on Turkey, cheaper and far  
14 inferior quality goods from Asia will flood the  
15 U.S. market surely. This will cost consumers  
16 more in the long run.

17           So let's just be honest. Just because  
18 you take off the Japanese cars off the streets,  
19 people are not going to go and buy the more  
20 expensive German sedans. But they will end up  
21 buying the cheaper Chinese one just because they  
22 can afford it.

1           So jewelry business is not like any  
2 other business. The because of the mastery of  
3 the craft, Turkey possesses the optimal  
4 efficiency in jewelry production. A substantial  
5 jewelry manufacturing has never existed in the  
6 U.S. Therefore, we had never displaced an  
7 American blue-collar worker out of a job.  
8 Rather, any exit duty will definitely have a  
9 negative impact on the hardworking American, such  
10 as the 30,000 strong mom-and-pop shop owners,  
11 their employees, and their customers. Exit  
12 duties will raise the prices for all, which will  
13 drastically bring down sales. Less revenue means  
14 less jobs for people. Less revenue means less  
15 tax income for the U.S. Government.

16           So ladies and gentlemen, these  
17 proposed duties benefit no one. In a time of  
18 liberal trade between nations, such a duty is not  
19 just harmful in principle, but also directly  
20 harmful for the American participant. Thank you.

21           MR. CHILDRESS: Thank you very much  
22 for that testimony. We are going to now add one

1 witness to this panel before we move forward, and  
2 that will be Sadi Sevimli of Tayes Rugs. This  
3 was a witness that was scheduled to testify  
4 earlier in the day, but due to some technical  
5 difficulties, was not able.

6 So Sadi, if you are ready, you may  
7 begin your testimony. I'm sorry, Sadi, I can see  
8 you but I can't hear you.

9 MR. SEVIMLI: Can you hear me now?

10 MR. CHILDRESS: Yes.

11 MR. SEVIMLI: Okay, thank you. I'm  
12 sorry I had some technical difficulties in the  
13 morning. I just want to add a couple things that  
14 I think it will be helpful to know. I don't want  
15 to repeat what everyone also already mentioned.  
16 So a couple things.

17 First, you know, I'm seeing the  
18 questions being asked about alternative sources.  
19 And just a brief information. I'm in the area  
20 rug industry since 2005. In my opinion, most rug  
21 importers don't have an alternative source simply  
22 because no country in the world has capacity,

1 technology, experience, and talent in the  
2 workforce as much as Turkey does.

3 Imposing tariff on Turkish rugs will  
4 only hurt U.S. rug distributors, retailers, and  
5 consumers. With the existing cost increases in  
6 the raw material and freight due to pandemic, we  
7 already had to increase our prices. Additional  
8 tariff will increase wholesale and retail prices  
9 even more and consumers will pay up to 100%  
10 higher prices than they used to pay prior to  
11 pandemic.

12 Turkey has alternative markets to sell  
13 to, but we as rug importers don't have  
14 alternative sources. Tariff will hurt U.S. side  
15 more than it will hurt Turkey side, in my  
16 opinion, is this is being considered as a  
17 negotiation.

18 U.S. rug industry as a result will  
19 downsize. We will have to lay off employees.  
20 Unemployment in the area rug industry will go up,  
21 and we will lose revenue, and we'll end paying  
22 less taxes due to lost business.

1           We haven't taken advantage of low  
2 pricing from Turkish factories in the past  
3 decade, and we were able to grow the industry,  
4 offer competitive, great values to American  
5 consumer while we grew revenues and paid taxes.

6           Major U.S. retailers have Turkish  
7 machine-made rugs in their stores, up to 80% of  
8 their assortment, and this percentages continue  
9 to increase for a simple reason, and that is low  
10 price, tremendous value in quality, and  
11 innovation.

12           I can tell most of our -- all our  
13 customs are totally against the tariff being  
14 discussed. They absolutely don't want to deal  
15 with any further -- any more price increases.

16           I wish we could have the customers,  
17 our customers, the area rug buyers, department  
18 managers from Walmart, Home Depot, Lowes, Home  
19 Goods, TJ Maxx, as well as online retailers like  
20 Amazon, Wayfair, and Overstock, and we could have  
21 a chance to listen to what they want to say.  
22 Because they keep telling us that they do not



1 want to deal with any further price increases  
2 that's going to affect the industry.

3 I do want to mention one more thing.  
4 We have been having increased demand since last  
5 year due to pandemic, and we have made  
6 investments, and we have growth projections for  
7 this year. And it looks we're already facing big  
8 challenges to --

9 MR. CHILDRESS: Apologies, Mr.  
10 Sevimli, it looks like we may have lost you. Mr.  
11 Sevimli, if I could -- okay.

12 MR. SEVIMLI: Can you hear me?

13 MR. CHILDRESS: Yeah, yes, we can hear  
14 you now. Oh, sorry, I believe you're on mute  
15 again.

16 MR. SEVIMLI: Okay, can you hear me  
17 now? Okay.

18 And we are facing pushbacks, a  
19 slowdown in sales. So we'll most likely not be  
20 able to meet our growth projections. As I  
21 mentioned, we invested in more products, we hired  
22 more employees. So are already, you know, facing

1 challenges. And I think there's more challenges  
2 ahead of us already.

3 And in my opinion, companies like  
4 Facebook, Google, you know, these technology  
5 companies, giant companies, they work on very  
6 high margins, they are in a much larger industry.

7  
8 Comparing area rug industry to  
9 businesses in these industries, import from  
10 Turkey is less than a billion dollar to U.S.  
11 It's a very low margin industry. It's not fair  
12 to compare taxes imposed on much larger industry  
13 with higher profits to a much smaller industry  
14 with very low margins.

15 Our suppliers in Turkey are talking to  
16 Turkish Government, they are doing what they can  
17 to push them to find a mutually beneficial  
18 solution. As a result, I strongly urge you not  
19 to move forward with the tariff, as it will only  
20 hurt the area rug industry tremendously,  
21 resulting in increased unemployment, lost  
22 revenue, downsized companies, and increased

1 retail prices to consumers.

2 Thank you.

3 MR. CHILDRESS: Thanks very much for  
4 your testimony. With that, I think we can move  
5 to questions from the U.S. Government panel. And  
6 I believe the first will come from the Department  
7 of Agriculture.

8 Oh, I'm sorry, I believe you're on  
9 mute. No, we're still not able to hear you.  
10 Maybe I can go ahead and ask the question, and  
11 then we can try to resolve the technical issues  
12 in the meantime. Okay, the question from the  
13 Department of Agriculture is for Fatih Kemahli of  
14 Arpas Ltd.

15 And the question is your testimony  
16 mentioned that imports from Turkey for certain  
17 categories of jewelry are very different from  
18 imports from Italy and Asia. Can you explain how  
19 the imports from these differ? And if you could,  
20 please provide us a few concrete examples.

21 MR. KEMAHLI: Some of the concrete  
22 things, concrete examples will be a little

1 difficult because I (Audio interference.) had a  
2 actual (Audio interference.) to mention once  
3 again that Turkish jewelry is highly handmade, as  
4 opposed to Italian jewelry.

5 Italy is known for its machine-made  
6 chains, chains that are started and finished on a  
7 machine after various number of modifications  
8 made on them on different machines itself.

9 The Turkish jewelry is handmade, and  
10 as you may all know, like machine-made chain is  
11 branded as Italy, and filigree, which is a  
12 handmade product, is branded as Turkish. So  
13 there are various differences in that department.

14  
15 When you also -- I would also solidify  
16 my point with this agreement, that when we look  
17 at the Italian manufacturers, of the Italian  
18 manufacturers that we work with, they are  
19 factories, little factories, composed of like  
20 ten, 20, 30 maximum. The biggest I know is like  
21 employs 60 people.

22 When we look at the Turkish factories,

1 they are at the minimum of 50, 60, people, going  
2 up to like 300, 1000, 1200. Because these  
3 companies are building handmade products, they  
4 are priced at a handmade price, which is not  
5 cheap, absolutely not.

6 And they are also not being replaced  
7 by any U.S. production in Los Angeles whatsoever  
8 because even though there's that five and a half  
9 percent duty imposed on Turkish and Italian  
10 goods, there are no Turkish -- U.S. manufacturers  
11 being able to compete with them.

12 So when we import from them, we  
13 definitely know that we are not stealing any U.S.  
14 jobs. And I hope this was a good -- there's also  
15 a point that I would like to state if I get a  
16 chance.

17 Thank you, Mr. Childress.

18 MR. CHILDRESS: Okay, thank you for  
19 that. And Mr. Ozdamar, it looks like you may  
20 have wanted to make a comment on this question as  
21 well? Oh, sorry, you're on mute.

22 MR. OZDAMAR: Yes, no, I'm just

1 waiting for the question.

2 MR. CHILDRESS: Okay, great. Well, it  
3 looks the next question will be directed to you,  
4 so that's convenient. And this is a question  
5 from the State Department.

6 MS. MAZZONE: Hello, yes, this is for  
7 Mr. Ozdamar. You mention that although Turkey  
8 represents one of the leading sources of imported  
9 jewelry, there are alternatives available,  
10 including sources in Thailand, Indonesia, and  
11 other countries. Are there any impediments to  
12 shifting your business to focus more on these  
13 alternative import sources?

14 MR. OZDAMAR: Yes. As Mr. Fatih also  
15 mentioned, the type of jewelry they produce in  
16 Thailand in Indonesia and Bolivia and Peru are  
17 not exactly the kind of product that we buy from  
18 Turkey. So in order to shift the type  
19 of products that we buy from Turkey, there would  
20 be a long curve of teaching how to produce these  
21 types of jewelries to these factories, assuming  
22 that they have the history and they have the

1 culture of being able to produce and to create  
2 this kind of product.

3 And even if we are able to resource  
4 the items to other countries, I think it would  
5 take a very long time. And this is being  
6 optimistic and assuming that we might be able to  
7 resource. Because every country has their own  
8 culture, every country has their own history,  
9 every country has their own specialty production  
10 techniques.

11 So specialty gold jewelry is a very,  
12 very broad category itself. So it is very hard  
13 to explain in a 60-second sentence, but to take a  
14 beautiful light, two-tone hoop earring and to  
15 just take it to a factory in Indonesia and say  
16 okay, can you make this for me, it does not work  
17 like that.

18 I mean, you need to have the  
19 infrastructure, you need to have the machinery,  
20 you need to have the training, you need to have  
21 the tools, you need to have the experience.

22 And that is exactly, exactly the

1 reason why I would bet that not 99%, 100% of  
2 imports that come from Turkey, not even a penny  
3 of it would be manufactured in the U.S. because  
4 of all these reasons that I'm giving you.

5 Nobody in the U.S. is interested to  
6 produce those kind of products for those kind of  
7 margins. Not because it is impossible, just  
8 because it doesn't make sense as far as the  
9 investment and return. There is no ROI for those  
10 kind of production in the U.S.

11 So all we would do is at best, at  
12 best, what would do, we would ship the business  
13 to other countries. And some other countries  
14 that this business could go to, U.S. has special  
15 GST, or duty agreements, where if I resource an  
16 item today from Turkey to Peru and I bring those  
17 goods from Peru, compared to Turkey, duty is zero  
18 percent.

19 When I brings goods from Turkey today,  
20 we are paying five and a half percent duty. So  
21 forgot about not Turkey not being able to sell to  
22 the U.S., U.S. Customs would be collecting less



1 money from me for the same product. And it is  
2 assuming that I can really replicate this  
3 product.

4 If I can't replicate this product,  
5 we'll miss the duty, I miss my profit, Walmart  
6 misses their profit, Sam's Club misses their  
7 profit. Everybody loses their business, and the  
8 consumer will end up getting either an inferior  
9 product, or they will not be able to find the  
10 product, which will not serve anybody's purpose.

11 MS. MAZZONE: Thank you for that, that  
12 was very helpful.

13 MR. CHILDRESS: Thank you, and our  
14 next question comes from the Department of Labor.

15 MS. KHAN: Thank you very much. My  
16 question is directed to Mr. Ceyhan Hosgor from  
17 the Jewelry Exporters Association. I understand  
18 that Sirzat Akbulak is not here today. In your  
19 testimony, you mentioned that Turkish jewelry can  
20 be sold easily, and thus will lead to increased  
21 sales taxes.

22 Do you have evidence that Turkish

1 jewelry sells more easily than, for instance,  
2 Indian, Chinese, or Italian jewelry? And if so,  
3 can you please provide this evidence. Thank you.

4 MR. HOSGOR: Hi, can you hear me?

5 MR. CHILDRESS: Yes, we can.

6 MR. HOSGOR: See, as I said that  
7 because Turkish jewelry, as my peers mentioned,  
8 is different than what the other countries are  
9 providing the U.S. I'm looking at your import  
10 numbers, and the first country, the number one  
11 country, is India. India sells the U.S. mostly  
12 loose diamonds, which are used in jewelry, in  
13 diamond jewelry.

14 And number two you have Italy, then  
15 Thailand, which sells silver jewelry, and you  
16 have France, which specializes in watches mostly  
17 and gold watches and diamond watches.

18 So on that top ten list, you have only  
19 Turkey and Italy that makes plain gold jewelry.  
20 No other country is a direct competitor to the  
21 Turkish jewelry. And Italian merchandise, of  
22 course, does not have the cost advantage that

1 Turkey.

2 And as Fatih mentioned, the factories  
3 in Italy are much more smaller scale compared to  
4 the Turkish ones. Thus, their productivity level  
5 is much less, plus their manufacturing time is  
6 much longer.

7 If you order, let's say, ten kg of  
8 gold. If they're a Turkish factory, they can  
9 deliver you that in three weeks. If you order  
10 that at the Italian company, that's going to take  
11 them three months to make it and give it to you.

12 So the turnaround, the turnover ratio  
13 of Turkish jewelry is much higher. And (Audio  
14 interference.) That's why Turkish jewelry is  
15 easy to buy and easy to sell. And once you sell,  
16 and you re-buy it, and it's still not past the  
17 time base. So there is no other country on that  
18 list that actually makes the same merchandise as  
19 Turkey.

20 MS KHAN: Okay, thank you very much  
21 for that, Mr. Ozdamar, it's helpful.

22 MR. OZDAMAR: You're welcome.

1                   MR. CHILDRESS: Thank you, and I have  
2 a questions of Sada Sevimli of Tayes Rugs. Thank  
3 you again for your testimony earlier. And my  
4 question is about price sensitivity for rugs  
5 within the U.S. market.

6                   So you mentioned that if prices  
7 increase, that consumers tend to buy fewer rugs.  
8 But do you have a sense of exactly sensitive the  
9 demand for rugs is to price fluctuations? And  
10 also curious whether, you know, if you have this  
11 today, great, if not you can provide it with a  
12 post-hearing submission, but we're curious to see  
13 if you have any data that speaks to the price  
14 sensitivity.

15                  MR. SEVIMLI: Sure, definitely. I can  
16 tell, give you examples that we have been seeing.  
17 Orders being postponed or canceled from our  
18 customers due to price increases that need to be  
19 passed on.

20                  We have orders that are waiting  
21 because they're waiting for us to maintain our  
22 prices, but it is impossible at this point

1       because of increased raw material of prices.  
2       It's impossible because of freight prices, though  
3       we just had to pass as little as possible, as we  
4       had to absorb some of it. But we had to pass as  
5       little as possible.

6               Even with that small increase, we're  
7       seeing a pushback from customers that, you know,  
8       they are not willing to move forward. They're  
9       willing to wait, they're willing to postpone  
10      because there's big instability in the market,  
11      you know, everywhere in the world.

12             Everyone wants to see what's going to  
13      happen in the next couple months. There's a big  
14      unknown situation. And as I mentioned earlier,  
15      our customers are very concerned about additional  
16      25% tariff on top of the existing issues we're  
17      facing today.

18             MR. CHILDRESS: Thank you very much  
19      for that answer. I'd now like to open --

20             MR. SEVIMLI: I'm sorry, if I need to  
21      provide any communication from customers, I'll be  
22      more than happy to. I will have to put those in

1 emails.

2 MR. CHILDRESS: Okay, that would be  
3 great, thanks very much. And with that, I'd like  
4 to open the floor to the U.S. Government panel.  
5 If any of our panelists have additional questions  
6 for the witnesses, please let me know. And I see  
7 that Ms. Gudicello would like to ask a question  
8 of our witnesses.

9 MS. GUDICELLO: Yes, thank you. Mr.  
10 Hosgor, has your organization or any of its  
11 members reached out to the Turkish Government to  
12 express or encourage them to respond to some of  
13 the concerns that we've laid out with regards to  
14 their digital service tax? Thank you.

15 MR. HOSGOR: Well actually, so far we  
16 have not, but we're getting evidence and we're  
17 trying to understand what's really happening and  
18 how this is going to affect all of us, the  
19 Turkish the manufacturers and exporters.

20 But we'll definitely compiling a file, and  
21 in terms of the Turkish Government, and tell them  
22 that the digital tax is, you know, posing us

1 these problems in the U.S., which is one of the  
2 its biggest markets. So we'll definitely get  
3 back to the government about this. But we  
4 haven't done it yet.

5 MS. GUDICELLO: Thank you.

6 MR. HOSGOR: Good enough.

7 MR. KEMAHLI: Mr. Childress, can I  
8 make a final comment regarding this issue, at the  
9 question also?

10 MR. CHILDRESS: Sure, yeah, if you'd  
11 like to answer this question, please feel free.

12 MR. KEMAHLI: Thank you, thank you for  
13 the opportunity. I strongly believe that Turkish  
14 people should pay for the digital tax that is  
15 applied by the Turkish Government, just like the  
16 United States of American consumers will end up  
17 paying for this proposed tariff, extra tariff.

18 Like I said before and like my  
19 colleagues from the industry mentioned, we  
20 definitely would have to, you know, load this  
21 extra cost to the consumers, just like the  
22 digital companies should do it to the Turkish

1 people.

2           So it shouldn't be us or it shouldn't  
3 be a Turkish supplier who reaches out to the  
4 government. It should be the Turkish consumers  
5 who should reach out to their government and tell  
6 them to lower those taxes that they apply on  
7 Netflix or Amazon or, you know, Google, and  
8 whatsoever.

9           So that's one point. And the last  
10 point that I would like to make, thank you very  
11 much for the opportunity, I'm going to cut it  
12 very short. Around these days we are working on  
13 the 2023 designs.

14           We have already designed them and we  
15 are working with our Turkish counterparts and  
16 Italian counterparts to get them into the first  
17 prototypes and then, you know, hopefully the  
18 future into a, you know, mass production line for  
19 2023, Christmas in 2023 and Mother's Day. Like,  
20 Mother's Day being two days, we are already two  
21 years ahead of our day.

22           So it will not be easy, you know. If



1 our government comes up with a plan that tells  
2 clearly, that states that, you know, within two  
3 years, within three years, there will be a 25%  
4 tariff increase on Turkish goods, then it would  
5 be more acceptable for any one of us. You know,  
6 I'm only saying more acceptable, not acceptable  
7 at all.

8 Because like others said, the  
9 investment that we would have to convince  
10 countries, the investment that they have to make  
11 is tremendous. We have been working with our  
12 Turkish counterparts for over 20, 30 years at  
13 least, so there is a relationship and there's a  
14 understanding of one another.

15 And apparently it has been beneficial  
16 that five and a half percent duty didn't finish  
17 our business together. But talking about 25%,  
18 it's going to hurt us on U.S. end. I don't know  
19 what, and I don't care what it does to the Turks.

20  
21 Thank you.

22 MR. CHILDRESS: Thanks very much for

1 that. And I believe Sarah Bonner from the SBA  
2 has a question for our witnesses as well. Sarah,  
3 I believe you're on mute.

4 MS. BONNER: Now?

5 MR. CHILDRESS: Yes, we can hear you.

6 MS. BONNER: Good. Mr. Ozdamar, Sarah  
7 Bonner from SBA. I was wondering if you could  
8 share what percentage of your products are coming  
9 from Turkey currently. And also if there's any  
10 re-sourcing issues that would be unique for small  
11 businesses in your sector.

12 MR. CHILDRESS: Oh, sorry, Mr.  
13 Ozdamar, I believe you're on mute.

14 MR. OZDAMAR: I'm sorry. When you say  
15 small businesses, are you referring to our  
16 client, Sarah, or are you talking about our  
17 smaller competitors?

18 MS. BONNER: So small businesses often  
19 have 500 or less employees, but depending on  
20 sectors, it can be up to about 1500 or so  
21 employees. So firms that are in those size  
22 ranges.

1           MR. OZDAMAR: And you're talking about  
2 firms that are in the U.S.?

3           MS. BONNER: In the U.S., yeah. Our  
4 charge is U.S. small businesses and those that  
5 may directly sourcing or sourcing from Turkey.

6           MR. OZDAMAR: Sure.

7           MS. BONNER: And that's what concerns  
8 our agency.

9           MR. OZDAMAR: Sure. So I think the  
10 way to approach this is first of all to approach  
11 it from a product point of view. It is very,  
12 very clear to all of us in the industry and in  
13 the category that the products that we bring from  
14 Turkey cannot be sourced from anywhere else as of  
15 today.

16           So regardless if you are Royal Chain,  
17 where we, I think I believe that we bring in  
18 excess of \$15 million a year from Turkey, or a  
19 small wholesaler that brings \$100,000 from  
20 Turkey, or a big corporation that brings \$200  
21 million worth of product from Turkey, they are  
22 going to face the same, exact hurdle.

1           It will be impossible to import these  
2 categories from Turkey, and it'll be a very, very  
3 long process to be able to resource them if it  
4 can be resourced.

5           And you know, our industry, again,  
6 because it's small in size but big in value, you  
7 could have a 30-people operation where you could  
8 sell \$200 million, or you could have 35,50 people  
9 retail store that sells only \$1 million,  
10 obviously with totally different costs and  
11 different markets. But I do not see a single  
12 company that imports jewelry from Turkey today  
13 that would not be impacted negatively because of  
14 these tariffs.

15           It is -- it is inconceivable that  
16 there would be any, any type of business left if  
17 this 25% goes into effect. Again, the main point  
18 being that we do not pay the tariffs and the  
19 duties on the labor portion of the product. We  
20 pay it on the entire product. And about 80% of  
21 the value of the product is the precious metal  
22 itself.

1           So if I can buy gold at \$2000 an ounce  
2           in the U.S. or in Indonesia or in Italy or in  
3           Bolivia, why would I buy this for \$7000 U.S. from  
4           Turkey? At the end of the day, it is the same,  
5           exact gold we're talking about.

6           So either put Turkey totally, totally  
7           out of the game, they will not be able to export  
8           any gold jewelry to the U.S. at this 25%, so all  
9           small, medium, large businesses will be impacted  
10          from this.

11          MR. CHILDRESS: Thanks very much for  
12          that answer. Are there any further questions  
13          from the U.S. Government panel? Okay, if not,  
14          I'd like to give our witnesses a chance to make  
15          any final comments on the record before we close  
16          this panel.

17          Okay, if there are no final comments  
18          from the panel -- oh, Mr. Kemahli, would you like  
19          to make a comment?

20          MR. KEMAHLI: Yes, I do, I cannot stop  
21          myself repeating. We have a new administration  
22          selected -- elected, I'm sorry. And we don't

1 need interruption like this into our business,  
2 especially at a time like, you know, we have been  
3 going through. I don't need to go into the  
4 details with COVID and all.

5 So this kind of unilateral action is  
6 definitely not acceptable, at least at this  
7 point. We need governments to talk to each  
8 other, and if there's a tariff that is, you know,  
9 imposed by the Turkish Government, the Turkish  
10 consumer will end up paying for it.

11 Why should we be so disrupted all of  
12 a sudden? And if we have to, you know, we need a  
13 little time and you know, heads up so that we can  
14 change our game and adopt it, adopt to it. There  
15 is already plenty going on in the world, and you  
16 know, the economic scene and all.

17 So we need help by the government, you  
18 know, we need a government who serves the people,  
19 not people serving the government. That would be  
20 my last words.

21 Thank you, I appreciate.

22 MR. CHILDRESS: Thank you for that.

1 Any other final comments before we conclude?

2 Okay, if not, I'd like to thank you all for your  
3 important testimony today. It's been very  
4 helpful to hear your contributions.

5 And with that, I will formally close  
6 this panel. And we will take a short break while  
7 we assemble Panel 5, which will be our final  
8 panel of the day. Thanks very much.

9 (Whereupon, the above-entitled matter  
10 went off the record at 2:00 p.m. and resumed at  
11 2:09 p.m.)

12 MR. CHILDRESS: Welcome back,  
13 everyone. We will now begin our fifth panel of  
14 the day. This will be our fifth and final panel  
15 in this hearing regarding Turkey's digital  
16 services tax. And in this fifth panel we have  
17 four witnesses. First we're joined by Peter  
18 Raleigh of Houzer Inc., Akgun Seckiner of Bocchi,  
19 Aydin Dincer from the Turkish Exporters'  
20 Assembly, and lastly Brian Scarpelli from ACT -  
21 The App Association.

22 With that we'll begin with Mr. Raleigh

1 of Houzer Inc.

2 Mr. Raleigh, if you're ready, you may  
3 now begin your testimony.

4 MR. RALEIGH: Can you hear me?

5 MR. CHILDRESS: Yes, I can hear you.

6 I can't see you, but I can hear you.

7 MR. RALEIGH: Not see me? Thank you,  
8 Mr. Childress and Panel. I appreciate this time  
9 to speak with you. I'll keep my comments brief  
10 as you have already heard four panels today.  
11 It's been a long day and we have put our more  
12 formal commentary in our statements in our letter  
13 to support this testimony.

14 Back in 1987 I joined the plumbing  
15 industry in the United States. I was with the  
16 largest independently owned plumbing manufacturer  
17 in the United States. It was a fantastic  
18 learning experience. An entrepreneurial spirit  
19 was instilled in all its employees. We were  
20 taught to take risks and be bold. As my career  
21 moved forward I worked with a few other plumbing  
22 manufacturers; some big, some small, and I always



1 kept the idea of keeping the American  
2 entrepreneurial spirit, taking risks and being  
3 bold.

4 In 2017, and following that idea of  
5 American entrepreneurship, I chose to lead a new  
6 U.S. division of an Israeli company that wanted  
7 to enter the U.S. market, the Hamat Group, a  
8 small Israeli company based outside of Tel Aviv  
9 made up of approximately 400 employees. They,  
10 too, believed in the U.S. market and they  
11 believed they had something unique and special to  
12 offer this market. They were ready to take a  
13 risk and be bold and to compete with the likes of  
14 Kohler, Masco, Fortune Brands and Lixil. Those  
15 major brands were acquiring small companies and  
16 leaving little room for the small new businesses.  
17 And yet the Hamat Group saw this opportunity in  
18 the United States.

19 Hamat purchased a 25-year-old company  
20 called Houzer located in Hamilton, New Jersey as  
21 its base of operation and a starting point for  
22 the new venture into the United States market.

1 In just under four years we have made great  
2 strides. Sales are up and we now operate under  
3 two brands: Houzer for the eCommerce channel and  
4 Hamat USA for the traditional brick and mortar  
5 customers.

6 We have invested millions, creating  
7 new sink designs exclusively for the U.S. market,  
8 creating award winning kitchen faucets and many  
9 other new products for the U.S. market. We have  
10 weathered the COVID storm, actually adding  
11 employees in 2020. Houzer is now in discussions  
12 to increase its warehouse space from 43,000  
13 square feet to over 100,000 square feet of office  
14 and warehouse space on our property in Hamilton,  
15 New Jersey.

16 This investment in the United States  
17 has enabled the Hamat Group to aggressively  
18 expand operations in their entrance into the U.S.  
19 industry. They have invested millions in their  
20 faucet manufacturing facility in Ashdod, Israel  
21 in the form of new manufacturing equipment and  
22 R&D support for new and creative products for the

1 U.S. market. Additional employees have been  
2 added to meet this increase in demand.

3 And since the 1940s the Hamat Group  
4 has been making fireclay sinks. A decision was  
5 made after careful consideration to replace their  
6 antiquated fireclay facility in Israel with a  
7 state-of-the-art manufacturing facility in Izmir,  
8 Turkey. Not only did we build this facility from  
9 the ground up, but we've even moved our  
10 fabrication equipment from Israel while investing  
11 in new molds, new mixing equipment, shuttle kilns  
12 and state-of-the-art water recycling and anti-  
13 pollution devices.

14 This facility formally opened in 2018  
15 and is world class. It was built specifically to  
16 meet the needs of the U.S. market by making  
17 products for not only Houzer, but other U.S.  
18 companies as an OEM supplier. These products are  
19 sold daily to support the red hot U.S. new  
20 residential home building and remodeling markets,  
21 which as you know is one of the shining sectors  
22 of the U.S. economy today.

1                   To that end our customers, all  
2 independent businesses like plumbing  
3 distributors, kitchen and bath showrooms,  
4 builders, developers or governmental agencies  
5 like those involved in senior housing and low-  
6 income housing, have gained tremendous faith in  
7 our product and now have invested in displays for  
8 their showrooms and are building inventory of our  
9 product in their own warehouses. We are building  
10 a brand and we are taking market share.

11                   Yes, I am proud of what Houzer and  
12 Hamat have accomplished in a short period of  
13 time. Those of us employed in Hamilton, New  
14 Jersey and the 100 independent sales reps around  
15 the United States have positioned this company  
16 for success.

17                   What I hope to impart to you is the  
18 understanding that the proposed Section 301  
19 tariffs on the products we import will harm my  
20 company in New Jersey more than they will harm  
21 Turkey who imposed the DST. It will harm the  
22 Turkish division of an Israeli company, a company

1 that built that facility as an investment in us,  
2 our markets and our consumers. And if enacted,  
3 the Section 301 tariff will likely lead to the  
4 closure of this U.S. business as we cannot absorb  
5 the 30 to 35 percent loss in revenue that this  
6 act may and we anticipate will occur.

7 The tariffs will hurt us and our  
8 allies, and worse will enable those who are  
9 always at odds with us. As we have laid out in  
10 our supporting documentation the proposed 301  
11 tariff will upend the U.S. fireclay sink market  
12 and that the U.S. consumer will pay the ultimate  
13 price.

14 We, like other sink manufacturers  
15 covered by the tariffs, will be forced to  
16 increase selling prices to the consumer.  
17 Countries like China, who have only recently  
18 begun to sell fireclay in the U.S. market, will  
19 quickly gain a steep price advantage over the  
20 established manufacturers. Their products are  
21 not subjected to the same quality standards as  
22 our and will be available at far lower prices.

1 You will open the floodgates to lesser-quality  
2 products here in the United States.

3 And the effects will cascade. Other  
4 manufacturers will face increased demand,  
5 inventories will dry up and lead times will  
6 increase putting more pressure on the housing  
7 market construction and remodeling industry.  
8 Customers of this small New Jersey company who  
9 have invested in displays and inventory will be  
10 forced to reevaluate their position and be forced  
11 to remove displays and inventory, all at great  
12 expense and loss.

13 Don't get me wrong. We completely  
14 understand why the USTR is pursuing action  
15 against Turkey and other countries and we agree  
16 the United States must be treated fairly in the  
17 world of international trade. I ask you remember  
18 the small American entrepreneur who has worked  
19 hard to enjoy the American dream. I ask that you  
20 would consider how you bring Turkey to the  
21 realization that their DST is unfair.

22 For the sake of many in the United

1 States like Houzer please reconsider your  
2 options, which I am sure there are many, in your  
3 efforts to equalize the United States' position  
4 relative to international trade. And after today  
5 if you conclude that ceramic and porcelain  
6 products must be subject to this Section 301  
7 tariff, you still have the power to save Houzer  
8 if you can exempt a very narrow subset of  
9 products: fireclay sinks, and by doing so you can  
10 help keep the vibrant growing part of the U.S.  
11 economy, the plumbing industry, alive and  
12 thriving.

13 Thank you. I appreciate your time and  
14 attention and look forward to your comments.

15 MR. CHILDRESS: Thank you very much  
16 for that testimony, Mr. Raleigh.

17 MR. RALEIGH: Thank you.

18 MR. CHILDRESS: We will now move onto  
19 our second witness, which is Akgun Seckiner from  
20 Bocchi.

21 MR. SECKINER: Can you see and hear  
22 me?

1 MR. CHILDRESS: Yes, we can.

2 MR. SECKINER: Very good. Thank you  
3 for inviting me to testify at this hearing. I'm  
4 submitting this testimony on behalf of my  
5 company, Bocchi, and based on my 20 years'  
6 experience in the U.S. kitchen and bath industry.  
7 My testimony is to inform the Committee on the  
8 possible effects of the proposed action on the  
9 U.S. bath markets, my company, and is to request  
10 our company's products not to be included in the  
11 list considered for additional tariffs.

12 The suggested tariffs on our products  
13 would inflict economic harm on our company, or  
14 American and Turkish business partners in the  
15 United States post-consumer at a sensitive time  
16 as we're living now. It is also unlikely the  
17 proposed tariffs on our imported products have  
18 the potential to return the revenue as intended  
19 through this measures.

20 Let me give you a little bit more  
21 detail about Bocchi. We are a small business  
22 operating here in Great State of Georgia. Our



1 business operations consist of designing,  
2 contracting, purchasing, importing and  
3 distributing kitchen and bath products,  
4 specifically kitchen sinks, bathroom sinks,  
5 kitchen accessories mainly for residential  
6 applications.

7 Our brand, Bocchi, is a well-  
8 established brand in our industry and we are  
9 performing very well in both eCommerce and  
10 traditional showroom plumbing distribution  
11 markets. We do employ more than 10 personnel  
12 directly here in Alpharetta, Georgia in our  
13 headquarters here with competitive pay rates and  
14 fully company-paid health insurance and other  
15 benefits and indirectly hire over 100-employee  
16 sales force across the country.

17 And during the hard times of COVID not  
18 only we did survive through, but we even expanded  
19 our operations. And in fact we are at the point  
20 of making additional 25,000-square-foot  
21 warehouse and offices extension to our capacity  
22 now.

1           We make high-quality products designed  
2 for U.S. consumers' particular needs. Our core  
3 product is fine fireclay kitchen sinks in  
4 different designs like farmhouse styles. While  
5 it could be possible for our company to source  
6 these products domestically, application of such  
7 tariffs would force us to import these products  
8 from other countries like China made out of  
9 different materials which are sub-par to fine  
10 fireclay and that will result certainly on lower  
11 product quality over to the U.S. consumers.

12           We'd also like to mention that the  
13 current tariff has imposed on China for their  
14 ceramic exports to the United States to our  
15 knowledge is not included in the Chinese 301  
16 Section coverage and as -- the 25 percent Turkey,  
17 if it's realized, that will create a very uneven  
18 trading purpose for our company.

19 This will be an added burden on us and also this  
20 will be on top of the exclusion of Turkey out of  
21 GSP in 2019, which has created 5.8 percent import  
22 duty on our products.

1           The proposed tariff will also affect  
2 the price and quality of the fireclay products  
3 that U.S. consumers are paying for these popular  
4 items and create further inflationary pressure on  
5 the U.S. economy in these times of extreme supply  
6 chain difficulties due to pandemic.

7           Just to give you an idea, the freight  
8 rates have been more than tripled in the last  
9 three months period for U.S. imports. Consumers  
10 will be overwhelmed with the inferior goods in  
11 the market, mainly from China or other low-cost  
12 countries, which may cause rising deficits on the  
13 U.S. trade balance.

14           Once again, I'd like to mention that  
15 to our knowledge at the current time there are no  
16 large fireclay manufacturers in the United States  
17 who could support the high demand for these  
18 products.

19           The proposed additional tariff, if it  
20 goes, would have an effect impact between 90 to  
21 95 percent of our company's annual revenue. We  
22 will have a drastic sales collapse losing healthy

1 margins on our operation and our supply chain to  
2 initiate layoffs and further cost-cutting  
3 measures, damaging our local economies, if not  
4 permanently losing our small business.

5 While we understand and appreciate  
6 that the Government is attempting to protect U.S.  
7 businesses with this measure, including ceramic  
8 sinks, in particular fireclay products, it would  
9 have a damaging effect on many small businesses  
10 in the U.S. kitchen and bath industry and could  
11 result in significant losses for U.S. consumers  
12 and those currently employed in that industry.  
13 In the end the tariff increase could potentially  
14 do irreparable harm to the fireclay market in the  
15 U.S. as a whole.

16 So I respectfully ask that you exclude  
17 our products out of the list of the 301 coverage  
18 for Turkey. Thank you for your consideration.

19 MR. CHILDRESS: Thanks very much for  
20 that testimony.

21 We will move on now to hear testimony  
22 from Aydin Dincer from the Turkish Exporters'

1 Assembly.

2 MR. DINCER: Good afternoon. I have  
3 some problems sometimes hearing you, but I will  
4 start now.

5 Thank you for the opportunity to speak  
6 today. I'm the head of the Mineral Exporters'  
7 Council of the Turkish Exporters' Assembly, or  
8 TIM. TIM represents more than 95,000 exporters  
9 in 27 sectors of the Turkish economy and 61  
10 business associations. TIM strongly opposes the  
11 proposed tariffs imposed in connection with the  
12 Section 301 investigation of Turkey's digital  
13 service tax, or DST. These tariffs would cause  
14 disproportionate economic harm to U.S. interests  
15 including small and medium-sized businesses and  
16 American consumers.

17 First, U.S. businesses, consumers and  
18 workers are among those most likely to be  
19 adversely impact by any large new tariffs. TIM  
20 partners with U.S. companies of all sizes,  
21 conventional chains, department stores and super  
22 stores, down to tens of thousands of small

1 family-owned businesses. Our U.S. partners would  
2 have to deal with the consequences of the new  
3 tariffs.

4 Second, the proposed tariffs would  
5 limit U.S. consumer choices in goods where  
6 design, quality and uniqueness are important.  
7 For example, Turkey exports natural stone each  
8 year to more than 450 U.S. companies of all  
9 sizes. Marble and travertine are natural  
10 products and the varieties exported by Turkey are  
11 unique. Many U.S. construction projects already  
12 use Turkish stone products and many other have  
13 been designed to feature them. American  
14 contractors would first be forced to bear the  
15 higher cost imposed by the tariff and then for  
16 new projects have substantially fewer product  
17 choices.

18 There is also no substitute for  
19 Turkish jewelry. Increased tariffs on these  
20 goods would potentially empty U.S. stores of  
21 these products and deny consumers their high-  
22 quality and unique features.

1                   Third, these tariffs would increase  
2                   U.S. consumers' costs particularly in the  
3                   residential building and refurbishment sectors  
4                   which already are facing major material cost  
5                   increases. Turkish goods are of great quality  
6                   and reasonable price. For example, the quality  
7                   of Turkish rugs is beyond compare. U.S. demand  
8                   for these goods is only growing as Americans have  
9                   increased their investment in home improvement  
10                  during the pandemic. The increased volume and  
11                  quality demands of U.S. consumers cannot be  
12                  filled by other countries or U.S. domestic  
13                  products.

14                  U.S. ceramic tile prices would also  
15                  likely increase due to the tariffs eliminating a  
16                  significant source of supply, but the multiple  
17                  other sources of ceramic tile imports, they, not  
18                  U.S. tile producers, would be the major  
19                  beneficiaries of any such action.

20                  The burden would fall on U.S.  
21                  construction firms and consumers who will face  
22                  fewer choices and likely higher prices, but this

1 action would disrupt supply chains and confer a  
2 competitive advantage to other sources including  
3 China, already the beneficiary of highly-  
4 favorable trade laws. Turkey is a prominent  
5 supplier of sanitary 22916/23729M products, but  
6 has only a small share of the U.S. market. Even  
7 a small increase in tariffs on toilets and other  
8 goods could shift market share to Chinese  
9 imports, but in the meantime would disrupt supply  
10 chains and increase prices.

11 In its comments the Plumbing  
12 Manufacturers International reports that if a  
13 plumbing manufacturer were to re-shore or move  
14 production of ceramic plumbing products to  
15 another country they typically need up to four  
16 years or longer to source the products  
17 22950/23804M. Duties on these products would not  
18 address the underlying dispute.

19 International negotiations are ongoing  
20 at the OECD. We urge the administration to allow  
21 the time needed for these talks to progress. If  
22 you proceed with tariffs, we urge you to suspend



1 the action to allow for those negotiations and to  
2 avoid harm to our U.S. partners and consumers in  
3 the interim. President Biden has recommitted the  
4 U.S. to multilateralism and a global consensus on  
5 DSTs is the most effective path forward.

6 Finally, we note that the COVID-19  
7 pandemic has severely damaged global supply  
8 networks. Transportation of raw material prices  
9 have increased. The U.S. Government is investing  
10 trillions of dollars to support the U.S. economy.  
11 Increased tariffs targeting global supply chains  
12 would only undermine these historic investments.

13 Thank you for your consideration of  
14 these comments.

15 MR. CHILDRESS: Thank you very much  
16 for your testimony.

17 We will now move onto our final  
18 witness of the day, and that is Brian Scarpelli  
19 from ACT -- the App Association.

20 Mr. Scarpelli, if you're ready, you  
21 may begin your testimony.

22 MR. SCARPELLI: Thank you.

1                   Thank you for this opportunity to  
2                   share our views on Turkey's digital service tax  
3                   and its impact on the American small business  
4                   digital economy community that it represents.

5                   The App Association represents  
6                   thousands of small business software development  
7                   application companies and tech firms that create  
8                   the software used on mobile devices and in  
9                   enterprise systems around the globe. Today the  
10                  ecosystem the App Association represents, which  
11                  we call the app economy, is valued at  
12                  approximately 1.7 trillion and is responsible for  
13                  over 5.9 million American jobs.

14                  Alongside the world's rapid embrace of  
15                  mobile technology our members have been creating  
16                  innovative solutions that power the Internet of  
17                  Things across modalities and segments of the  
18                  country.

19                  One of the largest markets in the  
20                  world by app downloads Turkey is a very important  
21                  market for App Association members. Since 2014  
22                  annual net revenue for apps on major platforms

1 has increased from over 69 million in 2014 --  
2 U.S. -- it's U.S. dollars -- to over 387 million  
3 in 2020, a 460 percent increase.

4 Generally the App Association believes  
5 that the imposition of DSTs are unreasonable and  
6 discriminatory, unilateral DSTs, that they  
7 disjoint the digital economy and impede U.S.  
8 exports and investment abroad. DSTs imposition  
9 on U.S. companies directly impacts America's most  
10 innovative service industries and the small  
11 businesses that are driving those industries,  
12 including the ones that our members lead in:  
13 software development and connected devices.

14 As of March 1st, 2020 Turkey imposes  
15 a broadly-scoped DST of 7.5 percent. DSTs like  
16 the one being imposed by the Turkish government  
17 unduly discriminate against American companies  
18 are extraterritorial, would unreasonably increase  
19 administrative burdens, and are otherwise  
20 unreasonable. DSTs like Turkey's are in effect  
21 tariffs on the digital economy and the App  
22 Association agrees with the USTR that unilateral

1 digital taxes are significant trade barriers.

2 We also agree that the imposition of  
3 DSTs gives rise to conflicts with international  
4 treaties and taxation principles reflected in the  
5 Organization for Economic Co-operation and  
6 Development's Model Tax Convention on Income and  
7 Capital, the U.N. Model Double Taxation  
8 Convention and numerous bilateral tax treaties.  
9 These established approaches recommend taxation  
10 on income, not revenue and discourage assessing  
11 taxes to entities without considering if they are  
12 established in that country and avoid assessing  
13 taxes retroactively.

14 Further, digital service taxes  
15 conflict with commitments made under the WTO's  
16 General Agreement on Trade and Services, GATS,  
17 Articles 2 and 17 in our view, and contravene in  
18 effect the WTO moratorium on customs duties on  
19 electronic transmissions that has been in place  
20 since 1998.

21 In its investigation here and in its  
22 other DST investigation we strongly encourage

1 USTR to reinforce how the DSTs at issue,  
2 including Turkey's, do not align with those  
3 important multilateral and bilateral constructs  
4 and that the proposed unilateral DST in Turkey is  
5 unreasonable and discriminatory.

6 We also note our agreement that some  
7 changes may be needed with respect to  
8 international taxation. We endorse and urge the  
9 U.S. Government to support the ongoing OECD  
10 efforts to reach consensus on needed tax changes  
11 and support the development of such a solution as  
12 soon as possible which fortunately have seen  
13 significant progress of late.

14 Country-specific DSTs put into place  
15 while the OECD solution is being pursued will  
16 ultimately undermine that global consensus needed  
17 to reach a workable international taxation  
18 agreement that addresses the global digital  
19 economy and damages the ability of American  
20 digital economy small businesses to innovate and  
21 create new jobs here.

22 Fortunately the OECD's Center for Tax

1 Policy and Administration has publicly stated an  
2 agreement in October is likely and that it should  
3 include a mechanism and implementation plan for  
4 rolling back unilateral digital transactions.

5 Should USTR decide that some or all of  
6 the tax policies being investigated here are  
7 actionable under Section 301 of the Trade Act, we  
8 recommend the U.S. Government focus on obtaining  
9 a consensus multilateral tax agreement through  
10 that OECD process and avoid the imposition of  
11 retaliatory tariffs that would most impact  
12 American small businesses like the App  
13 Association's members.

14 We appreciate the opportunity to  
15 provide these views, happy to help in any other  
16 way that we can, and thank you.

17 MR. CHILDRESS: Thank you, Mr.  
18 Scarpelli.

19 And now I'd like to turn to the U.S.  
20 Government Panel, and I believe the first agency  
21 up with a question is the Department of Commerce.

22 MS. HUANG: Hello. Mr. Raleigh, my

1 question is for you. Thank you for your  
2 testimony.

3 Can you give more detail as to why it  
4 is impossible to source your ceramic fireclay  
5 sinks from anywhere else in the world besides  
6 Turkey?

7 MR. RALEIGH: As I think we stated  
8 earlier, we moved our facility from Israel to  
9 Turkey into a state-of-the-art facility. We've  
10 invested millions and millions of dollars in this  
11 facility and it would be cost-prohibitive to move  
12 that either to someone else's manufacturing  
13 facility or to move our facility to a different  
14 location in the world. And quite frankly, the  
15 Turkish employees and the laborers are  
16 traditionally very good working in ceramics. And  
17 it's -- though it's a great labor force for us,  
18 it would in a nutshell be cost-prohibitive.

19 MS. HUANG: (Audio interference.) is  
20 completely Houzer-owned and only purchases Houzer  
21 --

22 MR. RALEIGH: It's owned by Hamat out

1 of Israel, the parent company of Houzer.

2 MS. HUANG: Oh, that's right. Thank  
3 you.

4 MR. RALEIGH: Thank you.

5 MR. CHILDRESS: Thanks. We'll turn  
6 now to the Department of Agriculture who I  
7 believe has a question for the representative  
8 from Bocchi.

9 MS. BROEKMEIER: Are you able to hear  
10 me now?

11 MR. CHILDRESS: Yes.

12 MS. BROEKMEIER: Great. Yes, thank  
13 you for your testimony. In your testimony you  
14 requested the removal of certain products  
15 including ceramic sinks and wash basins from the  
16 Turkey tariff list. You noted that 25 percent  
17 tariffs would force you to import these products  
18 from low-cost countries like China. In addition  
19 to China what other low-cost sources of these  
20 products are available?

21 MR. SECKINER: Under this particular  
22 HTS code of 6910-90 it's ceramic products other



1 than China clay rather than porcelain, which  
2 fireclay falls under.

3 The raw material availability is very  
4 much limited to the Mediterranean Basin for this  
5 type of material and currently to our knowledge  
6 there is manufacturing in Turkey, in Italy and in  
7 Spain and Portugal, basically the Iberian  
8 Peninsula.

9 However, recently in the last three to  
10 four-year term, with the rising demand of  
11 fireclay we do see also Chinese manufacturer  
12 starting to offer fireclay products. China has  
13 been always strong on the China clay, which is  
14 the major material for toilets and smaller  
15 products on the plumbing fixture side, however,  
16 fireclay was not existent. We do see that they  
17 are coming up with the fireclay offering as well.

18  
19 So currently our option, if these  
20 taxes are imposed on Turkey, will force us to  
21 move to China mainly. Other than that we are not  
22 aware of any other country that we can source

1 this material out.

2 MS. BROEKMEIER: Thank you.

3 MR. SECKINER: You're welcome.

4 MR. CHILDRESS: And if I could just  
5 follow up with you briefly, Mr. Seckiner, could  
6 you either clarify or repeat for us the reasons  
7 why you would not be able to import the fireclay  
8 sinks from some of the countries that you  
9 mentioned like Italy, Spain and Portugal?

10 MR. SECKINER: Italy, Spain and  
11 Portugal has been traditionally higher cost and  
12 that's been the secondary reason, though. The  
13 major reason is the availability of the capacity  
14 in those countries are far less than what the  
15 U.S. demand currently is. There are -- currently  
16 exports from those countries to U.S. come in, but  
17 much smaller shares. And I do not know the  
18 numbers at the top of my head, but the majority  
19 of the fireclay imports has already shifted to  
20 Turkey for the U.S. consumption. So the capacity  
21 available in Turkey surpasses any other European  
22 source currently.

1                   And as I mentioned earlier, China is  
2                   trying to come up with it, which they will if  
3                   this 25 percent is applied in Turkish imports  
4                   much, much rapidly. Again in the short term  
5                   what's going to happen for all imports is we will  
6                   have to buy China clay, not fireclay products,  
7                   which are sub-par in the quality for the U.S.  
8                   consumers' need and supply them with those. And  
9                   then when China catches up, the entire fireclay  
10                  will shift over to China.

11                  MR. CHILDRESS: Okay. Thank you.  
12                  That's very helpful.

13                  We'll turn now to the Department of  
14                  Treasury for our next question. Sorry. We're  
15                  having a little bit of trouble hearing you. I  
16                  can see you though.

17                  MR. YAM: Can everyone hear me now?

18                  MR. CHILDRESS: Yes.

19                  MR. YAM: Okay. So my question is  
20                  directed to the gentleman from the Turkish  
21                  Exporters' Assembly, and my question is that you  
22                  mentioned the proposed action would confer a

1 competitive advantage to other import sources of  
2 the products concerning including China. And so  
3 what are those other import sources other than  
4 China? Are therefore those relevant products?  
5 And additionally, are you aware of any domestic  
6 U.S. products or sources that could substitute  
7 for the impacted Turkish products? Thank you.

8 MR. DINCER: Here the products we're  
9 talking about are rugs, jewelry, natural stone  
10 and ceramics. Natural stone is natural and  
11 marble and travertine is homeland, for Turkey is  
12 the homeland of it. So the source is here. And  
13 China is also good at in natural stone. So if  
14 you are looking for another source, it's going to  
15 be China, no other country.

16 In jewelry side, as the speakers  
17 before talked, that it is also unique and the  
18 manufacturing is very important. It's handmade  
19 materials and designs are so different. The  
20 culture is here so different than Asia. So you  
21 cannot replace it with another product from  
22 another country.

1                   And also rugs are so unique in Turkey  
2 with the culture here. And of course ceramics  
3 designs and the cost issue is very important.

4                   And before sometimes other panelists  
5 told that there are substitutes, there is a  
6 government relationship between the ceramic  
7 companies, these are not exactly true because  
8 government has no economic incentives given to  
9 ceramic companies in Turkey.

10                  So these four products are so unique.  
11 Whole design is different than China. And other  
12 than China it is not possible to find a better  
13 cost. So the source that you are looking is  
14 China. But the unique designs you cannot find it  
15 in other other than Turkey. Thank you.

16                  MR. YAM: Thank you very much.

17                  MR. CHILDRESS: Thanks. Now we'll  
18 move onto a question from the State Department  
19 for Mr. Scarpelli.

20                  MS. MAZZONE: Hello. How have your  
21 members reacted to the imposition of Turkey's 7.5  
22 percent DST? What changes have your members made

1 to the way in which they approach the Turkish  
2 market based on the existence of the DST?

3 MR. SCARPELLI: Thank you for that  
4 question. I think at a high level our members  
5 have reacted with dismay to the imposition of  
6 this DST. I think of all the DSTs being  
7 considered through the separate investigations  
8 that USTR has going now I believe this is the  
9 highest by far, 7.5 percent, the rule there,  
10 rather than 2 or 3 percent, which I think you see  
11 in some others.

12 And we've talked about in other  
13 hearings and in the multi-jurisdictional hearing  
14 how even when there may be a threshold that isn't  
15 passed by a small business like an App  
16 Association member, that when the platforms,  
17 which I think are clearly the target of these  
18 DSTs, do meet that threshold, that the costs of  
19 compliance and the tax costs are passed onto the  
20 smaller business members. So their costs have  
21 increased and there's an impact, a negative  
22 impact I think for our members.

1           It is tough for us. I mean look,  
2           we're always -- we're seeking to find as much  
3           data as possible. One of the challenges that we  
4           always seem to have is, one, capturing costs,  
5           changes in costs and other behaviors that would  
6           happen as a result for our members who are in  
7           that market now, but also trying to measure the  
8           impact on our members who want to go into that  
9           market and are not yet in that market. And that  
10          can be quite difficult.

11           So we're continuing to survey our  
12          membership to get data on that. But anecdotally  
13          I think it does create -- like we hear them tell  
14          us that the imposition of the DST creates yet  
15          another barrier to market entry that has to  
16          factor in.

17           Now to what degree if you look across  
18          all our members does that become a non-starter?  
19          I think that that would depend on the  
20          circumstances of that particular small business'  
21          model and their customer base and the numbers and  
22          things like that that they're looking at. But

1 that's something of a long-winded answer to say  
2 with dismay and it's viewed very negatively.

3 Thanks.

4 MS. MAZZONE: Thank you.

5 MR. CHILDRESS: Thank you for that.

6 I now would like to ask the U.S.  
7 Government Panel generally whether they have any  
8 further questions for this fifth and final panel  
9 of witnesses.

10 MS. HUANG: I have --

11 MR. CHILDRESS: Oh, yes. Jessica,  
12 would you like to ask a question?

13 MS. HUANG: Yes, and it would be  
14 potentially to Mr. Raleigh or the Bocchi  
15 testifier.

16 For the importers and distributors of  
17 the fireclay ceramic sinks from the residential  
18 markets would the impact of these tariffs be  
19 heavily on small/medium enterprises in this  
20 business or would it be larger companies also  
21 that would be really affected?

22 MR. RALEIGH: For my customers



1 primarily the smaller businesses on the Hamat USA  
2 brick and mortar side. We sell to the  
3 independent plumbing distributors, to kitchen and  
4 bath dealers, to kitchen cabinet companies, all  
5 small, one-two person operations, some of them  
6 significantly larger multi-branch, but relatively  
7 small in the grand scope.

8 On our Houzer side of the business,  
9 the eCommerce, we do do a lot of business with  
10 Amazon, Wayfair, Home Depot, build.com, et  
11 cetera. So it would hit both ends of the  
12 spectrum, both large and small businesses.

13 MR. SECKINER: And it will be exactly  
14 the same for Bocchi as well. We do also operate  
15 in both major distribution channels of online as  
16 well as showrooms and plumbing supply houses.  
17 The effect will not only be on the direct supply  
18 of theirs, but it will be also at the consumer  
19 level with the rising prices. At the end U.S.  
20 consumer will have to pay for the rising cost of  
21 products.

22 MS. HUANG: Thank you, both.

1                   MR. CHILDRESS: Thank you. And we'll  
2 go to Rebecca Gudicello from USTR for the next  
3 question.

4                   MS. GUDICELLO: Thank you. My  
5 question is for Mr. Dincer. Have you or any of  
6 your (Audio interference.) reached out to the  
7 government of Turkey to request that they  
8 consider the concerns of the United States with  
9 regards to their digital service tax? Thank you.

10                  MR. DINCER: We are unable to comment  
11 on the government's policy. We are removed from  
12 the government's deliberations on this issue and  
13 we are unable to influence removal of these  
14 taxes.

15                  MS. GUDICELLO: Thank you.

16                  MR. CHILDRESS: Okay. Thank you. Any  
17 further questions from the U.S. Government Panel?  
18 Okay. I'd now like to give our witnesses an  
19 opportunity to make any final comments on the  
20 record before we close this panel. Okay. Great.  
21 If there are no final comments, I would like to  
22 formally conclude this panel and thank our

1 witnesses for their time today and for their  
2 contributions to our investigations.

3           And with that we've now completed our  
4 fifth and final panel of the day. I would like  
5 to give one last thank you to all of our  
6 witnesses who've testified today. Your comments  
7 and your testimony have been enlightening and  
8 important to our investigations.

9           And as a reminder for everyone the  
10 deadline for rebuttal comments, which include  
11 written answers to some of the questions that we  
12 posed today, those are due on May 13th. And  
13 those comments should be submitted through USTR's  
14 online portal.

15           Thank you all again. And with that  
16 today's hearing is adjourned.

17           (Whereupon, the above-entitled matter  
18 went off the record at 2:52 p.m.)

19  
20  
21  
22

| <b>A</b>  |   |
|---|---|
| <b>a.m</b> 1:9 4:2 34:8,9 64:21<br>64:22  | <b>Adam</b> 30:20   |
| <b>Abbyad</b> 1:15 8:10 27:10<br>28:21 99:11 100:2<br>101:10  | <b>adapt</b> 69:22  |
| <b>ability</b> 18:17 181:19   | <b>add</b> 18:20 31:10,22<br>32:2,14 73:13 82:22<br>87:17 99:18 110:18<br>111:17 112:17 124:13<br>127:22 128:21 133:22<br>134:13  |
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Before: US Trade Representative

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