

UNITED STATES TRADE REPRESENTATIVE

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SECTION 301 INVESTIGATION ON VIETNAM'S ACTS,
POLICIES, AND PRACTICES RELATED TO THE
IMPORT AND USE OF TIMBER THAT IS
ILLEGALLY HARVESTED OR TRADED

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PUBLIC HEARING

+ + + + +

MONDAY
DECEMBER 28, 2020

+ + + + +

The hearing was convened via video-
teleconference, at 9:30 a.m., David Lyons and
Kimberly Reynolds, Committee Chairs, presiding.

HEARING COMMITTEE

DAVID LYONS, Office of the U.S. Trade
Representative

KIMBERLY REYNOLDS, Office of the U.S. Trade
Representative

SARAH BONNER, U.S. Small Business Administration

GRACE KENNEALLY, Import Trade Administration,
U.S. Department of Commerce

MATTHEW SULLIVAN, U.S. Department of the
Treasury

ANDREW STEPHENS, U.S. Department of Agriculture

STEPHANIE SWINEHART, U.S. Department of
Agriculture

LUKE THOMPSON, U.S. Department of State

CARTER WILBUR, U.S. Department of State

ALBERT YAM, U.S. Department of the Treasury

WITNESSES:**PANEL ONE:**

NGUYEN QUOC KHANH, Handicraft and Wood Industry
Association of HCMC

LE XUAN QUAN, Handicraft and Wood Industry
Association of Dong Nai

TRAN LE HUY, Forest Products Association of Binh
Dinh

NGO SY HOAI, Vietnam Timber and Forest Product
Association

JOHN LUU, Binh Duong Furniture Association

PANEL TWO:

THAO DO, Tien Dat Furniture Corporation

LE CONG THANH, Dai Thanh Furniture JSC

HUYNH UYEN, Hiep Long Fine Furniture Company

PHUONG NGUYEN, Minh Thanh and Van Thinh Phat
Furniture

PANEL THREE:

GAT CAPERTON, Caperton Furnitureworks

MARK SCHUMACHER, North American Home Furnishings
Association

CINDY SQUIRES, International Wood Products
Association

RACHEL STEWART, Gardner-White Furniture

ANDREW COUNTS, American Home Furnishings
Association

SHANNON LIANG, Skyline Cabinetry, Inc.

PANEL FOUR:

MARY TARNOWKA, American Chamber of Commerce

DAVID FRENCH, National Retail Federation

BLAKE HARDEN, Retail Industry Leaders
Association

BETH HUGHES, American Apparel and Footwear
Association

NATE HERMAN, Travel Goods Association

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

2 9:34 a.m.

3 CHAIR LYONS: Good morning and welcome.

4 The Office of the U.S. Trade Representative, with
5 the Interagency Section 301 Committee, is holding
6 this public hearing in connection with a Section
7 301 investigation of Vietnam's acts, policies,
8 and practices related to the import and use of
9 timber that is illegally harvested or traded.

10 The U.S. Trade Representative
11 initiated this investigation on October 2nd,
12 2020. The scope of the investigation and an
13 invitation for public comments are set out in the
14 Notice of Initiation published at 85 FR 63639. A
15 notice concerning this public hearing and post-
16 hearing rebuttal comments is published at 85 FR
17 75398.

18 In this public hearing USTR and the
19 Section 301 Committee will hear witnesses testify
20 as to whether the acts, policies, and practices
21 of the Government of Vietnam are actionable, and,
22 if so, what action, if any, would be appropriate.

1 USTR will offer further opportunity for public
2 comment in the event actions affecting specific
3 products or services are concerned in the
4 investigation.

5 The Section 301 Committee will
6 carefully consider the testimony provided at the
7 public hearing. The Committee will also review
8 the written comments received in response to the
9 Notice of Initiation, as well as post-hearing
10 comments, which are due by Wednesday, January
11 6th, 2021. The Section 301 Committee will then
12 make a recommendation to the Trade
13 Representative.

14 Before we begin the hearing I'll
15 provide some procedural and administrative
16 instructions and introduce agency representatives
17 who will participate in the hearing today.

18 Today's hearing is organized into four
19 panels of witnesses across which 21 individuals
20 are scheduled to testify. The provisional list
21 of witnesses has been posted to USTR's website.
22 The hearing is scheduled for one day. All four

1 panels of witnesses are scheduled to testify
2 today. Each witness appearing at the hearing is
3 limited to five minutes of oral testimony. After
4 the testimony from the panel of witnesses the
5 Section 301 Committee will have an opportunity to
6 ask questions.

7 Between panels there will be a short
8 break while we assemble the next panel. We will
9 then announce any changes to the composition of
10 the government panel and proceed with the
11 testimony.

12 Post-hearing comments, including any
13 written responses to questions from the Section
14 301 Committee, are due by January 6th, 2020.
15 2021. The rules and procedures for written
16 submissions are set out in the November 25th
17 Federal Register Notice.

18 Given the number of witnesses in the
19 schedule we request that witnesses when
20 responding to questions be as concise as
21 possible. We would likewise ask witnesses to be
22 understanding if and when the Chair asks that a

1 witness conclude a response. In this regard,
2 witnesses shall recall that they have a full
3 opportunity to provide more extensive responses
4 in their post-hearing submissions.

5 A written transcript of this hearing
6 will be posted to the USTR website and on the
7 Federal Register docket as soon as possible after
8 the conclusion of this hearing.

9 For those providing testimony today we
10 have previously gone over the instructions for
11 participation, however, we will repeat a few key
12 points. When your panel is called, please be
13 sure to accept the invitation to interact live.
14 Only once you've accepted that invitation will
15 you be able to join your panel and to present
16 audio and video. When it is not your turn to
17 speak please be sure to leave your video and
18 microphone muted. If you would like to respond
19 to a question posed to another witness on the
20 panel, please un-mute your video.

21 If you're having technical difficulty
22 and need help, please let us know in the chat box

1 on the BlueJeans platform. When you're speaking
2 you're responsible for keeping time; however, we
3 will provide a visual warning when one minute
4 remains and when your time has expired.

5 We're pleased to have international
6 trade and economic experts from a range of U.S.
7 Government agencies. For the first panel, the
8 agency representatives are: myself, David Lyons
9 from the U.S. Trade Representative; Kimberly
10 Reynolds, also from the U.S. Trade
11 Representative; Luke Thompson from the State
12 Department; Grace Kenneally, the Department of
13 Commerce, Matthew Sullivan from the Treasury
14 Department; Andrew Stephens from USDA, and Sarah
15 Bonner from the Small Business Administration.

16 We will now proceed with testimony
17 from our first panel. And before proceeding
18 we'll make sure that we have virtually assembled
19 everyone on our panel, so we'll just need a
20 moment to do that.

21 (Pause.)

22 PARTICIPANT: Good morning.

1 CHAIR LYONS: Good morning. Just a
2 reminder to our panelists to leave your
3 microphones and video muted, if you would, while
4 we wait to assemble the first panel and then
5 we'll let you know when it's your turn to provide
6 testimony. Thank you.

7 (Pause.)

8 CHAIR LYONS: Okay. We'll resume with
9 our first panel in a moment. As a reminder, if
10 you have an outstanding request to interact live
11 and you're on our first panel, please go ahead
12 and accept that so we can elevate you to
13 presenter.

14 (Pause.)

15 CHAIR LYONS: Okay. Thank you
16 everyone for your patience. We'll just wait
17 another minute or so for the rest of our first
18 panel to join. So, again, if we've sent you an
19 invitation to interact live in the attendees
20 column, please go ahead and accept that. Once
21 you've done so we'll continue.

22 (Pause.)

1 CHAIR LYONS: Okay. We're having a
2 technical issue calling a couple presenters from
3 our first panel. I think what we'll do is have
4 those who've been able to join go ahead with
5 their testimony and the Section 301 Committee
6 will ask them questions, if any. And those who
7 we have not been able to call yet, we'll
8 hopefully fix this problem, and then we'll just
9 add you to the second panel.

10 So, with that, we'll now proceed with
11 testimony from our first panel. Mr. Nguyen, our
12 first panelist, you may proceed with your
13 testimony.

14 MR. KHANH: Hello? Hi. Good morning.
15 Thank you to the Chair and the Section 301
16 Committee members. As chairman of HAWA I welcome
17 the opportunity to share the views of the
18 Handicraft and Wood Industry Association of Ho
19 Chi Minh City, HAWA. HAWA is one of the largest
20 furniture associations in Vietnam, representing
21 550 members. Vietnam and the Vietnamese
22 furniture industry have made substantial progress

1 in ensuring the use of lawful timber in all of
2 its furniture. Given this progress, we submit
3 that there is currently no persistent pattern of
4 conduct by which Vietnam fails to ethically
5 enforce its international environmental agreement
6 in this arena. Furthermore, we see no burden on
7 U.S. commerce that could justify Section 301
8 sanction.

9 First, we believe that Vietnam's
10 policies do not constitute a persistent pattern
11 of violations of its written commitments. Under
12 CITES, the Convention of International Trade in
13 Endangered Species, Vietnam undertook to manage
14 and protect CITES-covered species, as well as
15 administer a licensing system with obligations
16 that the Vietnamese industry has strived to
17 perform. Vietnam has worked diligently to
18 upgrade its regulatory and enforcement framework
19 to comply with CITES and to prevent illegal
20 logging.

21 While our written submissions provide
22 more details, key milestones include:

1 ratification of EU-Vietnam Voluntary Partnership
2 Agreement, decrees on the management of
3 endangered species and rare species of forest
4 fauna and flora, adoption of international
5 environmental standards into national
6 legislation.

7 The government and furniture industry
8 have worked with the U.S. and key stakeholders to
9 establish the Vietnam Timber Legality Assurance
10 System, VNTLAS. In addition, the industry,
11 including HAWA, participate in the Forest
12 Legality Alliance, whose goal is to combat
13 illegal logging by supporting the supply of legal
14 forest products. Vietnam is a top participant in
15 the Forest Stewardship Council chain of custody
16 certification program, with 926 certificate
17 holders.

18 Some adverse commentators refer to our
19 statistics on illegal wood imports from Laos and
20 Cambodia while neglecting to mention Vietnam's
21 substantial progress in legislation and
22 enforcement programs. In fact, Vietnam's

1 regulatory measures coincide with decreasing
2 timber imports from Cambodia and Laos.
3 (Indiscernible) presented by the Environmental
4 Investigation Agency, EIA, which itself has
5 acknowledged our improvements.

6 Since 2015 Vietnam's imports of
7 Cambodia timber have dropped from 286 million USD
8 to below 32 million USD, a 92 percent decline,
9 and their timber trade today is legal plantation
10 timber. It successfully demonstrates Vietnam's
11 commitment to use regulatory system to safeguard
12 a legal and sustainable timber supply chain.
13 Please see our chart for details of this clear
14 trend.

15 Second, there has there has been no
16 burden or restriction on U.S. commerce. No
17 evidence has been provide to demonstrate any use
18 of illegal timber in the Vietnamese furniture
19 export industry. We believe that all timbers
20 used for U.S. market are legal. This is partly
21 due to the fact that so much of our goods come
22 from the U.S. Vietnam is the second largest

1 buyer of U.S. hardwood timber exports in the
2 world.

3 More than that, the Vietnam furniture
4 industry is mostly made up of OEM manufacturers.
5 This is an integral part of U.S. furniture supply
6 chain, but the U.S. derives a substantial share
7 of the benefits in the supply chain by providing
8 value-added such as U.S. designs, coding, parts,
9 marketing, and international distributions.

10 Utilizing Section 301 to penalize
11 Vietnam furniture exports to U.S. would have
12 detrimental effects on U.S. commerce because U.S.
13 brands and their customers to rely upon
14 Vietnamese contribution with that value chain.
15 Therefore, we submit that there is no basis for
16 action under Section 301. Accordingly, the Trade
17 Representative is encouraged to make a negative
18 determination with regard to this investigation
19 after taking appropriate time and consideration
20 similar to the previous USTR investigations.

21 Similarly, we encourage the USTR to
22 raise any CITES compliance concerns in the

1 context of the multilateral CITES conventions
2 rather than as a unilateral U.S. trade action.

3 Thank you very much for this
4 opportunity to speak today. I welcome any
5 questions.

6 CHAIR LYONS: Thank you for that
7 testimony. We'll now turn to our next panelist.
8 It appears that we're still missing a couple
9 members of this panel, but we'll proceed to the
10 next person we have present at this point. So
11 we'll now proceed to Mr. John Luu of Binh Duong
12 Furniture.

13 So, Mr. Luu, please proceed with your
14 testimony.

15 MR. LUU: Yes. Good morning. My name
16 -- hello? Can you hear me?

17 CHAIR LYONS: Yes, we can hear you.

18 MR. LUU: Good morning. My name is
19 John Luu, vice chairman of Binh Duong Furniture
20 Association. We are very grateful to have a
21 chance to share our view on the uses of illegal
22 timber in the production of wooden products for

1 export from Vietnam.

2 Firstly, in the past 10 years since
3 the U.S. Lacey Act came into being, furniture
4 exporters have never been accuse of violating the
5 act. Furniture manufacturers in Binh Duong fully
6 comply with the provisions of the Lacey Act from
7 USA, Europe import and export law, and forestry
8 law of Vietnam.

9 Secondly, the major consumer market
10 for wood products in Binh Duong Province is the
11 United States market, accounting for 53 percent,
12 equivalent to 1.4 billion in 2019. The main wood
13 use for the U.S. market are domestically planted
14 forest timber like acacia, rubber, garden planted
15 root like mango, jackfruit. Imported wood from
16 U.S. like white oak, poplar, walnut, pine, ash,
17 cherry. (Indiscernible) shows in the U.S. market
18 are legal or imported from positive geography
19 areas as United States, Europe, New Zealand,
20 Chile.

21 Clearly, we admit there are still some
22 importer of tropical wood from high-risk area

1 like from Laos or from Cambodia, from Cameroon,
2 from Congo, to Vietnam in the past five years.
3 This timber are mainly served for the domestic
4 consumption where a demand of hardwood are
5 required for the traditionally construction of
6 house like making door, window, beam, et cetera.

7 As you know, Vietnam is a tropical
8 country located very close to the seashore where
9 frequent storm and floods appear every years.
10 Therefore, the Vietnamese people have a tradition
11 of using tropical wood for their house and
12 interior decoration because they are very often
13 being destroy by the storm. This is a
14 longstanding consumption habit of the Vietnamese
15 people; therefore, we need time to educate people
16 to change their habit into using the controlled
17 timber.

18 Lastly but not least, the Government
19 of Vietnam has a strong commitment to protect
20 natural forests in Vietnam and the countries that
21 supply raw timber to Vietnam. The commitments
22 are reflected in aspects such as Vietnam is a

1 member of CITES and ITTO conventions. The
2 Government has issued Decree 102/ND-CP regulating
3 Vietnam Timber Legality System, VNTLAS, to
4 localize the VPA/FLEGT agreement. Therefore, the
5 source of wood imported into Vietnam is being
6 closely inspected and supervise by law
7 enforcement agencies to ensure the legality of
8 each shipment.

9 The loss of the buyer when Vietnam
10 could be applied with a trade barrier from the
11 United States. All American buyers who come to
12 Binh Duong to buy furniture have never asked to
13 put the product made from tropical forest goods
14 or good from high-risk geographic area.
15 Therefore, products consumed in the United States
16 by our factory are made from legal goods. If
17 Vietnamese goods and furniture is subjected to
18 taxes in the U.S., current buyers will surely be
19 affected heavily, like Walmart, like Costco, like
20 Amazon, like MasterBrand, like Target brand, et
21 cetera.

22 Furthermore, Vietnam is currently the

1 second largest customer in Asia imported U.S.
2 sourced timber. We are using U.S. goods for
3 consumption in the U.S. market; therefore, the
4 trade remedies also affect the U.S. goods import
5 turnover into the Vietnamese market. From 2015
6 until October of 2020 we already import more than
7 1.2 billion U.S. dollar from U.S. (inaudible)
8 between the U.S. and Vietnam.

9 Thank you for your listening. We
10 welcome your question.

11 CHAIR LYONS: Thank you, Mr. Luu, for
12 your testimony.

13 We will now turn to our next panelist,
14 Le Xuan Quan from the Handicraft and Wood
15 Association of Dong Nai.

16 MR. QUAN: Good morning. Handicraft
17 Wood Industry Association of Dong Nai was founded
18 in 1999 as a non-government organization and
19 volunteer association. Currently, we have 80
20 members working in the following fields: wood
21 processing, indoor and outdoor furnitures,
22 handicraft, bamboo, rattan, (indiscernible),

1 porcelain, and local (indiscernible) trade in
2 materials, timber, machinery, hardware supply.

3 Our members are producing indoor and
4 outdoor furniture to export to United States that
5 are using lumber from America: yellow poplar,
6 oak, maple, cherry, walnut, yellow pine with
7 (indiscernible) import to Vietnam, from New
8 Zealand, Australia, South America (indiscernible)
9 Thai lumber. From Vietnam plantation forest:
10 rubberwood and acacia. From Europe: oak, birch.

11 On behalf of Dong Nai Wood Handicraft
12 Association, we would like to (audio
13 interference) rubberwood and acacia for
14 (indiscernible). Many members don't use illegal
15 wood to produce wood product to ship to United
16 States because our members are OEM factories with
17 products that are designed from American importer
18 and retailers. They will choose material from
19 their products.

20 The cost of illegal wood
21 (indiscernible) that they make products is very
22 expensive that cannot serve in the American

1 market. Illegal wood is unstable supply, cause
2 burdensome delays, and do not ensure products
3 (indiscernible).

4 Thanks for your listening and hearing
5 our testimony.

6 CHAIR LYONS: Thank you for that
7 testimony.

8 We'll now turn to our next panelist,
9 Mr. Ngo Sy Hoai from the Vietnam Timber and
10 Forest Products Association.

11 MR. HOAI: Okay. Thank you. I'm Ngo
12 Sy Hoai, vice president and secretary general of
13 Vietnam Timber and Forest Product Association; in
14 short, VFOREST. The mission of my association is
15 to converse and represent interests of the
16 community of Vietnam timber processing and
17 trading enterprises.

18 My testimony covers five issues.
19 First, the evidence provided by USTR is unclear
20 and confusing and to does not reflect efforts of
21 Vietnam to assure timber legality. The
22 information used by USTR has not been updated to

1 reflect recent developments in Vietnam to shift
2 to the use of locally grown timber and timber
3 imported from non-risk sources, including U.S.

4 Long before the initiation of
5 investigation, Vietnam has had strong commitment
6 to protect the natural forests, not only of
7 Vietnam, but also of the countries which supply
8 timber to Vietnam.

9 Vietnam is a serious member of both
10 CITES and ITTO. The Government of Vietnam is
11 also proactive in promoting demands to ASEAN
12 countries in transnational forest governance and
13 sustainable forest management. From 2010,
14 Vietnam started negotiations with EU on VPA/FLEGT
15 to curb illegal logging and associated trade.
16 The VPA was signed in 2018. Further, the
17 Government of Vietnam issued Decree 102 to
18 operate VNTLAS. Accordingly, from now on, timber
19 imported into Vietnam is controlled and verified
20 against very strict criteria.

21 Second, the Vietnamese private sector
22 strongly supports responsible timber industry

1 development. My association was a proactive
2 member of the VPA/FLEGT negotiation. VFOREST has
3 also requested the government to issue and
4 implement public procurement policies which
5 prefers sustainable timber products as effective
6 remedies to control (indiscernible) investment
7 and vertically trade fraud and circumvention.

8 The Vietnamese timber community is
9 aware that combating illegal logging and
10 associated trade is not just the responsibility
11 of the government. Therefore, in 2017, VIFOREST
12 and local associations signed the declaration to
13 say no to illegal timber. VIFOREST and local
14 association have also signed a commitment to
15 promote responsible wood industry. We have also
16 established the Green Vietnam Fund to provide
17 contribution to sustainable forest management and
18 responsible timber development. A number of
19 Vietnam timber businesses are actively
20 cooperating with farmers to produce FSC timber.
21 Over 20,000 farmers are engaged in this process.

22 Third, the Vietnam timber sector does

1 not burden U.S. commerce. In fact, mutually
2 beneficial timber trade between Vietnam and the
3 U.S. has been steadily growing. U.S. is the most
4 important for Vietnam, both in import of timber
5 and export of manufactured products. Vietnam has
6 become the second consumer of U.S. hardwood
7 following China. Vietnam imports about one
8 million cubic meters of U.S. timber each year.
9 VIFOREST and AHEC are maintaining effective
10 cooperation to promote U.S. hardwood in Vietnam.

11 U.S. is the most important market for
12 Vietnam timber products, with the exports alone
13 about 50 percent of our total export. The timber
14 businesses on both sides are deeply aware that
15 complying with U.S. regulations becomes to be or
16 not to be for both side.

17 Many local acacia and rubber timber is
18 use for manufacturing timber products, up to 60
19 percent. Timber products made with rubber or
20 acacia timber have the highest export value in
21 the U.S. market. About 40 percent of timber
22 product value exported to U.S. is made of timber

1 imported from countries with good forest
2 governance, including U.S.

3 Fourth, timber consumption in Vietnam.
4 Due to Vietnam's ban on natural forest logging,
5 the local supply relies on plantation timber.
6 Last year it was over 30 million cubic meters,
7 which are free of any legality challenge.
8 Vietnam imports about 1.5 million cubic meters of
9 tropical timber each year, which is about one
10 million cubic meters from Africa.

11 This imported timber is used mostly
12 for timber villages (phonetic) to satisfy
13 domestic market. These timber villages have been
14 shipped in from imported timber, hardwood to
15 locally planted timber, and timber imported from
16 non-risk sources, including U.S. This trend will
17 steadily continue.

18 Fifth, testimony on specific aspect
19 covered by USTR investigation. Timber imported
20 from Cambodia into Vietnam. Import of timber
21 from Cambodia into Vietnam has decreased sharply,
22 down to 90,000 cubic meters last year, with large

1 volume of rubber timber. This follows a national
2 ban on export (indiscernible) Cambodia
3 (indiscernible) certain export with special
4 permit. Due to the high risk of this import
5 VIFOREST has proposed the prime minister of
6 Vietnam to suspend import of timber from Cambodia
7 until the two side can implement effective
8 countermeasures to avoid risk related to timber
9 trade with the two countries. Import of timber
10 from Cameroon also the same situation.

11 In conclusion, I wish to reconfirm
12 that Vietnam does not tend to use illegal timber
13 permit more manufacturing timber products for
14 both local consumption and export. The evidence
15 and data presented by USTR is inconclusive and
16 (indiscernible). The USTR notice of 301
17 investigation does not note recent improvement
18 that the Government of Vietnam and the private
19 sector have made to improve the legality of wood
20 products.

21 Thank you for listening and thank you
22 for your attention. Thank you.

1 CHAIR LYONS: Thank you for your
2 testimony.

3 We'll now turn to our last member of
4 this panel, Tran Le Huy from the Forest Products
5 Association of Binh Dinh.

6 Okay. Mr. Tran Le Huy, please go
7 ahead.

8 MR. HUY: Yes, thank you. Good
9 morning to Mr. David Lyons. I intend
10 (indiscernible). I am Tran Le Huy testifying
11 today on behalf of the Forest Product Association
12 of the Binh Dinh. I would like to present our
13 testimony as follows.

14 Firstly, wood processing industry in
15 Binh Dinh Province in particular, and Vietnam
16 generally are, in close cooperation with the U.S.
17 wood product distribution and retail industry.
18 Our relationship with the U.S. partners and with
19 the U.S. wood industry mutually and fairly
20 benefit each other. Annually, we import a
21 substantial amount of raw materials from the
22 U.S., and we exclusively use timber from this

1 source and from the domestic plantation.

2 The import from the U.S. has been
3 expanding. This means we are supporting the
4 forest owners and the raw wood exporters in the
5 U.S. We also share our benefits with American
6 shipping lines and logistics, and with the
7 woodworking machinery sellers on a mutually
8 constitutive basis. We have supported the
9 government in the calling for investment,
10 particularly from the U.S. We have committed to
11 fair and friendly trade relationships between the
12 two countries.

13 We agree in part wood from the U.S.
14 market over the year to product and where it
15 possible in the future into the U.S. market.
16 (Indiscernible) of imported wood material from
17 the United States in order to conduct
18 (indiscernible).

19 Our woods material are used to produce
20 the (indiscernible) wooden product from
21 (indiscernible) to the U.S. market into the
22 (indiscernible) Domestically planted forest

1 timber in Vietnam such as rubberwood, acacia,
2 plywood and (indiscernible). Imported timber
3 with FSC COC certifications at (indiscernible)
4 from Brazil, the EU, the U.S., and Panama.

5 Thirdly, on member of our association
6 commit not using the tropical timber from the
7 natural forests, especially the people in market
8 to Cambodia, Cameroon, Democratic Republic of the
9 Congo. All our members have been using legal and
10 sustainable plantation timber, have sustainably
11 managed in the U.S. and elsewhere.

12 By the way, (indiscernible) good for
13 our supporting people in communities. We fully
14 comply with the provisions of the Vietnam law on
15 forestry and VNTLAS, the Lacey Act of U.S., and
16 the international regulations and standards for
17 importing wood products to the United States, as
18 well as on the (indiscernible) to our commitment
19 to say no with illegal timber, we and our members
20 have cooperated with the FAO Vietnam, the FAO-EU
21 FLEGT program, developing the new system in the
22 (indiscernible) association for the woodworking

1 enterprise in Binh Dinh Province (indiscernible)
2 of the private sector from the 2017 to present.

3 We have collaborated with the timber
4 association in Vietnam and (indiscernible) and
5 the U.S. to organize a seminar (indiscernible) of
6 the timber (indiscernible) activity for timber
7 and wood products in Vietnam for many years.
8 Have cooperated with the (indiscernible)
9 government, (indiscernible) activities to buy and
10 sell legal and responsible wood product.

11 Finally, we would prefer a bilateral
12 approach with the two governments working with
13 each other in addressing the problems raised in
14 the USTR 2020-0036. We are happy to collaborate
15 with USTR in providing any additional information
16 to these issues raised in the document. In
17 addition, we are willing to cooperate with the
18 USTR and U.S. companies selling raw material to
19 Vietnam and those importing timber products from
20 the U.S. for mutual understanding and
21 collaboration between the two sides.

22 Thank you so much.

1 CHAIR LYONS: Thank you very much for
2 that testimony. I'll now open the floor to the
3 members of the U.S. Government panel for
4 questions.

5 I'll start. I have a question for
6 Nguyen Quoc Khanh of the Handicraft and Wood
7 Industry Association of HCMC. So, in your
8 written submission you indicate that HAWA
9 companies must, quote, commit to not use illegal
10 timber in their products, and the risk of illegal
11 timber entering the United States market via
12 Vietnam is very low.

13 So, to ensure that is the case, could
14 you describe what, if any, additional due
15 diligence your members must perform to ensure
16 that they're not importing, processing, or
17 exporting timber that is illegally harvested or
18 traded?

19 MR. KHANH: I think that's one of the
20 big missions of the HAWA association, to make
21 sure that all the members will use the
22 sustainable timber for local markets and export.

1 And to make sure that the furniture industry in
2 Vietnam will grow substantial timbers.

3 Actually, the furniture industry is
4 one of the main exports of Vietnam. So, with the
5 government, we try to make it even strength by
6 make sure that all the sources of timber must be
7 legal timber. So all the members, when we
8 attend, become a member, we sign all the
9 agreements that they never use any illegal
10 timber. And actually we have implemented a
11 system we call DDS, that division system, to
12 track all the records of the timber in plantation
13 and processing. And this DDS, we work with FAO
14 Europe.

15 CHAIR LYONS: Thank you for that.

16 So, we can now continue with any other
17 questions.

18 MR. STEPHENS: Hello. I have a
19 question on behalf of USDA, United States
20 Department of Agriculture. My question is for
21 Mr. Le Xuan Quan from the Handicraft and Wood
22 Industry Association of Dong Nai.

1 And here's my question: since the
2 implementation of VNTLAS, the Timber Legality
3 Assurance System, in October, what have of your
4 members done to implement the new requirements of
5 that law? And what remains to be done?

6 MR. QUAN: We are starting that all
7 now, but that is very tricky, to ensure the
8 timber that we are import at this moment. So I
9 hope that will be good for stopping the illegal
10 wood from other countries. I think the law very
11 strong and very clear on what the law is.

12 MR. STEPHENS: Okay. Thank you very
13 much.

14 MR. QUAN: Thank you.

15 MR. THOMPSON: Hello ,and thank you
16 for your testimony. I have a question from the
17 State Department. And this is for Mr. Le Xuan
18 Quan also, of DAWA.

19 The question is: could you please
20 describe any additional due diligence that your
21 members perform when importing timber species
22 that are considered high risk or that come from

1 sources that are considered high risk?

2 MR. QUAN: (Inaudible) that where we
3 need to recognize the area, set area, and also we
4 have follow CITES, that is to Decree 102 of
5 Vietnam. So also we are doing the -- that is
6 where we very soon -- because we are now starting
7 to do our Law 102 to control the (indiscernible)
8 off from the forest.

9 MR. THOMPSON: Okay. Thank you.

10 MR. QUAN: Thank you.

11 CHAIR LYONS: Okay. I believe we next
12 had a question from the Small Business
13 Administration.

14 Sarah, are you able to join?

15 MS. BONNER: Yes. Thank you very
16 much. I had a question for Mr. Tran Le Huy from
17 the Forest Products Association.

18 Thank you, sir, for your testimony.
19 My question was: do your members participate in
20 any sustainable forestry certification programs
21 that are managed by accredited third-party
22 organizations? And, if so, how does the

1 certification program confirm that the imported
2 wood comes from sustainable sources? Thank you,
3 sir.

4 MR. HUY: Thank you. With the FPA
5 Binh Dinh, we haven't used the MC or BFC
6 (phonetic) timber, imported timber, from the
7 2000. Mostly, the members have the FSC COC on
8 the BBBC (phonetic). We also use the permitting
9 for the plant at the timber in Vietnam, such as
10 acacia. Acacia we use have a FSC certificate.
11 And we also cooperate with the FAO in Vietnam and
12 FAO-EU FLEGT program (indiscernible).

13 I want to remind, in Vietnam right now
14 HAWA and FPA Binh Dinh have the (indiscernible)
15 system with (indiscernible) by the FAO-EU FLEGT
16 program. In addition, we also cooperate with the
17 WWF (indiscernible) government in developing
18 sustainable forest. And I know we also joined
19 the Green Vietnam production in the 2020. Thank
20 you.

21 MR. THOMPSON: Thank you. I have an
22 additional question for you, sir, Mr. Tran Le

1 Huy. You mentioned that the say no to legal
2 timber commitments from 2017 and 2020, could you
3 describe briefly if any additional measures or
4 due diligence are required under those
5 commitments?

6 MR. HUY: Well, we know the
7 (indiscernible) and the some -- Korea in the
8 world at the country of (indiscernible) Laos and
9 Cambodia. And we -- a commitment to in 2017, and
10 (indiscernible) 2020, we review the import timber
11 from the some country (indiscernible).

12 You see in my document that we not
13 import timber from the Cameroon and Democratic
14 Republic of Congo. And with the Cambodia, we
15 (indiscernible) last import from the 2018 and
16 (indiscernible) in reason we (inaudible) we not
17 import timber from the Cambodia into the Binh
18 Dinh Province and to Vietnam. Yeah, you see that
19 in my document.

20 Yeah, we -- and I want to remind about
21 the commitment 2020. The commitment strong, and
22 it (indiscernible) the hybrid timber, hybrid

1 species from the hybrid area. Yeah, you know the
2 (indiscernible) controlled the timber supply
3 chain from import from the -- right now we have
4 the (indiscernible) Ontario, Alberta activity
5 area. And now we have about 1,000 species in
6 (indiscernible) beside (indiscernible).

7 MR. THOMPSON: Thank you for that,
8 we'll appreciate it.

9 MR. HUY: Yes.

10 MS. KENNEALLY: Hi, I have a -- I'm
11 from the Department of Commerce, Grace Kenneally.
12 I have a question for Mr. Ngo Sy Hoai, the
13 Vietnam Timber and Forest Products Association.
14 Sir, in your written comments, you mention
15 efforts by Vietnamese Forestry and Customs
16 Officials to coordinate with authorities in
17 Cameroon to improve control of the timber supply
18 chain. Could you please describe those efforts?

19 MR. HOAI: A pragmatic question. You
20 know, Cameroon is, it's very important supplier
21 of tropical timber for Vietnam. And every year,
22 we are importing about 700 cubic meters of the

1 tropical timber from Cameroon. You know, we have
2 conducted a series of account mergers to improve
3 the import practices.

4 Actually, recently we have organized
5 a business-to-business webinar. We facilitated
6 exporters from Cameroon and importers from
7 Vietnam to exchange their viewpoint and to get
8 access to the legal framework applicable in
9 Cameroon and in Vietnam.

10 And we have introduced our newly
11 issued Decree 102 with very special
12 (indiscernible) to empower the control of
13 imported timber -- timber from Cameroon. And we
14 are going to establish a sort of ethic of joint
15 working group represented by a certain group of
16 people from Cameroon, including company people
17 and government officials and Vietnam's own self.

18 And we will proceed with the
19 conclusion of an (indiscernible) memorandum on
20 import-export protection between the two
21 countries to ensure timber legality, the legality
22 of timber which is entering Vietnamese markets.

1 And our Customs Office will also
2 consolidate control over timber imported from
3 Cameroon, including taking additional evidences
4 of legality following our newly issued Decree
5 102. Thank you.

6 Our Customs Office will consolidate
7 control over timber imported from Cameroon,
8 including taking additional evidences of legality
9 following our newly issued Decree 102. Thank
10 you. Our Customs Office --

11 MR. SULLIVAN: Mr. Ngo, I have a
12 followup question. This is Matt Sullivan from
13 the US Treasury Department. Could you explain
14 where Vietnamese companies import from countries
15 with poorer track records of good governance?
16 Could you describe the due diligence performed to
17 ensure the legality of the timber supply chain?
18 Thank you.

19 MR. HOAI: VTS is very important for
20 importers, and our association have been
21 conducting a series of VTS training for selected
22 importers of timber from Cameroon and from Congo.

1 From now on, they will be more careful to collect
2 information, assess information, and take
3 mitigation measures.

4 Additional evidences -- additional
5 documents to accompany timber imported from
6 Cameroon and from Congo when they submit it. And
7 I think that without new divisions, one cannot
8 import timber from high risk countries into
9 Vietnam. According to our Decree 102, we have
10 also announced the list of high risk countries on
11 non-active geographic areas and list of risk
12 species.

13 Accordingly, if importing timber from
14 countries attributed to non-active geographic
15 areas and high risk timber species, they will
16 submit additional evidences. In reality, we have
17 identified 51 countries which are attributed to
18 active geographic areas, including US.

19 From now on, the export of timber from
20 US to Vietnam will go more convenient, more
21 easier, easy. Instead from other countries
22 people will have to be more careful in submitting

1 additional evidences and do more VDS.

2 And we have also identified 322
3 species which have been exported -- imported in
4 Vietnam with new species, which -- species which
5 are listed by CITES are endangered species
6 identified by Vietnam even will have to submit
7 more evidences and more documents. Thank you.

8 MR. SULLIVAN: Thank you.

9 MR. HOAI: Which are listed by CITES
10 are endangered --

11 CHAIR LYONS: Andrew, I think you can
12 go ahead.

13 MR. STEPHENS: Okay, one more question
14 for Ngo Sy Hoai from the Vietnam Timber and
15 Forest Products Association. Ngo Sy Hoai, you've
16 described the role that VIFOREST played in
17 negotiating the EU timber agreement. Can you say
18 a little bit more about what you're doing to help
19 companies and the Vietnamese Government to
20 implement the agreement, and what needs to be
21 done in the coming year as the EU licensing
22 system begins?

1 MR. HOAI: Yes thank you. We have
2 been a very proactive member of EU Vietnam VPA
3 negotiation. I myself have been assigned to be
4 Co-Chairperson of the whole group. And I am a
5 member of joint-implementing body.

6 And you know, because the impact
7 caused by VPA/FLEGT will be mostly on the
8 enterprises, on the private sector, starting from
9 a farmer who are planting trees up to the lead
10 firms who are processing and importing timber
11 products. That's why with every element of the
12 VPA, we have to consent, advise with the private
13 sector.

14 I believe that everything from very
15 small things have been carefully concentrated
16 with the private sector represented by VIFOREST,
17 by my association. And, you know, there are many
18 important elements, many important components of
19 the VPA/FLEGT.

20 For instance, the organization
21 classification system. According to this
22 organization classification system, we will have

1 to classify our enterprises into two groups. And
2 with the first group, people can plan -- can get
3 export permit or import quite easily.

4 But with the second group of
5 enterprises which have certain -- with those --
6 is not correct and they have some real bad
7 information about legality -- assuring legality
8 and law enforcement. They will be excluded from
9 the list of companies or enterprises who can
10 export their own products. That is one of the
11 examples we have to hand our enterprises to
12 follow.

13 And of course, as I -- I cannot, you
14 know, list all of activities we have been done
15 with our member companies, anyhow, lot of things.
16 In the past, right now, and in the future,
17 because VPA/FLEGT at the final stage, up to
18 probably two years will have to complete
19 organization classification and issue FLEGT
20 licenses for every shipment of timber to be
21 exported to the European Union and probably the
22 same for export to some other markets, including

1 U.S. Thank you.

2 MR. STEPHENS: Thank you very much,
3 that was very useful.

4 CHAIR LYONS: Thank you. I believe
5 there's one final question from USDA. Andrew,
6 would you like to continue with that?

7 MR. STEPHENS: Yes. This one is for
8 John Luu of the Binh Duong Furniture Association,
9 and it's similar to what I just asked Ngo Hoai.
10 So Mr. Luu, since the implementation of
11 (indiscernible) in October, what have your
12 members been doing to implement the new
13 requirements of that law, and what remains to be
14 done?

15 MR. LUU: Yes, thank you for your
16 question. Hello?

17 MR. STEPHENS: Yes, proceed.

18 MR. LUU: Hello, hello --

19 MR. STEPHENS: Yes, I can hear you.

20 MR. LUU: Yeah, yeah, the
21 implementation of VPA/FLEGT supposed to take some
22 time. And according to our supervisor and

1 advisor, we still have observing carefully about
2 step by step on the implementation of the VPA.
3 According to information we received that will
4 take at least two years in order to overcome the
5 gap between the Europe and Vietnam enterprises.

6 Surely at the moment we are trying to
7 follow all the regulations stipulated by the
8 Europe. Recently we have a meeting between the
9 Europe Committee with our enterprises and we try
10 to finalize and find out the gap between how to
11 get to the fully implementation of the VPA/FLEGT.

12 And we believe that with the short
13 time coming and we can do everything and that we
14 can come to the final agreement on the VPA.

15 Thank you for your question.

16 MR. STEPHENS: Thank you very much.

17 CHAIR LYONS: Okay, thank you
18 everyone. Before concluding this panel, we'll
19 pause to see in any member of the 301 Committee
20 has any remaining questions for this panel.

21 Okay, in that case, thank you to
22 everyone from Panel One. We'll now proceed to

1 Panel Two. So if you're on Panel Two, you should
2 be seeing an invitation to interact live. Again,
3 please go ahead and click yes as quickly as
4 possible. Once we've constituted Panel Two,
5 we'll begin. So this should take a couple
6 minutes. Thanks.

7 (Pause.)

8 CHAIR LYONS: Okay, welcome back.
9 We'll now proceed with testimony from our second
10 panel. We are still waiting for one or two from
11 this panel to accept invitations to interact
12 live. So again, please go ahead and do that and
13 then we'll add you to this panel.

14 But in the meantime, I'd like to
15 invite Le Cong Thanh from Dai Thanh Furniture to
16 please proceed with your testimony.

17 MR. THANH: Thank you, can you hear
18 me, Mr. David Lyons?

19 CHAIR LYONS: Yes, I can. Please go
20 ahead.

21 MR. THANH: Okay, thank you, good
22 morning, Mr. David Lyons. I am Le Cong Thanh on

1 behalf of Dai Thanh Furniture Joint-Stock
2 Company. I'm highly appreciative the opportunity
3 to present our testimony at the virtual public
4 hearing as follow.

5 You know, firstly, the US market is a
6 main market for our company. From 2018 to 2020,
7 the export value of Dai Thanh Furniture wood
8 products to the US have been increased from 11.2
9 to 12.9 millions.

10 Secondly, Dai Thanh Furniture do not
11 import wood products from Cambodia, Laos,
12 Cameroon, and Congo Democratic Republic into
13 Vietnam and do not buy, sell, or use any imported
14 good and wood products from these country into
15 our production the supply for domestic or export
16 market.

17 Dai Thanh Furniture has been using
18 legal and sustainable plantation timber from
19 domestic forests, such as acacia or rubberwood,
20 or imported timber such as eucalyptus, mainly
21 from Brazil. Dai Thanh Furniture commit not to
22 use any substance of imported or domestic wood

1 that are exploited and traded in violation of law
2 of Vietnam or international regulation and
3 standard such as Lacey Act, European Union Timber
4 Regulation.

5 You know, Dai Thanh Furniture are
6 member of international association such Forest
7 Stewardship Council, though we totally understand
8 our responsible to use legal and sustainable
9 timber into our productions.

10 Dai Thanh Furniture Company commit
11 ready to cooperate with the Competition Authority
12 of Vietnam, the Office of U.S. Trade
13 Representative, and the official and agencies of
14 U.S. Government in related process to the USTR
15 2020-0036 in accordance with the current law and
16 regulation.

17 Dai Thanh Furniture hopes that the
18 Office of U.S. Trade Representative and U.S.
19 Government to consider the comprehensive
20 friendship between two countries and the
21 legitimate interests of people and businesses of
22 the two countries so as not to involve taxes or

1 any commercial action with respect to the
2 imported good from Vietnam to the United States.

3 Thank you for the opportunity for me
4 to provide insight and testimony from our company
5 today.

6 CHAIR LYONS: Thank you very much for
7 that. We'll now proceed to Thao Do from the Tien
8 Dat Furniture Corporation.

9 MS. THAO: Yes, can you hear me?

10 CHAIR LYONS: Yes, I can, go ahead.

11 MS. THAO: Okay, thank you. I'm Thao
12 Do, I will present Tien Dat Furniture Corporation
13 today.

14 Tien Dat Furniture Corporation was
15 established in 1999 in Binh Dinh, Vietnam, and we
16 manufacture export forest products, which include
17 outdoor furniture, indoor furniture, and kitchen
18 cabinets. Tien Dat is an active member of Forest
19 Products Association of Binh Dinh and Vietnam
20 Timber and Forest Product Association.

21 We would like to give our official
22 testimony on this investigation. So first of

1 all, Tien Dat exports 100% of our products to
2 foreign markets with no business within the
3 domestic market. In the past years, from 2017 to
4 2019, our main markets are the European countries
5 and the United Kingdom, which accounted for more
6 than 70 percent of the total export turnovers.

7 The United States market has also been
8 growing for us over the past few years, with
9 MasterBrand Cabinets as our main customer, who is
10 one of the largest cabinet manufacturers in North
11 America. And with the high profile customer
12 comes with the higher requirements of compliance,
13 which is essential in order to be part of a
14 global supply chain.

15 Secondly, Tien Dat has been importing
16 legal and sustainable plantation raw materials
17 from countries with well-managed forests. We
18 have never imported or used woods from Cambodia,
19 Cameroon, Democratic Republic of the Congo, or
20 any natural forests or any regions considered
21 high risk.

22 To be more specific, Tien Dat imports

1 approximately 20,000 cubic meter of raw materials
2 every year from different sources. For example,
3 in 2019, we imported 8,700 cubic meters from the
4 United States, 1,600 cubic meters from European
5 countries, and 3,300 cubic meters from South
6 America.

7 To meet with the growing demand from
8 the US market, Tien Dat is importing more raw
9 materials from the United States and to be used
10 in the products that are exported back to the US
11 market. We have imported 14,500 cubic meters
12 from the United States in the first nine months
13 of 2020.

14 On the other hand, Tien Dat also used
15 raw materials from local plantations in Vietnam
16 for acacia and rubberwood from Binh Dinh and the
17 Gia Lai Provinces. In 2019, we purchased 1,700
18 cubic meter of acacia and 2,500 cubic meter of
19 rubberwood. And up to this September, we have
20 purchased 2,000 cubic meters of rubberwood.

21 Thirdly, Tien Dat commits to comply
22 with the laws of Vietnam and the international

1 laws in relation to wood materials. Our
2 materials importing process is in accordance to
3 the Decree 102 issued by Vietnamese Government,
4 with regards to the Vietnam Timber Legality
5 Assurance System, and the Circular 27 issued by
6 the Ministry of Agriculture and Rural
7 Development, which stipulates the management and
8 traceability of forest products origins.

9 These regulations require high level
10 of due diligence and chain of custody
11 documentations that we, the Vietnamese wood
12 product manufacturers, have to comply. For
13 imported materials, we always have to have full
14 sets of legal documents and valid certificates
15 for all the lots of the timber, such as LSE, VEFC
16 (phonetic) certificates, or maybe the government
17 permits or certifications.

18 On the other hand, every year, Tien
19 Dat goes through a number of factory audits, both
20 from our customer and third parties. Some of the
21 notable audits are LSE's CoC, the chain of
22 custody, or the BSCI, the business social

1 comprised initiatives.

2 With this in place, Tien Dat ensures
3 our factories' standards from incoming materials
4 to production and quality management for exported
5 goods are always in accordance with our goals of
6 sustaining the environment and protecting social
7 security for our workers.

8 With the points we have addressed, we
9 once again would like to emphasize that Tien Dat
10 completely complies with the laws of Vietnam and
11 the international laws on the import and use of
12 timber in production. We are committed to work
13 with our Vietnamese organizations, Vietnamese
14 Government, and the U.S. Government to combat
15 with the illegal logging anywhere in the world.

16 And in fact, eight Vietnamese
17 organizations of forest products have together
18 signed a commitment on promotion of Vietnamese
19 wood industry sustainable development. Our
20 organizations also established the Green Vietnam
21 Foundation that promotes forest development and
22 plantations.

1 We are looking forward to together
2 promote a free and fair trade and this wood
3 industry and contribute to the development of the
4 United States and Vietnam. Thank you.

5 CHAIR LYONS: Thank you very much for
6 that testimony. We'll now turn to Uyen Huynh
7 from the Hiep Long Fine Furniture Company.

8 MS. UYEN: Hi, can you hear me?

9 CHAIR LYONS: I can, yes.

10 MS. UYEN: Great, thank you. Good
11 morning, we are Hiep Long Fine Furniture Company,
12 a wooden manufacturer located in Binh Duong
13 Province, Vietnam.

14 Here are some points that we would
15 like to testify regarding Section 301,
16 investigation of Vietnam's acts, policies, and
17 practices related to the import and use of
18 illegal timber to discuss about USTR's allegation
19 towards the Vietnamese timber industry.

20 As a manufacturer with almost 30 years
21 of producing and exporting high end indoor and
22 outdoor furniture to the USA, Europe, Japan, we

1 are committed to use wood lots and timber from
2 legal resources with forest ownership
3 certifications and/or FSC, Forest Stewardship
4 Council, certification to produce all of our
5 furniture.

6 Most of our exportation to the US
7 markets are outdoor furniture, which are made of
8 certified plantation teak imported from South
9 America, specifically Brazil, Costa Rica, and
10 Panama. For indoor furniture, we import
11 furniture from the US and Europe.

12 We have never imported any wood lot or
13 timber sources from Cambodia, Cameroon, and the
14 Democratic Republic of Congo. More importantly,
15 we have no intentions on doing so in the future.

16 We have a sizable amount of
17 exportation to the US and Europe in which
18 requires FSC. In order to keep our FSC status
19 current, we need to have our COC, chain of
20 custody, certificate audited annually strictly to
21 make sure that we, the manufacturer, comply
22 standardized production process and regulations

1 stipulated by our government and the countries we
2 export to.

3 Therefore, we find it unfair to indict
4 businesses like us who puts a lot of effort into
5 making sure that our raw materials always come
6 from the legal and certified sources.

7 In summary, we are confident to say
8 that we always produce furniture from certified
9 sources. We are willing to cooperate with our
10 government and the US Trade Representative to
11 properly identify and resolve the issues raised
12 in Section 301 by providing any documents
13 requested and being visited by the USTR to see
14 the scale of the legitimacy of our operation.

15 With the information provided above,
16 we believe that it would be unfair for the
17 Vietnamese manufacturers like us who do
18 everything right from the beginning to be
19 responsible with legal sources from the beginning
20 if the US creates barriers which would limit
21 exportation to the US market.

22 In addition, the US importers will

1 also get affected by this since they have to pay
2 a higher price now. In the end, the end
3 consumers will be the ones who will be paying for
4 these high prices.

5 We kindly ask that you take our
6 comments into consideration in hopes that there
7 will be a good solution for the business relation
8 between the US and Vietnam to continue to grow in
9 a positive direction. Thank you.

10 CHAIR LYONS: Thank you very much.
11 We'll now turn to our last panelist, Phuong
12 Nguyen from Minh Thanh and Van Thinh Phat
13 Furniture.

14 MR. PHUONG: Hello, good morning. Do
15 you hear me?

16 CHAIR LYONS: Yes, we can. Are you
17 able to turn your video on as well?

18 MR. PHUONG: Hello, do you hear me?

19 CHAIR LYONS: Yes, hi, we can hear
20 you.

21 MR. PHUONG: Okay, I am Phuong Nguyen
22 from Minh Thinh Company, established in 2000.

1 And Van Think Phat Furniture was established in
2 2014.

3 Our companies mainly is bought
4 furniture, indoor furniture to US market. Hello?
5 Hello? Hello?

6 CHAIR LYONS: Yeah, yeah. Hi, we
7 could hear you. Why don't you continue with your
8 microphone and video turned on.

9 MR. PHUONG: Hello, hello?

10 CHAIR LYONS: Yes, hi, we can hear
11 you. Please go ahead.

12 MR. PHUONG: Okay, thank you. So I am
13 representative of Minh Thanh Company. We're
14 established in 2002. And Van Think Phat
15 Furniture was established in 2014.

16 Our company is mainly export to U.S.
17 market. We have 3,500 workers and our turnover
18 is 55 million U.S. dollar. Our main customer is
19 Vanishing Home (phonetic), Model's Furniture,
20 International A America (phonetic). The retailer
21 that Raymour & Flanigan, (indiscernible),
22 American Signature and (indiscernible) Market.

1 We mainly produce indoor furniture
2 from soft wood and pine lumber from South America
3 and New Zealand, acacia lumber and rubberwood
4 from domestic plantations. We import lumber --
5 34,000 cubic meter pine lumber per year. Our
6 mainly import from Chile, New Zealand and all
7 other -- some other South America. We would like
8 to commit that we never use illegal hardwood to
9 produce furniture and export to USA.

10 We would like to commit that we never
11 import endangered lumber from Cambodia, Cameroon,
12 and Democratic Republic of the Congo. In our
13 role order, wood we buy need to have the
14 certified from -- with the sawmill satisfy FSC or
15 VVSC.

16 Thank you for your hearing our --
17 thank you for your listening our -- my hearing
18 testimony. Thank you.

19 CHAIR LYONS: Thank you very much for
20 your testimony. We'll now turn to questions from
21 our U.S. Government panel. Before we do that,
22 I'd like to introduce two new panelists, Albert

1 Yam from Treasury and Stephanie Swinehart from
2 USDA. And I believe we'll start with a question
3 from Treasury, so please go ahead.

4 MR. YAM: Yes, hello. Can everyone
5 hear me?

6 CHAIR LYONS: Yes.

7 MR. YAM: Okay, I have a question for
8 Thao Do of the Tien Dat Furniture Corporation.
9 You mentioned the legal documents and
10 certifications required for all of your timber
11 imports. Could you describe your company's
12 participation in any sustainable forestry
13 certification programs that are managed by
14 accredited third party organizations? Thank you.

15 MS. THAO: Can you hear me now?
16 Sorry.

17 CHAIR LYONS: Yes, we can hear you.

18 MS. THAO: Yes, so some of the
19 international organizations that we have
20 participated, which are the FSC, which is the
21 Forest Stewardship Council. Once we bought the
22 FSC wood materials, we also participate in the

1 FSC COC, which is the FSC chain of custody.

2 And we have that audited every year in
3 July, to verify that our FSC certified materials
4 has been managed and separated from the non-
5 certified and the non-control materials, and it's
6 make its way along the way to the supply chain
7 from the forest to the market.

8 And beside that, we also are following
9 the Lacey Act for -- the Lacey Acts for our
10 MasterBrand Cabinets customer, which we have --
11 which we follow by having -- providing using the
12 genus and species that are allowed in the Lacey
13 Act.

14 And also we have to have a supply
15 chain mapping, which include from the beginning
16 like the transportation documents, new documents,
17 contrast purchase orders, regions of harvest,
18 forests of origins harvest, any cutting permits,
19 harvesting permits, or any FSC certifications or
20 the government permits of certification.

21 So we make sure that we have all those
22 documents, which is also one of our due diligence

1 process.

2 MS. BONNER: Hi, this is Sarah Bonner
3 from FDA for Thao Do. I had a followup question.
4 Could you please describe how the certification
5 programs confirm that the imported timber comes
6 from a sustainable source, particularly if the
7 imported timber is high risk or comes from a high
8 risk source?

9 MS. THAO: So we -- so most of our
10 importing process -- importing process is in
11 accordance to the Decree 102, which is the
12 Vietnam Timber Legality Assurance System, and
13 also with the Decision 4831 from the Ministry of
14 Agriculture and Rural Development that list out
15 the high risk regions and also the positive
16 regions.

17 So for the positive regions, we have
18 -- for example, we have the -- in the America, we
19 have the United States, and in North America we
20 have Canada, South America we have like the
21 Brazil, which is also one of the country that we
22 are buying woods from. Or maybe we're also

1 buying woods from the European countries, such as
2 the Croatia.

3 So those regions are listed in the
4 Decision 4831 by the Ministry and we are
5 following the exact guidance from our government.

6 CHAIR LYONS: Thank you for that. I
7 have a question for Le Cong Thanh from Dai Thanh
8 Furniture. You mentioned your work to import
9 timber that is legally sourced. Can you describe
10 your company's process to ensure the timber you
11 use is legally sourced?

12 MR. THANH: Can you repeat the
13 question again?

14 CHAIR LYONS: Sure. You had mentioned
15 that you only import timber that is legally
16 sourced. Could you describe how your company's
17 process to make sure that the timber that you use
18 is legally sourced?

19 MR. THANH: Yes. You know, we are Dai
20 Thanh Furniture and we mainly producings products
21 for entry-level clients. And our production is
22 for many U.S. clients, just like Lowe's, World

1 Market. And always ones we export, we have to
2 provide on the document, which is the COC, chain
3 of custody, from where we harvested, from where
4 we cut the wood and take into production. So
5 only processed under laws and guidance of the
6 COC, and then we send those documents to our
7 clients for them the to examine and document
8 where we take the wood from.

9 And also we have been educated by our
10 association that the -- to use -- that the goods
11 allowed by the Vietnamese Government to produce
12 the furniture that we export to those market.

13 CHAIR LYONS: Thank you for that.
14 We'll turn to our next question.

15 MR. THOMPSON: Thank you, and I also
16 have a followup question for Mr. Le Cong Thanh.
17 And it follows on from the previous question. I
18 heard you mention in your testimony that your
19 company participates in sustainable forestry
20 certification program under FSC, the Forestry
21 Stewardship Council. Are there other programs
22 that Dai Thanh uses for third-party

1 certifications?

2 And also, under FSC -- sorry, the
3 second part is, under FSC or any other program,
4 could you describe what your company must do to
5 maintain that certification.

6 MR. THANH: Yes, Mr. Luke. Beside
7 FSC, we have audits that are fairly consistent
8 SCIs, because every year we get audited by
9 clients, just like Lowe's, Walmart. And they
10 send, you know, auditors to our companies to
11 review our documents. And then also we have --
12 we set up a system, and so a group of people in
13 our company who monitors those -- the SCI, you
14 know, the FSC. And we keep track and then we
15 report that to our clients every year.

16 MR. THOMPSON: Thank you for that.

17 MS. KENNEALLY: I have a question for
18 Uyen Huynh of the Hiep Long Fine Furniture
19 Company.

20 MS. UYEN: Yes, hi.

21 MS. KENNEALLY: Hi. Similarly, I
22 would like to -- you mentioned that your company

1 maintains the Forest Stewardship Council
2 certification and that as part of it, you need to
3 submit annual audits. Can you describe the due
4 diligence and other steps you must go to pass the
5 audit each year?

6 MS. UYEN: Yes. So like I've
7 mentioned before, we are audited annually to
8 maintain the certification. We section off our
9 FSC and non-FSC timber very clearly. In our
10 production process we will have different color
11 papers for -- to indicate very well which is non-
12 FSC and which is FSC. So then when we're
13 audited, the personnel will base on that. And to
14 the realistic timber, we have in the company to
15 audit us. Is that clear?

16 MS. KENNEALLY: Thank you.

17 MS. SWINEHART: Hi, thank you for your
18 testimony. I also have a question for Hiep Long
19 Fine Furniture Company. Since the implementation
20 of Vietnam's Timber Legality Assurance System in
21 October of this year, what have you done -- what
22 have you been doing to implement the new

1 requirements of that law and what remains to be
2 done?

3 MS. UYEN: I'm sorry, can you say that
4 one more time, please?

5 MS. SWINEHART: Yes. Since the
6 implementation of Vietnam's Timber Legality
7 Assurance System in October of this year, what
8 have you been doing to implement the new
9 requirements of that law, and what remains to be
10 done?

11 MS. UYEN: So we have all of the
12 paperwork from when we import all the way to when
13 we export to our customers. So that includes
14 forest ownership, when we import. And we have
15 the same to when we export as well.

16 So, and the paperwork comes with
17 commercial invoice, CO, a certificate of origin,
18 and yeah, and forest ownership documents, FSC
19 certifications if needed. If we're shipping to
20 Europe, we definitely need our COC and our FSC
21 documents.

22 MS. SWINEHART: Thank you.

1 MS. UYEN: Yeah.

2 CHAIR LYONS: Thank you for that.

3 This next question is for Minh Thanh Furniture.

4 Can you describe your company's process to ensure
5 that the timber that you use is legally sourced?

6 MR. PHUONG: Because we are --

7 (Telephonic interference.) -- lumber. And we --

8 when we deal with the importer and also the saw

9 mill, they need to show their certificate of FSC.

10 And we import from like New Zealand, Chile, where

11 is mostly forest, plantation forest for soft wood

12 like pine.

13 They also need sent -- so the all

14 document they needed like certificate of origin,

15 title exemplary. When we export to USA, we need

16 also approved by our customer, like we show all

17 the Lacey Act consumer when we ship the product

18 to U.S.

19 Hello, do you hear me, hello?

20 CHAIR LYONS: Yes, thank you for that.

21 Thank you.

22 MS. SWINEHART: Thank you. This is

1 Stephanie Swinehart again, representing the U.S.
2 Department of Agriculture. This question is also
3 for Minh Thanh Furniture Company. Since the
4 implementation of Vietnam's Timber Legality
5 Assurance System in October of this year, what
6 have you been doing to implement the new
7 requirements of that law, and what still remains
8 to be done?

9 MR. PHUONG: So -- when we started, we
10 show all the document that our regulation needed
11 to the custom and our government's control to
12 when the import the lumber. Like all the
13 document they needed, we need to show everything,
14 like -- because our lumber mainly used is the
15 pine, is a soft wood from plantation forest, so
16 it is fairly easy to -- that is show this, the
17 title and also CO to the custom to control.

18 MS. SWINEHART: Great, thank you very
19 much.

20 CHAIR LYONS: Okay, thank you to
21 everyone for your responses. Before concluding
22 this panel, I'm going to pause to see if any

1 member of the 301 Committee has any further
2 questions.

3 Hearing, none, I'd like to thank the
4 members of the second panel. And we'll now
5 proceed to our third panel. Again, doing so is
6 going to take a couple of minutes. If you're on
7 the third panel, please go ahead and accept our
8 invitation to interact live. And I'll also be
9 turning over the chair to Kimberly Reynolds from
10 USTR.

11 (Whereupon, the above-entitled matter
12 went off the record at 11:31 a.m. and resumed at
13 11:37 a.m.)

14 CHAIR REYNOLDS: Hello. My name is
15 Kimberly Reynolds and I'm with the United States
16 Trade Representative. So, now we are going to
17 proceed with testimony from our third panel.

18 Mr. Caperton, you may proceed with
19 your testimony.

20 MR. CAPERTON: Thank you. Good
21 morning. My name is Gat Caperton. I'm the
22 president and CEO of Gat Creek, a solid wood

1 furniture manufacturer in Berkeley Springs, West
2 Virginia. On behalf of myself and the 42 highly
3 skilled Americans working at our factory today, I
4 am pleased and honored for the opportunity to
5 speak with you.

6 To better understand our concerns
7 about Vietnam I will begin with the U.S. side of
8 the wooden furniture business.

9 When I say Gat Creek furniture is made
10 in America we don't mean it's just produced by
11 American workers, although it certainly is, it
12 also means that we follow all the state and
13 federal rules and regulations governing use of
14 timber in this country.

15 To ensure full supply chain
16 compliance, and because we care about sustainable
17 production, we source all of our timber
18 exclusively through local suppliers that meet
19 strict conservation standards.

20 Let me be clear. I have no complaints
21 about the following, and even -- or about the
22 following and even promoting the rules that

1 preserve our timber resources. Gat Creek is
2 fortunately located near the geo-center of the
3 Appalachian forest, one of the world's most
4 successful. With more trees now than 30, 60, 100
5 years ago, we are proud to do our part as a good
6 steward.

7 But, to maintain these high standards,
8 American companies like Gat Creek must have the
9 chance to compete on a level playing field. That
10 brings us to Vietnam.

11 It has been an open secret that
12 Vietnamese producers of wooden furniture take
13 advantage of illegal timber to mold their
14 products. Last year, the European Union was so
15 concerned about this issue that it entered into a
16 Volunteer Partnership Agreement with Vietnam to
17 constrain the illegal timber trade.

18 But more problems remain. Last month,
19 the American Furniture Manufacturers' Committee
20 for Legal Trade, of which Gat Creek is a member,
21 provided you their list from April 2020 to unwrap
22 the illegal logging in Vietnam. The AM -- the AC

1 -- AFMC also submitted evidence that the
2 Vietnamese furniture producers have access to
3 illegal timber from other countries, including
4 Laos, Cambodia, the Dominican Republic, the
5 Democratic Republic of the Congo. There are also
6 reports of illegal timber being shipped from
7 Cameroon to Vietnam.

8 In short, Vietnam is apparently not
9 taking sufficient steps to restrict sales of
10 illegal timber.

11 These facts are a major concern for
12 everybody who makes wooden furniture in the
13 United States. Timber is the biggest raw
14 material we have. It can account for 30 to 40
15 percent of the costs for wooden beds.

16 If American producers pay a fair price
17 for sustainable timber while Vietnam producers
18 use timber that is obtained illegally, then
19 Vietnamese producers will obviously have a
20 significant and unfair cost advantage.

21 Competing with low-price imports from
22 Vietnam has made a challenge. In 2014, the

1 United States imported approximately \$1.5 billion
2 worth of wooden bedroom furniture from Vietnam.
3 In 2019, the figure was \$2.1 billion, and
4 increased just under 40 percent in five years.

5 Last year, Vietnam accounted for more
6 than 51 percent of the value of U.S. imports of
7 wooden bedroom furniture. We don't mind fair
8 competition, but using illegal timber is not
9 fair.

10 In short, you should declare that
11 Vietnam is engaging in unfair trade practices by
12 failing to adequately restrain trade in illegal
13 timber. You should also find that Vietnam is
14 hurting American companies and workers by forcing
15 them to compete against imports of wooden
16 furniture made from illegal timber.

17 I urge the U.S. Government to take
18 full -- to take firm and aggressive steps to end
19 unfair practices and allow American companies
20 like Gat Creek to compete in a market that is not
21 distorted by illegal timber practices.

22 Thank you very much.

1 CHAIR REYNOLDS: Thank you for your
2 testimony, Mr. Caperton.

3 And now I would like to invite Mr.
4 Schumacher to present their testimony.

5 MR. SCHUMACHER: Kimberly, thank you
6 very much. My name is Mark Schumacher. I'm the
7 CEO of the North American Home Furnishings
8 Association. And we represent roughly 1,400
9 retail home furnishing members, operating around
10 7,500 storefronts around the country.

11 I want to point out right out of the
12 gates here that as an industry and as an
13 association we are opposed to all illegal logging
14 practices. And I believe that if such practices
15 are verified in Vietnam that we certainly would
16 support the pursuit of negotiated settlements
17 with Vietnam to end these practices. And, if
18 punitive actions are deemed necessary, they be
19 levied against the specified offenders and their
20 products.

21 The reason we are here today and our
22 deep concern is over the potential of across-the-

1 board tariffs. Should the USTR recommend the
2 Administration follow through with what I would
3 call broad spectrum tariffs on furniture made in
4 Vietnam, it would negatively impact U.S.
5 consumers, U.S. home furnishing retailers, and
6 our economy as well.

7 I don't think it's a secret for
8 anybody listening to this that the COVID-19
9 crisis certainly has been a challenge for all of
10 us, and furniture business owners have been
11 tested really in ways they never imagined. For
12 two months in many cases stores were completely
13 shut down, leaving many with no revenue. And we
14 know that many thousands, tens of thousands of
15 workers have been furloughed.

16 The home furnishing retailers managed
17 through this, lengthy closures, et cetera, to
18 bounce back strongly as stores reopened because
19 we really realized that what our industry sells
20 is essential, especially right now when you
21 consider the fact that the American people are
22 living, all of us now -- and perfect example

1 right now in a room in my house -- we're working
2 at home.

3 The boost in sales that we saw when
4 stores reopened certainly allowed struggling
5 retailers to bring some workers back. It made up
6 for recent no revenue and energized a sluggish
7 retail economy. And, in many ways the home
8 furnishing retail space has been a bright spot in
9 our economy, while restaurants, hotels, airlines,
10 others have continued to struggle with shutdowns
11 and restrictions.

12 However, I want to point out that all
13 is not well with our industry. Supply chain
14 disruptions are likely to drag out well into
15 2021. And they're forcing home furnishing prices
16 up as retailers are battered by higher costs for
17 shipping and for transportation of goods.

18 To give you an example, the price of
19 a shipping container right now, which is not
20 including the costs of the goods inside of it, in
21 many cases has quadrupled while that container is
22 on the water working its way to the U.S. I have

1 one member retailer that mentioned that they
2 would typically pay \$2,500 for a container. They
3 are now paying \$10,000.

4 And retailers simply cannot shoulder
5 all of those added costs, so prices to consumers
6 are increasing.

7 So, here's what we're asking:

8 If violations are definitively
9 discovered, that any punitive actions that you
10 consider be levied against Vietnam and focus on
11 products tied to the illegal sourcing of timber,
12 not an across-the-board approach for all
13 furniture exported from Vietnam. A draconian
14 response would needlessly punish companies
15 complying with the wood sourcing norms, and
16 further disrupt the supply chain and drive
17 furniture prices up higher for consumers.

18 In my vocabulary, that would add
19 insult to injury at a time when there are just
20 too many negative pressures on furniture
21 retailers and, most importantly, the customers
22 that they serve, the customers that need their

1 essential goods.

2 Just so you're aware, and I know a lot
3 of numbers have been bandied about this morning,
4 but in 2019 the U.S. exported about \$350 million
5 of timber to Vietnam for furniture production
6 that was imported back in the -- in finished
7 products that were sent here to the U.S. None of
8 that timber was or is currently parsed as
9 illegal.

10 So, a tariff on all products out of
11 Vietnam would punish the manufacturers who source
12 their materials properly, the retailers who sell
13 them, and the Americans who buy them.

14 I know we've heard from a number of
15 the Vietnam manufacturers in this hearing today,
16 and that there have been some interesting
17 comments on how they have in many respects
18 complied. We also understand about the
19 competitive concerns for American companies as
20 well.

21 But we would just say this: please
22 choose action that focuses on offenders, targeted

1 to goods that are made using illegal practices.
2 Don't unnecessarily harm compliant U.S.
3 companies, hurt American consumers, which is
4 precisely what sweeping tariffs would do.

5 And I thank you very much for your
6 time today.

7 CHAIR REYNOLDS: Thank you for your
8 testimony, Mr. Schumacher.

9 Next could I please have Ms. Cindy
10 Squires present her testimony.

11 MS. SQUIRES: Yes. Thank you very
12 much. I appreciate this.

13 Good morning. My name is Cindy
14 Squires and I'm the executive director of the
15 International Wood Products Association, or IWPA.

16 IWPA is recognized internationally as
17 a key industry voice in supporting legal,
18 sustainable trade in wood products. IWP is proud
19 of its wood trade compliance training program
20 which was established in partnership with the
21 World Resources Institute and USAID.

22 IWPA has trained compliance staff and

1 executives from companies of all sizes in the
2 United States and abroad. Our extensive comments
3 provide a number of technical and policy points
4 that are important for the committee to consider.

5 First, Vietnam is important to the
6 wood products trade both for import and export.
7 U.S. hardwood and softwood producers regard
8 Vietnam as a vital and growing market for lumber,
9 veneers, and logs.

10 U.S. wood product importers rely on
11 Vietnam as a source for a variety of wood
12 products that are input to U.S. cabinet
13 manufacturers, builders, renovation contractors,
14 DIYers, as well as finished home goods that go
15 directly to the retail customer.

16 Vietnam is not just a story of wood
17 product imports, it's a story of an important and
18 growing market for U.S. exporters of hardwood and
19 softwood. This shift happened prior to the
20 current Section 301 tariffs on China. Vietnam
21 has been a growing market for U.S. hardwoods and
22 softwoods for approximately five years.

1 Many products exported from Vietnam to
2 the United States contain previously-imported
3 hardwood from the United States. In addition,
4 many imported wood products from Vietnam contain
5 low risk wood, either due to growing conditions
6 such as plantation grown, or other low risk
7 species.

8 Regardless of the origin of the wood,
9 the vast majority of imports of wood products
10 from Vietnam are certainly not covered by CITES.
11 Painting all Vietnam wood products in the same
12 brush is unfair to U.S. exporters and importers,
13 and to the entire concept of due diligence.

14 The paltry evidence noted in the
15 initiation of the investigation is not
16 substantiated in any of the documents that have
17 been published by USTR regarding this
18 investigation, and omits the current facts on the
19 ground in Vietnam.

20 Beginning in 2010, Vietnam began
21 negotiating a Voluntary Partnership Agreement
22 with the European union that addressed forced

1 legality governance. An extensive multi-
2 stakeholder process resulted in a new law
3 governing the trade and manufacturing of forest
4 products.

5 Vietnam issued a risk-based timber
6 legality assurance system, the VNTLAS, on
7 September 1, 2020, that went into effect on
8 October 30th, 2020, just 22 days after the
9 initiation of this investigation. This will
10 ultimately result in the implementation of a
11 FLEGT licensing scheme in 2022.

12 We note that these efforts are on top
13 of a an importer's due diligence systems.

14 The U.S. already has a very effective
15 and targeted enforcement tool at its disposal in
16 the Lacey Act. This act, which has two
17 components, first, the prohibition on the
18 importation and sell of any wood product that was
19 illegally sourced under the U.S. and foreign law
20 and, second, the import declaration that requires
21 the importer to report the country of harvest,
22 and genus and species for specified wood product

1 imports.

2 IWPA's wood trade compliance program
3 helps importers be successfully in navigating
4 both of these legal requirements. We believe
5 there is a solution that avoids damaging tariffs
6 while providing an important bilateral dialog and
7 coordination on these important issues.

8 The U.S. and Vietnam have a trade and
9 investment framework agreement that has,
10 candidly, been under utilized. We believe this
11 framework provides for high level dialog that can
12 appropriately address both the subject of the
13 hearing as well as Vietnam's currency policies.
14 We strongly urge the Administration to use this
15 existing process to address any trade irritants
16 between the U.S. and Vietnam.

17 We also urge the Administration to
18 involve key stakeholders, including U.S.
19 exporters, importers, and manufacturers that rely
20 on wood products trade with Vietnam in such a
21 process.

22 Finally, I would like to make clear

1 that if tariffs are placed on wood products from
2 Vietnam a number of unintended consequences will
3 occur.

4 First, U.S. hardwood and softwood
5 exports will certainly face retaliation. This
6 was the immediate response by China in relation
7 to the Section 301 List 3 tariffs.

8 Second, the EU-Vietnam bilateral VPA
9 process will continue. This process has resulted
10 in meaningful improvements in Vietnam's
11 regulatory and enforcement environment, and paved
12 the way for the EU to benefit from Vietnam's need
13 for wood imports.

14 Third, while the EU process continues
15 the U.S. will lose influence and market access
16 versus one of its biggest competitors in this
17 market.

18 Thank you for the opportunity to
19 appear today on this important topic. I'm happy
20 to answer any questions you would like.

21 CHAIR REYNOLDS: Thank you for your
22 testimony, Ms. Squires.

1 I'd now like to invite Ms. Rachel
2 Stewart of Gardner-White Furniture to proceed
3 with her testimony.

4 MR. STEWART: Hello. Thank you for
5 having me. My name is Rachel Tronstein Stewart,
6 and I represent the approximately 1,000 families
7 from the Gardner-White team. We are the leading
8 furniture retailer in Michigan, originally
9 established in 1912. And I'm now the fourth
10 generation Gardner-White owner in our family.

11 We're projected to do approximately
12 \$300 million in sales in 2021. And we not only
13 manufacture, have ownership in our production
14 facilities, we work with our local, domestic, and
15 global vendor partners closely to bring the best
16 value to our customers.

17 Vietnamese imports represent a
18 significant portion of our product line-up. The
19 products we import from Vietnam primarily include
20 motion upholstery, bedroom furniture, dining
21 sets, and occasional tables. And at current
22 levels we will import approximately 50 million in

1 Vietnamese goods in 2021.

2 American consumers will, in our case
3 Michigan consumers, will bear the brunt of price
4 increases on Vietnamese imports in two regards:

5 First, they won't have access to
6 products at a time when their homes have morphed
7 into schools, offices, restaurants, and gyms.
8 There simply is not capacity, either domestic or
9 global, to offset Vietnamese imports.

10 For example, given current supply
11 chain constraints, the lead time on domestic
12 motion upholstery has gone from 2 to 8 weeks to
13 now 6 months.

14 Second, given these supply chain
15 constraints, consumer prices will simply be
16 forced to increase. Depending on the penalty, an
17 899 sofa will quickly become north of \$1,200.
18 There is not a flexible supply chain that can
19 simply relocate manufacturing. Instead,
20 consumers will just have more limited product
21 selections at absurd price points.

22 There is no way to insulate the

1 families or get away from these trends.
2 Diminished sales means diminished demand for jobs
3 across the board: delivery drivers, sales
4 personnel, accounting and finance, et cetera.
5 And this is being considered in the context of a
6 weakened economy resulting from the COVID
7 pandemic.

8 As a company, we are very much
9 concerned about the impact of supply chain on our
10 environment and on our supply chain, which is why
11 we are Gardner-White work with our vendor
12 partners who either import timber from the United
13 -- who import timber from the United States and
14 Canada, or from brokers and importers who meet
15 all legal criteria.

16 The Vietnamese production facilities
17 and supply chains are relatively sophisticated in
18 terms of material sourcing. Our concern with
19 limiting imports from Vietnam is that the
20 manufacturing would move to less sophisticated
21 countries or facilities who lack the
22 infrastructure to protect finite natural

1 resources, and would manufacture at a lower
2 quality and a higher price point.

3 Thank you for having me today.

4 CHAIR REYNOLDS: And thank you, Rachel.

5 I'm now going to invite Andrew Counts
6 of the American Home Furnishings Alliance to
7 present your testimony.

8 MR. COUNTS: Good morning. I am Andy
9 Counts, CEO of AHFA. Can you see me?

10 CHAIR REYNOLDS: We can see you, yes.

11 MR. COUNTS: All right. I'm Andy
12 Counts, CEO of AHFA. And I appreciate the
13 opportunity to testify today.

14 The American Home Furnishings Alliance
15 is based in High Point, North Carolina, and
16 represents more than 200 leading furniture
17 manufacturers and distributors, plus over 150
18 furniture industry suppliers.

19 We serve as a voice for the U.S.
20 residential furniture industry, representing
21 companies large and small, public and private.
22 As explained in our prior filings, our

1 association has been at the forefront of
2 addressing the important environmental and
3 sustainability issues in our industry.

4 First and foremost, we oppose all
5 illegal logging practices, but we must again
6 object to the lack of transparency in this
7 process. Per our request, USTR has still not
8 revealed any of the so-called supporting
9 documentation relied upon in this investigation.

10 We were dismayed to discover that we
11 were the sole industry singled out in USTR's
12 current investigation. The reasoning for
13 singling out our industry remains unknown to all
14 but USTR and, consequently, we are unable to
15 speculate on or, more importantly, adequately
16 defend ourselves against the inclusion of the
17 furniture industry in the current investigation.

18 We firmly note that USTR stated in the
19 Federal Register announcing this hearing that it
20 intends to provide an opportunity to comment on
21 any specific products that may be impacted by the
22 current investigation, but that such product-

1 specific comments should not be in today's
2 hearing. We stress that USTR must follow through
3 on this promise to provide interested parties
4 with a further round of comments.

5 Nonetheless, in the same FR notice
6 USTR again singled out the furniture industry.
7 It appears that the furniture industry is already
8 in the cross-hairs of USTR, but that USTR seeks
9 to prevent comment on why furniture has not been
10 subject to 301 tariffs.

11 Such a bias poisons USTR's
12 investigation from the start as its failure to
13 provide an adequate rationale for targeting the
14 furniture industry violates the basis protections
15 guaranteed interested parties under the
16 Administrative Procedures Act.

17 At a minimum, AHFA is entitled to a
18 reasonable opportunity to present our views in a
19 meaningful timely manner. These procedural
20 protections are guaranteed to us under both the
21 APA and the U.S. Constitution.

22 Second, but equally important, you

1 must take note of the nearly unanimous views of
2 commenters thus far that tariffs are not the
3 solution to the problem of illegal logging.

4 There's an unprecedented level of
5 unity in the initial written comments submitted
6 by interested parties regarding this
7 investigation. Various industry stakeholders,
8 environmental NGOs all agree that unilateral
9 action on tariffs are not the way to address
10 issues of illegal timber sourcing.

11 This is the kind of stakeholder effort
12 we need to continue if we are to further improve
13 upon the groundbreaking framework set forth in
14 the Lacey Act, which currently stands as the
15 world's leading illegal logging law.

16 Unilateral action is not what got us
17 there, nor is it what the industry needs now.
18 Existing enforcement under the Lacey Act and
19 CITES is already focused on identifying bad
20 actors. This allows for direct intervention,
21 resulting in a more precise result as compared to
22 the implementation of widespread tariffs that

1 will negatively impact the American economy,
2 including the furniture industry.

3 Indeed, the rapidly growing market in
4 Vietnam, as we've heard from witnesses this
5 morning, timber and timber products industry that
6 is actively working to meet the high standards of
7 our members, ensure the stable supply of legal
8 timber for our members.

9 As AHFA stated in its initial written
10 comments, this is not a question of a scalpel
11 being more appropriate than a hatchet. USTR's
12 301 investigation is more akin to a cannon than
13 either of those.

14 AHFA urges USTR, if it determines that
15 it must act in this investigation, to implement a
16 targeted strike that strengthens the existing
17 amount of protections outlined in our testimony.
18 Such an approach will target bad actors while
19 avoiding retaliatory impacts that will almost
20 certainly bludgeon important U.S. industries
21 under the cannon shot approach of implementing
22 tariffs or quotas through Section 301.

1 I thank this committee for the
2 opportunity to present this testimony, and I'm
3 happy to answer any questions you may have.

4 CHAIR REYNOLDS: And thank you for your
5 testimony, Mr. Counts.

6 I'd now like to invite Shannon Liang
7 from Skyline Cabinetry, Inc. to present your
8 testimony.

9 MS. LIANG: Good morning, or good
10 afternoon, everyone. My name is Shannon Liang.
11 And I will testify on behalf of Skyline
12 Cabinetry, Inc.

13 Are you able to hear me?

14 CHAIR REYNOLDS: Yes. We can hear and
15 see you, yes.

16 MS. LIANG: Okay, good. Thank you.

17 So, Skyline was formed in 2016. It's
18 a Texas-based wholesale distributor of kitchen
19 and bath cabinets. Skyline employs about 62
20 people around the United States and operates a
21 125,000 square feet warehouse in Texas, Dallas --
22 Dallas, Texas.

1 In 2019, Skyline moved all of retail
2 production from China to Vietnam due to the
3 Chinese Section 301 tariffs and antidumping and
4 countervailing duties on Chinese cabinets and
5 vanities. By moving to Vietnam, Skyline can
6 continue to provide its customers with a cabinet
7 of exceptional quality at a competitive price.

8 Skyline gives a high priority to
9 compliance with the laws and regulations of the
10 United States and Vietnam concerning all matters,
11 including the timber industry. Similarly, its
12 Vietnamese suppliers are rigorously in compliance
13 with the local and international laws and
14 regulations to ensure that they only import and
15 use timber that is legally harvested and traded.

16 The products that Skyline imports from
17 Vietnam are not made from any illegally harvested
18 or traded timber. The wood species and country
19 of origin that they use are birch from Russia,
20 and rubberwood from Vietnam. None of these woods
21 are regulated under the CITES.

22 None of the wood used by Skyline

1 suppliers is sourced from Cambodia, Laos,
2 Cameroon, or the Democratic Republic of Congo,
3 the countries identified in the Federal Register
4 Notice as a significant source of illegal timber
5 exports.

6 The wood material used in Skyline's
7 cabinets are FSC certified, so there is no
8 illegal lumber harvested in the manufacturing
9 process. Skyline's suppliers are also audited by
10 Benchmark International for product quality and
11 legal compliances.

12 All the woods used in Skyline's
13 products have been harvested in accordance with
14 the laws of the sourcing countries and imported
15 into Vietnam legally. Skyline and its suppliers
16 account for the full chain of custody of each
17 shipment of the imported timber. They have
18 implemented a tracking system which will allow
19 them to pinpoint exactly which ocean container
20 has which lots of their imported timber.

21 The Section 301 targets the acts,
22 policy, or practice of a governmental entity or

1 private party. However, the investigational
2 notice suggests that only some unidentified
3 private actors were engaging in the unlawful
4 harvesting or trade of timber products in
5 Vietnam.

6 If these bad actors smuggle illegally
7 harvested timber into Vietnam, that does not rise
8 to the level of becoming an unfair or
9 unreasonable act, policy, or practice of a
10 governmental entity. Skyline is not aware of any
11 official Vietnamese acts, policies, or practices
12 permitting or encouraging the importation or use
13 of illegally harvested timber.

14 To the contrary, the Government of
15 Vietnam has undertaken numerous corrective
16 measures to curb the illegal timber trade, such
17 as joining the CITES, signing a Forest Law,
18 strict internal enforcement and punishment of
19 violators, and entering into Governance and Trade
20 Voluntary Partnership Agreement with the EU,
21 among other things.

22 Vietnam has promulgated and

1 implemented a number of measures requiring due
2 diligence on the importation of timber and the
3 use of domestic timber.

4 Recently Vietnam's Ministry of
5 Agriculture and Rural Development issued a Decree
6 102 which requires additional due diligence and
7 chain of custody of documentation by Vietnamese
8 wood product manufacturers regarding their
9 sourcing. It requires certification of timber
10 origin prior to export from Vietnam.

11 Great harm will be done to Skyline,
12 the U.S. consumers, and U.S. timber industry if
13 the USTR imposes additional tariffs on wooden
14 products originating from Vietnam.

15 As we have stated earlier, Skyline has
16 moved its production from China to Vietnam
17 because Vietnam has a comparably skillful
18 workforce workers and comparable pricing. To the
19 knowledge of Skyline there is no other comparable
20 country that will allow them to provide a high
21 quality product at the same time as good price.

22 The imposition of Section 301 tariffs

1 will disrupt Skyline's supplying trade, and many
2 other furniture distributors that are supplying
3 trade. And, consequently, the U.S. consumers
4 will be harmed by paying higher prices or getting
5 lower quality product.

6 And we're also aware that U.S. also
7 has a high volume of exports to U.S. -- to
8 Vietnam. And the tariffs will definitely harm
9 the U.S. exports and trigger retaliation, which
10 will harm U.S. trade.

11 So, I will be very quick.

12 Lastly, if the US -- we urge that if
13 the USTR identifies any Government of Vietnam
14 practice respecting timber was unlawfully
15 burdening or restricting the U.S. commerce,
16 Skyline requests that the responsive action
17 should be narrowly targeted. Any action should
18 be scrupulously crafted to only impact products
19 from Vietnam made from the specific species of
20 wood found to be illegally harvested, but not on
21 the legitimate wood products that are our prime
22 imports.

1 Thank you very much. I welcome any
2 questions. Thank you.

3 CHAIR REYNOLDS: Thank you for your
4 testimony, Ms. Liang.

5 So, now we are going to move to some
6 questions. I have one question for Mr. Caperton
7 of Caperton Furniture Works.

8 So, you stated that the use of illegal
9 timber harms all participants in the supply
10 chain. And do you have any evidence of illegal
11 timber from Vietnamese exporters being used in
12 U.S. products?

13 And, if so, could you explain this
14 evidence?

15 And then, also, could you explain how
16 the use of illegal timber harms U.S. producers,
17 retailers, and consumers?

18 Thank you.

19 MR. CAPERTON: Yes, Ms. Reynolds.
20 Thank you very much.

21 All right, two parts. So, the harm of
22 illegal timber to workers and consumers in the

1 United States first and foremost, in that side
2 obviously the entire market's connected and
3 changed. So, when you come in -- when the, you
4 know, an illegal timber devalues and takes value
5 away from legal timber because of the cost. And
6 it's full impact there.

7 I do not have any specific evidence
8 outside what we've, what our organization
9 submitted in writing earlier in terms of illegal
10 timber from Vietnam. My, you know, concern where
11 I would point to is that the import of Vietnam
12 wood furniture, the growth has been very
13 significant.

14 The growth of the Vietnamese imports
15 of American timber it has grown as well, but
16 nearly to the same degree as the exports to the
17 United States has. There's a real gap there.

18 And I can't explain why that gap is,
19 why the amount of legal timber purchased by
20 Vietnam is not growing at the same rate as the
21 exports of furniture, wood furniture to the
22 United States.

1 I hope I answered two questions.

2 Okay.

3 CHAIR REYNOLDS: Thank you.

4 MR. CAPERTON: Thank you.

5 MR. STEPHENS: Hi. This is Andrew
6 Stephens from the U.S. Department of Agriculture.

7 I have another question for Mr. Caperton.

8 But first, on behalf of USDA, thank
9 you for your work to bring jobs to rural
10 communities. It's important for real prosperity.
11 Manufacturing is a big part of that.

12 And so my question for you is, you
13 mentioned 30 to 40 percent of the cost of a
14 wooden bed can be in the wood. So, to what
15 portion of Vietnamese cost competitiveness do you
16 attribute to the cost of illegally harvested
17 timber?

18 And how does that cost compare to
19 other relative costs of labor and other costs in
20 Vietnam?

21 MR. CAPERTON: Sure. Thank you.

22 And thank you, you know, we've got 142

1 people that all building furniture. And
2 appreciate the opportunity. It's a passion of
3 ours, and we appreciate the opportunity to it.

4 And, you know, the USDA, you know,
5 supplies lumber guys, and the lumber, and that's
6 one of the great, one of the great agriculture
7 products we have in our country.

8 You know, so wood material can easily
9 in a bed, for example, be 30 to 40 percent of the
10 cost of the overall bed. If you were to
11 substitute that with illegal timber that could be
12 a fraction of what the normal cost would be.
13 Really could lead to a 20 to 30 to 20-plus
14 percent cost advantage. That would, you know, be
15 an illegal cost advantage and it would be a great
16 detriment to the rest of -- to the business and
17 to folks who are working, working with legal
18 timber.

19 MR. STEPHENS: Great. Thank you very
20 much.

21 MR. CAPERTON: Thank you.

22 MR. SULLIVAN: Hi. This is Matt

1 Sullivan from the U.S. Treasury. I have a
2 question for Mr. Schumacher from the North
3 American Home Furnishings Association.

4 You mentioned that your organization
5 is opposed to illegal logging and supports ending
6 the practice to be verified. Have you members
7 been impacted by the illegal trade in timber and
8 timber products in Vietnam?

9 And how do your members ensure that
10 their products imported from Vietnam do not
11 include illegally sourced timber?

12 Thank you.

13 MR. SCHUMACHER: Well, I appreciate
14 the, appreciate the question.

15 You know, I, from the members, I talk
16 to retailers of all sizes on a daily basis,
17 obviously. It's part of my job. You know,
18 everyone that I talked to related to this issue
19 has a great deal of confidence in the integrity
20 of what they are importing.

21 This is not only through the great
22 relationships they have with the manufacturers or

1 if they're producing over there themselves, but
2 they have a great respect and confidence in the
3 strength of the Lacey Act, and also the
4 international regulations we've heard talked
5 about today by many of the Vietnamese
6 manufacturers that are here at the moment.

7 I wish I had a blanket response
8 because every business is different. Every
9 business has -- there's not a specific standard
10 as to how a retailer, if you will, manages the
11 sourcing aspects of the products that they buy.
12 But, you know, you're talking about family-owned
13 businesses that have long relationships with the
14 vendors and producers they work with, and they
15 just exude a great deal of confidence in that.

16 And, again, I don't know that any of
17 them or we have seen tremendous examples of tying
18 this illegal harvesting question to any of the
19 products coming into the U.S. You know, this is
20 certainly shining an interesting light on it.

21 But, again, I just want to make it
22 very, very clear -- and this is not a debate, and

1 I appreciate what's been talked about moments
2 ago, this is not a debate about made in America
3 versus anywhere else. That's a separate subject
4 at this point that is far more complex than we
5 are going to be able to deal with today. But,
6 there is just a great deal of confidence among
7 our retailers in this country that the items
8 they're getting are sourced properly.

9 You know, is there any way to
10 specifically know that 100 percent? No, there is
11 not. But maybe that's an offshoot of this
12 investigation is for people to think more, more
13 about that.

14 But they believe in the system and
15 what we have in place currently, the strength of
16 the laws that we have and the regulations that
17 are being abided by.

18 MR. SULLIVAN: Thank you.

19 MS. BONNER: Hi, Mr. Schumacher. I'm
20 Sarah Bonner from SBA. I had a follow-up
21 question.

22 MR. SCHUMACHER: Yes, Sarah.

1 MS. BONNER: I was wondering if you
2 could share what are the primary types of wood
3 products that your members import?

4 MR. SCHUMACHER: Well, I mean, I guess
5 I would just say that that's -- there's a
6 complexity in what you're asking because
7 primarily the wood products that we are talking
8 about are anything that are case, you know, case
9 goods, it can be, you know, cabinetry, tables,
10 things of that sort.

11 But, also, there are occasions when --
12 and I will leave this to Andy Counts from the
13 Manufacturers' Association to talk more about the
14 specifics of this -- but also some of the parts
15 derived in motion furniture and things of that
16 sort.

17 So, it's a, it's a bit of a complex
18 question. But, it impacts -- let me just put it
19 this way, I think is what I'm assuming you're
20 getting to -- is that it impacts a number of
21 different categories of home furnishings. You
22 would be hard pressed in many stores -- and I

1 know that Rachel Tronstein Stewart could also
2 respond to this -- to find elements within a
3 store that don't perhaps have a piece of an
4 imported item as part of the production process.

5 So, I wish I could give you a super-
6 specific comment there, but it does bleed over
7 into many categories.

8 MS. BONNER: Thank you.

9 MR. SCHUMACHER: Yes, ma'am.

10 CHAIR REYNOLDS: Okay. And thank you,
11 Mr. Schumacher.

12 I'm going to move on to a question I
13 have for Ms. Cindy Squires from the International
14 Wood Products Association.

15 And so you described the Voluntary
16 Partnership Agreement between Vietnam and the EU
17 and the regulations that Vietnam has taken and
18 implemented in order to implement that agreement,
19 and namely, as you know, the VNTLAS. With
20 developments, do you believe Vietnam has resolved
21 all those, all the issues involving import
22 processing and export of illegal timber?

1 And, if not, could you elaborate on
2 what you think remains?

3 MS. SQUIRES: Sure. The VPA process
4 isn't just a very quick turn of the key and
5 everything's done, and you just sort of walk
6 away. Just like when Congress passes a law, the
7 agencies have to implement a regulation and then
8 there's this significant amount of outreach that
9 has to be done to the industry to make sure
10 everyone understands it. And, then, you know,
11 sometimes that's when technical problems pop up,
12 and that's the processing of implementing
13 regulations.

14 And so, the VPA process is very much
15 that kind of a thing. Where we are right now is
16 we have an agreement. They came to a framework.
17 They did a multi-stakeholder process to define
18 what is legal wood. They identified gaps in the
19 regulations.

20 They then implemented new regulations.
21 And now they're at that sort of they just, you
22 know, they promulgated those regulations, now

1 they're implementing those regulations.

2 And usually around this time of the
3 process what we will have is quite a lot of
4 outreach to producers of all sizes through the
5 whole supply chain because we're going to have to
6 have outreach to importers as well as the
7 manufacturers in Vietnam, as well as the
8 exporters. So, there's a lot of people to get
9 involved into that process.

10 The way the Europeans typically
11 operate the VPA process is only after they've had
12 time to do that implementation, then they conduct
13 a pretty significant audit of that system. And
14 only after all of those tests are done does a
15 FLEGT license is being allowed to be issued to
16 Europe.

17 So, it's a multi-stage process. It
18 involves a lot of outreach. I was personally
19 involved in doing some of that outreach in
20 Indonesia, for example, and I can tell you, you
21 know, it's complicated. And so, we would expect
22 to see more of that as time goes on.

1 But they, I will say this, as you look
2 at other countries who've gone through the VPA
3 process, Vietnam has proceeded very deliberately
4 and at a very fast pace.

5 Sometimes countries get real excited
6 and then, you know, there's a capacity building
7 problem, they realize they don't have what they
8 need to finish. Vietnam has really stayed on
9 track with their implementation process. It's
10 quite impressive.

11 CHAIR REYNOLDS: Okay. Thank you very
12 much for that.

13 MR. STEPHENS: Thank you. This is
14 Andrew Stephens from USDA again. I have another
15 question for Cindy Squires.

16 And first of all let me say thank you
17 for your insights that you just responded on the
18 EU partnership agreement. And for you and anyone
19 else in the hearing, if there are any further
20 thoughts or insights you want to share on that
21 for how the U.S. might have a solution that works
22 for the United States, please share them in the

1 post-hearing briefs.

2 And, meanwhile, my question is the EU-
3 Vietnam agreement provisions on the disposition
4 of confiscated shipments of timber, it appears
5 that allows those shipments to be redirected in
6 the products destined for export to other
7 countries such as the United States. Is this
8 your understanding?

9 And, if so, what could be done to
10 prevent that outcome?

11 MS. SQUIRES: So, the way the VPA
12 process works, because it's a bilateral trade
13 agreement between the United -- or between the EU
14 and the VPA country, the FLEGT license process
15 only applies to the European Union.

16 However, in this particular case what
17 Vietnam has done is they have applied the same
18 procedures as Indonesia did to exports to other
19 countries. So, it will actually be the same.

20 It won't result in the certificate
21 because the EU does not want a certificate going
22 to any country other than the EU. But it does

1 require that the export rules still apply.

2 So, there shouldn't be any difference
3 there. And I've actually confirmed that in my
4 analysis of the regulation.

5 Now, you know, we're still at early
6 days on implementation. And so I think this kind
7 of technical question is a really valuable one
8 for the U.S. to ask. And I think we need to ask
9 it from the side as someone who's selling to
10 Vietnam as well as someone who's buying from
11 Vietnam.

12 And so, that's why we recommend
13 establishing a bilateral dialog so that we can
14 have these kind of technical questions. And we
15 can also do a little bit of gathering of
16 information on those who are involved in the
17 import-export process to see how things are
18 actually happening on the ground versus what
19 might be intended.

20 And I think if we went down that road
21 of having a regular bilateral conversation on
22 this we could really tease these issues out, get

1 a lot better understanding, and just make sure
2 that, you know, we understand what it means,
3 because it is very confusing when you read the
4 regulation, no question.

5 MR. STEPHENS: Great. Thank you.

6 And then following up on my earlier
7 invitation to address in post-hearing briefs, if
8 you or anyone else wants to also reflect on what
9 have we learned from the U.S.-Peru agreement?
10 Right? What worked well, and what didn't work
11 well.

12 And, also, you mentioned that it's a
13 very long process to have all the stakeholders
14 come to the table, have a common understanding,
15 and implement something. What are the
16 implications of that for the process that we're
17 looking at in this investigation? And if you
18 could address that in your post-hearing brief.

19 MS. SQUIRES: Absolutely. I'm happy to
20 do so.

21 MR. STEPHENS: Thank you.

22 MS. KENNEALLY: Hi, Ms. Squires. I

1 also have a question for you.

2 You mentioned the Lacey Act in your
3 testimony. Can you again discuss how the Lacey
4 Act has been addressing this issue?

5 And do you believe that it has been
6 effective?

7 MS. SQUIRES: Sure. You know, I
8 explained a little bit about how the Lacey Act
9 has got really two points. It's got the
10 prohibition and the declaration.

11 And I bring that up because people
12 often get quite confused and they sort of mush
13 the two together. And they really are two
14 important but distinctive parts of the law.

15 And the Lacey Act is a very old law.
16 It's a very robust law. It's very flexible. It
17 also applies in the United States.

18 So, for example, the only prison
19 sentence for the Lacey Act for wood products has
20 actually been a U.S. harvest problem where we had
21 stolen wood that then was shipped across state
22 lines. So, it has a lot of flexibility in the

1 way it can be implemented.

2 There's been quite a number of --
3 quite an increase in funding for Lacey Act
4 enforcement. And a lot of that has been to
5 develop sort of a bedrock of capabilities for the
6 various agencies to be able to implement it.

7 I can say from the side of the party
8 that's training people on how to comply with it
9 and then who gets the questions, you know, across
10 from the industry, you know, we feel that the
11 Lacey Act has been important in that it has put
12 an exclamation point on the need to have the due
13 diligence systems and the why.

14 And, and when we've had the
15 settlements in a number of cases that have gone
16 through, we train on those settlements and teach
17 the industry, you know, what does that mean.

18 And how do you take the concept of due
19 diligence, which is -- sounds really good, but
20 then trying to implement it on the ground can be
21 challenging, particularly for small to medium-
22 sized companies. And so we try to help them with

1 the actual how.

2 At the end of the day it's a risk-
3 based approach when you do due diligence. And
4 the Lacey Act is a fact-based law. You either,
5 you know, it doesn't matter, you can have done
6 everything right as an importer, and if at the
7 end of the day someone slips you illegal wood
8 you're still, you know, going to be held
9 accountable under the law. And so, it can be
10 quite severe.

11 So, from that perspective it's pretty
12 tough. So, I think it's, you know, it's still a
13 work in progress. You know, we still would like
14 to have dialog.

15 I'm making sure that we're training
16 the industry, not only U.S. industry but
17 industries abroad so that they understand it.
18 But, you know, it's definitely more robust than
19 nearly any other law out there.

20 So, I think, you know, we have great
21 tools in our toolchest and we'll be able to
22 handle this issue.

1 MS. KENNEALLY: Thank you.

2 CHAIR REYNOLDS: All right. Thank you
3 for answering our questions, Cindy.

4 I'm going to now ask a question of
5 Rachel Stewart from Gardner-White Furniture. And
6 I'll give you a second to join.

7 MS. STEWART: Here we are.

8 CHAIR REYNOLDS: Hi.

9 MS. STEWART: Hi.

10 CHAIR REYNOLDS: Rachel, you stated
11 that Gardner-White works with vendor partners who
12 either import timber from the United States and
13 Canada or from brokers and importers who meet all
14 the legal criteria. Could you explain what legal
15 criteria your brokers and importers follow and
16 how they address illegal timber concerns?

17 MS. STEWART: Now I've spoken with all
18 of our major, all of our vendor partners who
19 manufacture in Vietnam. And I think the most
20 important thing is that none of them are actually
21 purchasing Vietnamese timber to start with. The
22 vast majority is coming from the U.S. In other

1 cases, it's coming from Malaysia or other Asian
2 countries, but none from Vietnam. And that's
3 purely a function of economics. It's too
4 expensive. However, there hasn't been a
5 certification process because there hasn't needed
6 to be.

7 As Mark alluded to, we work closely
8 with our vendor partners and have been in most of
9 the major manufacturing facilities that we buy
10 out of throughout all of Asia. So, we're quite
11 comfortable that they are complying with local
12 law.

13 And I also wanted to just point out,
14 you know, the furniture industry is very
15 different than, let's say, the fashion industry.
16 We are looking at, when we bring out a product,
17 we are looking to have it for a few years. We're
18 looking, on the short end, let's say a year; on
19 the top end, more than six. So, we're very much
20 interested that the products that we bring on are
21 sustainable in the sense of the supply is
22 reliable and safe because, if not, we will have

1 to drop the product. We have to bring in new
2 floor samples if something is, if a main
3 component is changed out. So, we're very
4 concerned in that sense because it's just too
5 expensive to be turning floor samples in a way
6 that it isn't in other industries.

7 CHAIR REYNOLDS: Thank you for that,
8 Rachel.

9 MS. STEWART: Mm-hmm.

10 MR. WILBUR: I have another question
11 for Rachel Stewart from Gardner-White Furniture.

12 You stated that these production
13 facilities and their supply chains are relatively
14 sophisticated in terms of their sourcing. Can
15 you tell me what makes these facilities and their
16 supply chains relatively sophisticated in your
17 view? Do these processes or methods, are they
18 sophisticated enough to really address illegal
19 timber concerns?

20 Thank you.

21 MS. STEWART: I don't want to pretend
22 to be the expert on the sourcing of raw

1 materials. So, I won't speak to that. But
2 they're sophisticated in the sense of having
3 traveled throughout many of the facilities
4 throughout Asia and Vietnam and elsewhere.
5 They're highly mechanized. They're more process-
6 oriented, and they're more developed in the sense
7 of they are in industrial parks, where there's an
8 ecosystem of manufacturing and there's best
9 practices to draw upon in a way that, when you go
10 to some other factories, that is very much not
11 the case.

12 MR. WILBUR: Thank you.

13 CHAIR REYNOLDS: All right. Thank
14 you, Rachel.

15 I have another question for Andrew
16 Counts. And so, you are good to go.

17 So, Mr. Counts from the American Home
18 Furnishings Alliance. So, other adhering to
19 Lacey Act requirements, what other efforts have
20 your members undertaken to ensure the responsible
21 sourcing within their supply chain? And do any
22 of these efforts identify timber from high-risk

1 countries rather than just high-risk species?

2 MR. COUNTS: Thanks for the question,
3 Kimberly.

4 Yes. We, as an association, try to
5 educate our members on the importance of doing
6 due diligence, developing a detailed compliance
7 program when you're dealing with the imported
8 furniture products. It's important that you use
9 the Environmental Education Agency or the Red
10 List to make sure that the countries that your
11 suppliers are sourcing timber from are not on
12 those lists, are not being targeted. That's
13 critical, and our members try to include that in
14 their compliance programs that they develop
15 individually.

16 CHAIR REYNOLDS: Okay. Thank you.

17 MR. COUNTS: Yes, ma'am.

18 MS. KENNEALLY: Hi, Mr. Counts. I
19 also have a question.

20 My colleague at USDA brought this up
21 a little earlier, but could you tell us what are
22 the primary types of wood products your members

1 would be importing?

2 MR. COUNTS: Well, as Mark had
3 answered earlier, it's across the board. It's
4 bedroom, dining room, occasional, anything that
5 the marketplace demands that's made out of wood.
6 That's what we're bringing in as an industry.
7 I'm happy to provide a more detailed analysis
8 breakdown of percentages, especially from
9 Vietnam, in some followup comments.

10 MS. KENNEALLY: That would be great.
11 Thank you.

12 CHAIR REYNOLDS: And I believe SBA had
13 one question.

14 MS. BONNER: Thank you. Thanks, Kim.
15 I have a question for Neil Mooney.
16 I'm not sure if my video is working,
17 though.

18 MS. KENNEALLY: Your video is working.
19 And it looks like, I believe, yes, Shannon Liang
20 has --

21 MS. LIANG: Yes, I can respond for Mr.
22 Mooney.

1 MS. BONNER: Thank you. I can now
2 see. Thank you. Thank you, Shannon.

3 You mentioned that your suppliers have
4 implemented a tracking system which allows them
5 to pinpoint exactly which ocean container has
6 which lot of imported timber. Could you explain
7 that process, sharing more details?

8 MS. LIANG: I wish I can. So, I'll
9 try my best.

10 So, this is where I have a number of
11 clients. So, they have paper trails from the
12 harvest permitting permits to the shipping
13 documents, import documents, contract, purchase
14 order for the shipment from, say, Russia. They
15 already import from Russia, Russia to a vendor.
16 And then, they also have local rubberwoods,
17 Vietnamese rubberwoods. And they can pinpoint by
18 all of each shipment's documents, and then, link
19 it to the export container.

20 MS. BONNER: Okay. Thank you.

21 MS. LIANG: Thank you.

22 CHAIR REYNOLDS: Thank you, and

1 thanks, everyone, for answering those questions.

2 And I just want to pause to see if any
3 of the 301 Committee has any additional questions
4 for this panel.

5 Okay. Seeing and hearing no further
6 questions, we are going to just pause for a
7 moment while we assemble our next panel.

8 So, again, thank you to everyone who
9 provided testimony. We really appreciate you
10 being here.

11 And we'll pause for just a moment
12 while we assemble our fourth panel. Thanks.

13 Okay. So, we are now ready to proceed
14 with our fourth panel.

15 And so, Ms. Tarnowka -- sorry if I
16 pronounced your name wrong there -- Tarnowka, if
17 you want to proceed with your testimony, that
18 would be great.

19 MS. TARNOWKA: Great. Thank you.

20 Can you hear me now?

21 CHAIR REYNOLDS: We're hearing you.

22 MS. TARNOWKA: Great.

1 This year the United States and
2 Vietnam celebrated 25 years of diplomatic
3 relations. During this period, the two countries
4 have significantly strengthened their security,
5 economic, and people-to-people ties. The
6 relationship is based on shared strategic
7 interests, candid dialog, and mutual respect.

8 It is a credit to the Vietnamese and
9 American people that we have been able to move
10 beyond the tragedies of our shared past to build
11 such a vibrant and strong friendship and
12 comprehensive bilateral partnership. Trade and
13 investment are intertwined cornerstones of the
14 U.S.-Vietnam relationship. From this perspective,
15 we thank USTR for the opportunity to highlight
16 AmCham's concerns about the investigation and
17 potential imposition of tariffs on imported goods
18 from Vietnam in connection with the alleged
19 import and use of illegal timber.

20 AmCham believes that the United States
21 and Vietnam have developed a healthy trade and
22 investment relationship that has not only created

1 jobs and prosperity for both countries, but has
2 also enhanced regional security. The United
3 States is Vietnam's largest export market.
4 Vietnam has emerged as a key partner in the Indo-
5 Pacific Region in achieving this Administration's
6 stated goals and enhancing trade ties and
7 mitigating supply chain risks, as companies
8 diversify their supply chains away from China.

9 Vietnam has become one of America's
10 fastest-growing export markets, and we expect
11 this positive trend to continue, as Vietnam's
12 economy and middle class continue to grow. There
13 are significant opportunities for U.S.
14 agriculture, aircraft, energy, health care, and
15 many other sectors, which are helping to create
16 wealth and jobs in America's heartland.

17 The Vietnamese Government has
18 expressed a clear desire to increase imports from
19 the United States. Billions of dollars in deals
20 are underway for U.S. exports of aircraft, jet
21 engines and LNG.

22 The Vietnamese Government and the

1 furniture industry in Vietnam have made
2 significant improvements in forest management and
3 timber sourcing in recent years through
4 strengthened regulations, administration and
5 enforcement, and sustainable commercial
6 practices. The government continues to take
7 actions to strengthen its oversight, including
8 promulgating a decree establishing a new Vietnam
9 Timber Legality Assurance System on October 30th.
10 This system confirms the legality of timber used
11 in each stage of the supply chain by regulating
12 both timber products and market actors; enabling
13 the use of criminal sanctions against corporate
14 entities that violate timber management laws.

15 To the extent any illegal timber is
16 imported or used in Vietnam, it's highly unlikely
17 that such timber is exported to the United
18 States. The CITES species alleged to be imported
19 are all high-value varieties of rosewood which
20 were used traditionally in temples or in homes of
21 wealthy Vietnamese. Furniture exports to the
22 United States use other species, such as walnut,

1 cherry, maple, or oak in higher-priced furniture
2 or pine, poplar, and veneers in lower-priced
3 furniture.

4 Furthermore, furniture manufacturers
5 in Vietnam are now required to meet increasingly
6 stringent global ESG criteria to access export
7 markets and international financing. Big box
8 retailers actively monitor compliance.

9 The U.S.-Vietnam timber and furniture
10 trade is important to both countries. Vietnam
11 was the seventh largest agricultural export
12 market for the United States with \$4 billion in
13 exports in 2019. The United States is the
14 largest supplier of imported timber to Vietnam.
15 Vietnam is the No. 2 destination for U.S. wood
16 exports with \$350 million of exports in 2019.
17 U.S. design, intellectual property, coating, and
18 parts are also critical imports to the Vietnamese
19 furniture manufacturing industry.

20 Meanwhile, U.S. furniture businesses
21 and retailers are major customers for Vietnam,
22 contributing to jobs, tax revenues, and

1 prosperity in both countries. Vietnam itself is
2 expected to become one of the largest furniture
3 markets in the world as its middle class
4 continues to grow. Much of this furniture will
5 be manufactured with materials originating in the
6 United States from sustainable forests.

7 Any alleged import into or use of
8 illegal timber in Vietnam appears to be minimal.
9 Both the Vietnamese Government and the furniture
10 industry have taken active measures to prevent
11 the import and use of illegal timber. In
12 addition, it's highly unlikely that any such
13 timber would find its way into furniture products
14 exported to the U.S. due to consumer preferences,
15 legal restrictions, and exporting companies'
16 corporate compliance requirements.

17 Thank you for providing this
18 opportunity to express our concerns. AmCham
19 urges USTR to avoid imposition of retaliatory
20 measures. Instead, we encourage USTR to continue
21 to seek ways to decrease barriers to trade and
22 investment and strengthen our bilateral economic

1 partnership, contributing to prosperity in both
2 the United States and Vietnam. Thank you.

3 CHAIR REYNOLDS: And thank you for
4 your testimony, Ms. Tarnowka.

5 And so now, I'd like to invite Mr.
6 David French from the National Retail Federation
7 to present his testimony.

8 MR. FRENCH: Thank you. Can you hear
9 me?

10 CHAIR REYNOLDS: I can hear you. I
11 cannot see you, though.

12 MR. FRENCH: Okay. Okay. Thank you
13 very much.

14 Good afternoon. My name is David
15 French, and I'm Senior Vice President of
16 Government Relations for the National Retail
17 Federation.

18 On behalf of the retail industry,
19 thank you for the opportunity to testify today
20 regarding practices related to the import and use
21 of illegal timber in Vietnam. We applaud the
22 Administration for continuing to look at the

1 issue of trade in illegal timber to ensure that
2 our trading partners are living up to their
3 international commitments.

4 However, we do not believe action
5 against Vietnam or other trading partners
6 regarding the use of illegal timber should be
7 taking by USTR under a Section 301 investigation.
8 Most importantly, we do not think USTR should
9 consider using tariffs as a tool to address this
10 investigation.

11 NRF's members have long engaged in
12 efforts to ensure responsible sourcing and
13 environmental management within their supply
14 chains. Part of these efforts includes
15 implementation of the 2008 amendments to the
16 Lacey Act to prohibit trade in products
17 containing illegally harvested wood.

18 We work collectively with other
19 industry groups, NGOs, and key government
20 agencies to develop a robust implementation plan
21 for the Lacey Act enforcement and continue to
22 work on implementation issues today. It is

1 important to highlight for the Committee the
2 steps that retailers take to ensure responsible
3 sourcing within their supply chains, as well as
4 the compliance with the Lacey Act. These steps
5 include some of the following examples provided
6 by NRF members.

7 One member noted, for example, that
8 they have a standard operating procedure that
9 outlines how they manage the process related to
10 semiannual wood risk assessments. It's a key
11 component of their Lacey Act compliance program.
12 Twice a year they pull all SKUs and review the
13 genus, species, and country of harvest. Any
14 products that are identified as potentially high
15 risk are flagged in the review and corrective
16 actions are put in place. By pulling this data,
17 for example, they were able to confirm that their
18 vendors in Vietnam are not using wood from
19 Cambodia or other unauthorized locations.

20 Another member noted that their
21 suppliers are required to complete their Lacey
22 Act questions. The information provided by the

1 supplier is used to populate the Lacey Act form.
2 The declaration must contain the scientific name
3 of the plant, value of the importation, quantity
4 of the plant, and the name of the country from
5 which the plant was harvested. In certain
6 circumstances, they will gather additional
7 supporting documentation, including supplier
8 certifications. In addition, all suppliers must
9 submit the supplier certification of Lacey Act
10 compliance at the time of production or annual
11 testing.

12 Another member noted that the Lacey
13 Act is in place to protect against illegal
14 importation of endangered species. During
15 product development, they identify the specie of
16 wood to be used through their sourcing system, in
17 conjunction with their import broker. Vendors
18 must identify the items covered under the
19 program, document the information on the specie
20 of wood, origin of the lumber, and quantity
21 issues to each item. It becomes a part of the
22 compliance documentation and the paperwork for

1 the purchase and import into the United States.

2 U.S. trade with Vietnam has grown
3 significantly over the past several years, as a
4 direct consequence of the ongoing trade dispute
5 with China. Companies have shifted their supply
6 chains out of China to Vietnam and other
7 countries because of the Administration's
8 application of Section 301 tariffs. In fact, the
9 Administration publicly encouraged companies to
10 shift sourcing out of China, and many retailers
11 responded by moving production as a result.

12 NRF members are extremely concerned
13 about the potential for tariffs being now placed
14 on Vietnam as the result of this investigation.
15 Tariffs are taxes that are paid by U.S.
16 businesses. As companies continue to recover
17 from the ongoing economic damage of the
18 coronavirus pandemic, new tariffs on imports from
19 Vietnam will further harm these U.S. companies
20 and will result in higher costs for their
21 consumers, many of whom themselves are recovering
22 as well.

1 NRF recently commissioned a study to
2 estimate the potential impacts on the U.S.
3 economy of four potential tariff options applied
4 to all goods imported into the United States from
5 Vietnam. The study also took a closer look at
6 the potential impacts of these tariffs on the
7 apparel/footwear trade, given Vietnam's
8 importance as a supplier to the United States of
9 those products. The analysis considers the
10 potential shifts that would occur from Vietnam to
11 other sources of supply, including the United
12 States and China, were the United States to
13 impose tariffs on imports from Vietnam.

14 In summary, we find that the proposed
15 tariffs would increase costs to consumers at a
16 particularly challenging time, even after
17 retailers attempt to adjust by changing sourcing
18 yet again. Consumers would pay as much as \$11
19 billion more for goods ordered from Vietnam.
20 Apparel and footwear would be especially hard
21 hit, as tariffs on these items from Vietnam would
22 add to the high duties American consumers already

1 pay for these goods. Notably, the tariffs on
2 imports from Vietnam would shift some trade back
3 to China, even with the tariffs of equal size
4 imposed on imports from that source. We are
5 concerned that Vietnam may retaliate against U.S.
6 exports.

7 Thank you for the opportunity to
8 testify today.

9 CHAIR REYNOLDS: And thank you for
10 your testimony, Mr. French.

11 I would now like to invite Blake
12 Harden from the Retail Industry Leaders
13 Association.

14 MS. HARDEN: Thank you. Can you hear
15 me?

16 CHAIR REYNOLDS: We can hear you and
17 see you just fine.

18 MS. HARDEN: Great. Thank you.

19 Good afternoon. On behalf of the
20 Retail Industry Leaders Association, thank you
21 for the opportunity to provide the retail
22 industry's perspective on the Administration's

1 Section 301 investigation into Vietnam's timber
2 practices.

3 My name is Blake Harden. I serve as
4 Vice President for International Trade at RILA.
5 RILA represents the largest and most innovative
6 retail companies, accounting for more than \$1.5
7 trillion in annual sales and millions of American
8 jobs.

9 RILA agrees that U.S. trading partners
10 should abide by U.S. and global trade rules. We
11 support using targeted trade tools to remedy
12 unfair or discriminatory practices that create an
13 unlevel playing field for American businesses and
14 workers, and we want to partner with the
15 Administration to hold U.S. trading partners
16 accountable.

17 However, we cannot support non-
18 targeted actions that unfairly tax American
19 businesses and families and have no relation to
20 the problem of illegal logging. Adding financial
21 strain during an ongoing pandemic and economic
22 recession will slow our recovery.

1 American businesses and families have
2 been assessed more than \$72 billion in additional
3 tariffs on products since the China 301 tariffs
4 were put in place. These tariffs have resulted
5 in less money in the pockets of American
6 families, a slowdown in U.S. manufacturing, and
7 decreased competitiveness for American businesses
8 vis-a-vis their European and Asian counterparts.
9 The evidence is clear. Tariffs on imports have
10 failed to increase domestic sourcing.

11 The global economy faces enormous
12 uncertainty right now. According to the OECD,
13 experience shows that companies can best weather
14 this uncertainty by investing in fewer longer-
15 term relationships. U.S. retailers have built
16 many such relationships out of China, where
17 possible, including in Vietnam. Our members
18 leverage existing relationships in Vietnam built
19 on the country's intrinsic strengths.

20 Vietnam is unique. It has the
21 production capacity; a stable, abundant, and
22 skilled labor force; logistics capabilities, and

1 the good infrastructure needed to meet the high
2 standards of our members.

3 Our members source a variety of goods,
4 including apparel, footwear, electronics, home
5 goods, furniture, power tools, decorative and
6 holiday, luggage and toys from trusted partners
7 in Vietnam who meet our members' rigorous quality
8 and safety standards.

9 Placing a tax on these imports now,
10 especially when they have no relation to alleged
11 violations of the Lacey Act would create
12 tremendous uncertainty for U.S. retailers and
13 unfairly punish them for moving away from China.
14 It would also leave limited options for sourcing,
15 including possible reshoring of production back
16 to China.

17 Vietnam is also a major export market
18 because job-creating textile, chemical, hardwood,
19 and agricultural products, and imports of raw
20 materials from Vietnam are critical inputs used
21 by U.S. manufacturers of finished goods.
22 According to the USITC, U.S. textile and apparel

1 exports to Vietnam increased by \$97 million from
2 2015 to 2019. And during that same time, U.S.
3 footwear exports to Vietnam increased by \$170
4 million.

5 These American exports, along with key
6 U.S. agricultural exports, will surely be subject
7 to retaliatory tariffs if the Administration
8 imposes tariffs on Vietnamese products. Further,
9 tariffs on goods from Vietnam will harm the
10 ability of U.S. retailers to compete globally.
11 As this Administration considers whether to
12 impose tariffs, our competitors in countries such
13 as the European Union and Canada will lower their
14 tariffs and remove trade barriers with Vietnam
15 through free trade agreements and trade
16 preference programs.

17 Simply put, tariffs are not the
18 answer. Tariffs will not resolve concerns with
19 Vietnam's timber practices, and, in fact, would
20 do greater harm to its economic interests and
21 cause serious disruptions to the American
22 economy. Higher tariffs mean higher costs to

1 U.S. businesses, and, in turn, higher prices for
2 American families, who are already facing a cash
3 crunch because of the pandemic and economic
4 recession. There is no good time for increased
5 tariffs, but now is certainly not the time to add
6 financial strain on those already struggling.

7 As USTR considers what, if any,
8 actions should be taken in this investigation, we
9 urge it to leverage the Lacey Act to address
10 concerns with timber practices, including those
11 set forth in the Federal Register notice that
12 launched this investigation. Our members make
13 Lacey Act declarations routinely on imports, and
14 it's a proven tool to ensure products made with
15 illegally harvested or traded plant species do
16 not enter the United States.

17 We urge USTR to work with USDA to
18 consider a long-term action plan to enforce the
19 Lacey Act for violative products from Vietnam,
20 including by building on actions by Vietnamese
21 customs to deter the trans-shipment of Chinese
22 goods subject to the existing Section 301

1 tariffs.

2 In addition, we urge USTR to engage in
3 bilateral negotiations with Vietnam to address
4 practices, if they exist, that cannot be
5 appropriately remedied through Lacey. Such
6 negotiations could lead to the establishment of a
7 protocol to update the 2007 Trade and Investment
8 Framework Agreement between the United States and
9 Vietnam.

10 Lastly, a word about process. It is
11 imperative that USTR conduct this investigation
12 in a fair, thorough, and transparent manner that
13 carefully considers the novel issue before it and
14 all potential implications of any actions taken,
15 including the collateral damage that could be
16 caused to U.S. retailers and American families if
17 tariffs are imposed. This process must not be
18 rushed. To do so risks the credibility of the
19 investigation and its findings and, more broadly,
20 USTR Section 301 authority.

21 Further, if the Administration moves
22 to impose tariffs on Vietnam because of this

1 investigation, it should provide a public comment
2 period and a hearing on any proposed tariff list
3 before it takes effect. This would improve
4 transparency and prevent unintended consequences
5 on families, businesses, and our overall economy.

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

8 CHAIR REYNOLDS: And thank you, Ms.
9 Harden, for your testimony.

10 I'd like to invite Beth Hughes from
11 the American Apparel and Footwear Association to
12 present testimony now.

13 MS. HUGHES: Okay. Can you see and
14 hear me?

15 CHAIR REYNOLDS: I can see and hear
16 you, yes.

17 MS. HUGHES: Okay. Thank you.

18 Thank you so much for this opportunity
19 to testify today. My name is Beth Hughes, and I
20 am the Vice President for Trade and Customs
21 Policy at the American Apparel and Footwear
22 Association. Thank you so much for this

1 opportunity to testify regarding this
2 investigation today.

3 AFA is the trusted public policy and
4 political voice of the apparel and footwear
5 industry, its management and shareholders, its
6 nearly 4 million U.S. workers, and its
7 contribution of more than \$400 billion in annual
8 U.S. retail sales.

9 AAFA agrees that our trading partners
10 must abide by global trade rules, and we support
11 the Administration's efforts to address unfair
12 trading practices. However, we oppose any
13 countermeasures that would lead to the imposition
14 of new tariffs on Vietnam, a possibility for
15 imposition of new punitive duties on U.S. imports
16 from Vietnam, or cause further supply chain
17 disruption during the COVID-19 pandemic.

18 Vietnam is the second largest supplier
19 of apparel, footwear, and travel goods to the
20 U.S. market and has experienced dramatic growth
21 since 2016. For instance, U.S. imports of
22 apparel from Vietnam represent 16.5 percent of

1 total U.S. apparel imported from January through
2 October 2020. There is a similar story for
3 footwear, where 24.4 percent of all U.S. footwear
4 imports come from Vietnam during that same time
5 period.

6 Vietnam has become even more important
7 as U.S. companies have implemented
8 diversification strategies away from China.
9 Imposing new punitive tariffs on imports from
10 Vietnam could cause extreme disruption, directly
11 threatening those investments and increasing
12 prices for hardworking American families at the
13 register or costs on the supply chains that
14 directly support millions of U.S. jobs.

15 Furthermore, Vietnam has become an
16 important supplier of personal protective
17 equipment, or PPE, and more tariffs on PPE will
18 make it more difficult to ensure that lifesaving
19 PPE quickly gets into the hands of patients and
20 medical professionals who desperately need these
21 items, as well as to the general public to stop
22 the spread of COVID-19.

1 It is for these reasons that we
2 believe that U.S. commerce for our industry is
3 not burdened or restricted by the import or use
4 of illegal timber. Our industry already faces
5 high tariffs. The United States imposes a high
6 tariff burden on imports of apparel, footwear,
7 and travel goods to the United States. Although
8 the average trade-weighted tariff rate imposed on
9 all products is approximately 2.8 percent in
10 2019, which is itself a problematic increase from
11 a 1.9 percent rate in 2018 and 1.4 percent rate
12 in 2017, the average trade-weighted tariff rate
13 in 2019 on net apparel was 15.1 percent; on woven
14 apparel it's 13.9 percent, and on footwear it's
15 12.2 percent. Each of those rates also
16 represents significant increases over previous
17 years. Moreover, the amount of tariffs collected
18 on imports of U.S. apparel, footwear, textiles,
19 and travel goods in 2019 exceeded \$20.5 billion,
20 which is a new record.

21 This burden falls disproportionately
22 on products imported by our industry, even though

1 many of these products are no longer made in
2 commercial quantities in the United States. In
3 2019, our industry represented approximately 6
4 percent of all U.S. imports by value; yet,
5 generated more than 29 percent of the duties
6 collected by U.S. Customs and Border Protection.

7 Therefore, we do not believe the
8 determinations required under Section 304 of the
9 Trade Act should include imposition of new
10 punitive duties on those imports from Vietnam
11 which will tax American consumers and American
12 workers, including the nearly 4 million American
13 workers employed by our industry, during these
14 challenging times.

15 AAFA members and their companies have
16 cited concerns, primarily due to the price
17 increases and uncertainties because of all the
18 tariff actions against China and Europe
19 previously. While we understand the
20 Administration is trying to remedy harmful
21 foreign trade practices through these actions,
22 their primary effect so far has been to inject

1 more costs and unpredictability into our members'
2 supply chains.

3 Exacerbating this situation is
4 imposition of tariffs on raw materials and
5 imports used in the U.S. manufacture of finished
6 goods. These tariffs increase the product cost
7 in the United States, harming the ability of
8 domestic manufacturers to compete both at home
9 and abroad.

10 To do our part during the pandemic,
11 AAFA members have transitioned to making PPE,
12 particularly face masks or gowns, for first
13 responders and the American public. Our members
14 have met this critical need, in part, through our
15 critical partnership with suppliers in Vietnam, a
16 partnership that would be threatened by the
17 imposition of further tariffs.

18 Another important point is our
19 industry has worked to promote sustainability and
20 the environment. Our industry is working to
21 protect forests and programs like CanopyStyle,
22 which protects forests from being used in the

1 manufacture of dissolving pulp to produce fabrics
2 such as rayon. Many of my members support
3 programs like this one.

4 If USTR determines that Vietnam is
5 involved in the use and import of illegal timber,
6 we urge USTR to work with the U.S. Department of
7 Agriculture, under the Lacey Act or the existing
8 framework under the U.S.-Vietnam Trade and
9 Investment Framework Agreement, to take a
10 different approach by means of bilateral
11 negotiations with Vietnam to resolve this issue.

12 Thank you for this opportunity to
13 testify today on this very important issue.

14 CHAIR REYNOLDS: Thank you for your
15 testimony, Ms. Hughes.

16 And now, I would like to invite Nate
17 Herman from the Travel Goods Association to
18 present his testimony.

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

21 CHAIR REYNOLDS: I can see and hear
22 you, yes.

1 MR. HERMAN: Thank you.

2 Thank you for the opportunity to
3 testify. My name is Nate Herman. I'm the
4 Director of Government Relations at the Travel
5 Goods Association.

6 TGA represents the U.S. travel goods
7 industry, small, mostly family-owned businesses
8 who make, market, and sell travel goods --
9 luggage, totes, backpacks, handbags, and other
10 products for people who travel.

11 First, I want to address why we are
12 here. The United States already has a ban on
13 trade in illegal timber, the Lacey Act.
14 Violations of the Lacey Act such as those alleged
15 in this investigation is subject to both criminal
16 and civil sanctions, which are enforced by the
17 U.S. Government's own experts in illegal timber.
18 Further, the Lacey Act requires declarations to
19 the source of the wood in wood products to help
20 the U.S. Government to identify imports made with
21 illegal timber. As such, the Lacey Act appears
22 to be a much more effective tool in addressing

1 and remedying allegations of illegal timber than
2 the Section 301 statute.

3 Instead, we are discussing allegations
4 of illegal timber in a Section 301 investigation.
5 Under this investigation, I can certify that U.S.
6 commerce for our industry is not burdened or
7 restricted in any way the alleged import or use
8 of illegal timber. But the punitive tariffs that
9 could result from this investigation could be
10 devastating for our industry.

11 Why? Vietnam is the second largest
12 supplier of travel goods to the U.S. market and
13 has experienced dramatic growth since 2015. In
14 fact, U.S. imports of travel goods from Vietnam
15 grew 13.1 percent in the first 10 months of 2020,
16 despite overall U.S. travel goods imports being
17 down by almost a quarter during the same period.
18 As a result, U.S. travel goods imports from
19 Vietnam now account for 19.1 percent of all U.S.
20 travel goods imports, up from a mere 4.9 percent
21 of all U.S. travel goods imports in 2016. Please
22 note that 99 percent of all travel goods sold in

1 the United States today are imported.

2 Vietnam has become even more important
3 as U.S. companies have tried to move away from
4 China. In fact, thanks, in part, to our
5 relationship with Vietnam, the share of U.S.
6 travel goods imports from China fell from 84.7
7 percent in 2016 to 57.9 percent today, with U.S.
8 travel goods imports from China falling by over
9 one-third in the first 10 months of this year
10 alone.

11 The imposition of punitive tariffs by
12 the U.S. Government under various trade measures
13 over the last few years have caused great concern
14 for our members. Since 2017, the Trump
15 Administration has collected more than \$80
16 billion in punitive tariffs. Many of these
17 tariffs have been imposed on U.S. imports of
18 travel goods from China, where all U.S. travel
19 goods imports face a 25 percent punitive tariff,
20 amounting to millions of dollars in new taxes on
21 our industry.

22 While we understand the Administration

1 is trying to fix harmful foreign trade practices
2 through these actions, their primary effect has
3 been to hurt our industry, increasing prices for
4 hardworking American families at the register and
5 imposing significant costs on our supply chains,
6 which directly support 100,000 American jobs.

7 Further, over the last year, our
8 industry, the travel goods industry, has faced
9 the perfect storm, as the pandemic has not only
10 tanked sales, but has also brought travel to a
11 standstill. The bottom line is that new punitive
12 tariffs imposed on U.S. travel goods imports from
13 Vietnam would hurt the U.S. travel goods industry
14 and our 100,000 American workers at a time when
15 we can least afford it.

16 Therefore, if USTR determines that
17 Vietnam is involved in the use and import of
18 illegal timber, we urge USTR to work with the
19 Department of Agriculture to enforce the Lacey
20 Act. If, for some reason, the Lacey Act is
21 somehow deemed insufficient, we urge USTR to use
22 the existing framework under the U.S.-Vietnam

1 Trade and Investment Framework Agreement to take
2 a different approach by means of bilateral
3 negotiations with Vietnam to resolve this issue.

4 Thank you again for the opportunity to
5 testify on this very important issue.

6 CHAIR REYNOLDS: And thank you, Mr.
7 Herman, for your testimony.

8 So now, I am going to open it up to
9 questions, and I believe that Treasury has it.

10 MR. YAM: Yes. Hi. I have a question
11 for Mary Tarnowka of the American Chamber of
12 Commerce in Vietnam.

13 You mentioned the importance of global
14 environmental, social, and governance criteria
15 required by international financiers and
16 customers. Could you describe that in more
17 detail and the extent to which they go beyond or
18 complement Vietnam's laws and regulations?

19 MS. TARNOWKA: Yes. Happy to share on
20 that.

21 So, for many corporations that are
22 supplying to global suppliers, they are needing

1 to meet the global standards, which may be higher
2 than Vietnam's. Also, many companies here are
3 trying to access international financing. And
4 so, again, they have to meet higher standards.

5 So, I think what we hear, talking to
6 the companies, is there are multiple layers of
7 standards. There's the Vietnamese laws and,
8 then, there's all the requirements that they have
9 to be able to meet export conditions,
10 particularly for the U.S. and Europe.

11 MR. YAM: Thank you.

12 MS. KENNEALLY: Hi. I also have a
13 question for AmCham.

14 In your view, do no or minimal
15 Vietnamese wood product exports go to the United
16 States containing illegal timber? Or is your
17 view that Vietnam does not import, process, or
18 export illegal timber at all?

19 MS. TARNOWKA: So, in our view, from
20 what we know, Vietnam has significantly decreased
21 what was at least previously some illegal import
22 and use of illegal timber. That has been a

1 significant decrease.

2 What does exist is highly unlikely to
3 find its way into U.S. exports because the kind
4 of wood that is illegal under CITES is very
5 expensive rosewood. It is not something that is
6 used in the furniture which is going to the
7 United States. So, there are a number of reasons
8 why it wouldn't make it there. And that's why I
9 was noting, it's consumer preferences. It's all
10 the corporate compliance procedures, as well as
11 the Vietnamese Government, which has really
12 cracked down on this.

13 So, I am not saying that there is
14 absolutely no import of illegal timber taking
15 place here in Vietnam, but I think it's highly
16 unlikely that it is making it into exports to the
17 United States.

18 MS. KENNEALLY: Thank you.

19 CHAIR REYNOLDS: All right. Thank
20 you, Mary.

21 I'm going to move on to a question I
22 have, actually, for David French from the

1 National Retail Federation.

2 And, Mr. French, in your submission,
3 you emphasize the Lacey Act and its separation
4 requirements. Is it your view that Vietnam does
5 not import, process, or export illegal timber or
6 just that the Lacey Act prevents such products
7 from being exported into the United States?

8 MR. FRENCH: It's our view that the
9 Lacey Act, combined with the procedures and
10 policies of our member companies, is a sufficient
11 barrier to the importation into the United States
12 of illegal products. And if it could be
13 enhanced, we could use the resources of the U.S.
14 Government to help us to better identify the
15 countries and sources of illegal product in the
16 supply chain. But there's a substantial amount
17 of -- I'm trying to think of the right word --
18 there are a number of layers of
19 compliance/procedures that are put in place, and
20 the Lacey Act is a sufficiently rigorous
21 compliance tool.

22 CHAIR REYNOLDS: Thank you.

1 MR. WILBUR: Hi. This is Carter
2 Wilbur from State Department. A question also
3 for David French from the National Retail
4 Federation.

5 To comply with the Lacey Act, you
6 talked about your robust implementation plans and
7 your members' review and corrective actions to
8 identify products as high risk. Could you define
9 what triggers that high-risk designation and the
10 implementation plans, and what additional due
11 diligence that that would entail?

12 MR. FRENCH: So, our members will
13 evaluate, routinely evaluate, the products being
14 imported, the species of wood, as well as the
15 countries that are imported from, and they look
16 for patterns that would indicate it is
17 potentially a higher-risk product.

18 This is where something more targeted
19 and more effective than a broad-based tariff
20 would be a helpful tool, is enhancing the ability
21 of supply chains to identify the countries that
22 are the highest risk for these products.

1 But the Lacey Act combined with other
2 tools are, in our view, sufficient and would not
3 be enhanced by use of broad-based tariffs.

4 MR. YAM: Hi there. This is Albert
5 Yam from the Treasury Department again with a
6 question for Brake Harden of the Retail Industry
7 Leaders Association.

8 Could you please elaborate on your
9 view of why a Section 301 determination could
10 jeopardize Vietnam as a market for American
11 exports?

12 MS. HARDEN: Sure. Thank you for the
13 question.

14 I think my point was simply that it's
15 not the investigation itself that could
16 jeopardize U.S. exports. My point was that,
17 depending on the action taken -- so, if the
18 Administration goes through the rigorous
19 investigation and finds that there are timber
20 practices that need to be addressed, my point is
21 simply that we believe imposing tariffs will
22 invite retaliatory tariffs from Vietnam, and that

1 this would have necessarily a negative result on
2 American exports to Vietnam. And so, what we're
3 urging is consideration of all the potential
4 implications and consideration of other actions,
5 instead of tariffs, to avoid that result.

6 CHAIR REYNOLDS: Hi, Ms. Harden. I
7 have, actually, one follow-up question for you.

8 So, you mentioned the measures that
9 your members take in connection with Lacey Act
10 compliance. Would you describe how your
11 experience -- or sorry -- how in the experience
12 of your members those measures have ensured that
13 illegally harvested or traded timber species do
14 not enter the United States?

15 MS. HARDEN: Sure. And I think Mr.
16 French described some of the similar practices
17 that our members have. Certainly, robust due
18 diligence measures, and we're happy to provide
19 additional information in our post-hearing
20 comments about them, since they do vary from
21 company to company.

22 But, from our members' perspective,

1 they do routinely make declarations for products
2 that are subject to the Lacey Act and report that
3 they're not hearing from APHIS or CBP regarding
4 any concerns with products from Vietnam. And so,
5 frankly, that's a question we continue to get, as
6 this investigation was announced, as to why
7 they're not hearing from the Administration or
8 from these particular agencies about particular
9 products of concern. And so, from their
10 perspective, they believe they are taking all the
11 necessary steps to ensure that their supply
12 chains include only compliant products.

13 And I think, you know, another open
14 question that we have received from members as
15 well is, if they are in compliance with Lacey Act
16 for products, but tariffs were imposed, I guess,
17 would member companies that are compliant with
18 the Lacey Act be excepted from tariffs? And so,
19 I think there's just a lot of questions about, if
20 members are actually in compliance with the Lacey
21 Act, how does that fit into the investigation and
22 the potential actions that may come out of it?

1 CHAIR REYNOLDS: All right. Thank you
2 for your response.

3 MS. KENNEALLY: Hi. I have a question
4 for Ms. Hughes from the American Apparel and
5 Footwear Association.

6 Ms. Hughes, you indicated that U.S.
7 commerce, in your view, is not burdened by the
8 import of illegal timber, and then, referred to
9 Vietnam's growing importance to the United States
10 as a footwear and apparel supplier. Just to
11 clarify, is it your view that the illegal timber
12 issue does not burden U.S. commerce or that, if
13 it does, it is offset by the importance of this
14 trade in other sectors?

15 MS. HUGHES: Thank you for the
16 question.

17 Yes, I am not a timber expert. But,
18 from our industry's point of view, Vietnam is
19 such an important supplier. Like I said, they're
20 the second largest importer for apparel and
21 footwear. So, I think it is in our view that our
22 industry's commerce is not affected by the timber

1 issue, or the alleged timber illegal import and
2 use of timber. But I think we are very concerned
3 about the impacts and retaliation that this
4 Administration might put on our industry, as we
5 have seen in other cases with China and the
6 European Union, like I mentioned in my testimony.

7 MS. KENNEALLY: Thank you.

8 MS. SWINEHART: Hi. Thank you. This
9 is Stephanie Swinehart from the Department of
10 Agriculture. This question is also for Ms. Hughes
11 from American Apparel and Footwear Association.

12 At the end of your testimony, you
13 briefly mentioned your industry's efforts to
14 protect forests and to encourage sustainability.
15 Could you briefly describe a little bit more
16 about those efforts and whether any of them have
17 involved Vietnam or the Government of Vietnam?

18 MS. HUGHES: Yes, and I'm happy to
19 provide more information on that in a post-
20 hearing follow-up.

21 But, like I mentioned in my testimony,
22 we have several of our members that are involved

1 in programs like CanopyStyle, which protects
2 forests from the use of dissolving pulp into
3 products and fabrics, such as rayon. And so,
4 this is just one of the programs that we support.
5 But our industry is very involved in
6 sustainability measures and working with other
7 NGOs to make sure that our products and our
8 industry are the leading examples of a
9 sustainable product going forward.

10 We also are working on issues such as
11 recycled fabrics for apparel and other
12 initiatives. Like I said, I'll be happy to
13 follow up in a post-hearing brief.

14 MS. SWINEHART: Thank you very much.
15 That would be helpful.

16 CHAIR REYNOLDS: Okay. So, I'd like
17 to just pause to see if anyone -- I actually have
18 one more question for Nate Herman from the Travel
19 Goods Association.

20 And so, you indicated that U.S.
21 commerce is not burdened by the import of illegal
22 timber, and then, you referred to Vietnam's

1 growing importance in the United States as a
2 travel goods supplier. Just to clarify, is your
3 view that the illegal timber issue does not
4 burden U.S. commerce or that, even if it does, it
5 is offset by the importance of this trade and in
6 other sectors?

7 MR. HERMAN: Thank you for the
8 question.

9 My intent was to say that our industry
10 is not burdened by any alleged use or import of
11 timber. Again, if there are concerns, we feel
12 that the Lacey Act, enforcement of the Lacey Act
13 would be a much more effective vehicle to address
14 any concerns over the possible or alleged use and
15 import of illegal timber.

16 CHAIR REYNOLDS: Thank you for your
17 response.

18 So, at this point, I just want to see
19 if any of the other Section 301 Committee members
20 have any additional questions they would like to
21 pose.

22 Okay. So, hearing no further

1 questions and seeing no further questions, I am
2 now going to conclude this hearing.

3 And thank you to everyone who
4 participated in the panels and provided
5 testimony, and to all of our panelists, our
6 agency panelists.

7 And as we had mentioned a couple of
8 times, you can submit post-hearing comments, and
9 they are due on January 6th on regulations.gov.
10 It's listed in the Federal Register notice
11 announcing the hearing. So, if you need further
12 information, feel free to consult that.

13 And again, thank you so much. And if
14 there are questions, just follow up via email.

15 (Whereupon, the above-entitled matter
16 went off the record at 1:16 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Vietnam's Practices Related to
Illegally Harvested Timber

Before: USTR

Date: 12-28-20

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