

Mr. R. Matthew Priest, Chairman
Committee for the Implementation of
Textile Agreements
U.S. Department of Commerce
14th Street & Constitution Avenue, N.W.
Room H3001A
Washington, D.C. 20230

Re: Request under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act

Denim Classifiable Under HTS Subheading 5209.42.00

Dear Mr. Priest:

On behalf of American Design Industries, Managua, Nicaragua, and pursuant to the provisions of Section 203(o)(4) of the Dominican Republic-Central American-United States Free Trade Agreement (“DR-CAFTA”) Implementation Act (“the Act”) and the Federal Register Notice of March 21, 2007 published by the Committee for the Implementation of Textile Agreements, we submit this request regarding a modification to the list of fabrics, yarns and fibers not available in commercial quantities in a timely manner in the countries of the Dominican Republic-Central America-United States Free Trade agreement, and request that the subject fabrics be placed on a timely basis on the list in Annex 3.25 of the Agreement.

DETAILED PRODUCT INFORMATION

The fabric in question is denim classified under HTS subheading 5209.42.00 in which the complete fabric specifications are shown in the accompanying Attachment.

QUANTITY

American Design Industries requires that [*] of the subject fabrics, be delivered to its facility within [*]. American Design Industries wishes to use the fabrics in Nicaragua for the production and subsequent export to the United States of apparel items.

DUE DILIGENCE

We have contacted all textile mills in the Cafta DR region known to us to make fabrics similar to the subject fabrics and listed in detail in the Otxa website. None has indicated an ability to or interest in supplying these fabrics. We also contacted the three associations representing the U.S. textile industry and neither they nor any of their members has communicated to us any interest in supplying the subject fabrics. We also sent inquiries to the national associations representing the textile industries of Guatemala, Honduras, Costa Rica, and Nicaragua, and received no expressions of ability or interest in supplying the subject fabrics.

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The information below specifies the firms and associations that were contacted with regard to whether they could make the subject fabrics described in the Attachment. The business confidential documentary confirmations of the contacts are provided with the confidential version of our submission. All communications were done via email.

Regional Industry Associations:

ONE

Association: Cateco, Costa Rica
(cateco@racsa.co.cr)
Date Contacted: March 24, 2009
Nature of Request: Contact information for members capable of producing subject fabric (1A)
Follow up: March 26, 2009 Second request for information. (1B)
Reply and Date: No Reply
(Note: A diligent search has failed to identify any mill in Costa Rica capable of making the subject fabrics.)

TWO

Association: CNZFE, Consejo Nacional de Zona Francas de Exportacion
Dominican Republic
Luisa Fernandez Duran, Excecutive Director
(a.cnzfe@cnzfe.gov.do)
Mayra Tejada, Assistant Executive Director
(m.tejada@cnzfe.gov.do)

Daniel Liranzo, Executive Subdirector,(d.liranzo@cnzfe.gov.do)

Richard Benoit, Legal Advisor ,(r.benoit@cnzfe.gov.do)

Date Contacted: March 24, 2009
Nature of Request: Contact information for members capable of producing subject fabric. (2A)
Reply and Date: All emails are not in service March 24, 2009 (2B)
Follow up: Silvia Conchon, Promtion and International Business
(s.cochon@cnzfe.gov.do) (2C)

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Reply and Date: Email is not in service March 24, 2009 (2D)
Follow up: Called OFFICIAL Phone Numbers in site (809) 686-8077
Reply and Date: Phone is not in service, March 24, 2009
Follow up: April 3, 2009 Listed phone numbers are not in service.
(Note: A diligent search has failed to identify any mill in Dominican Republic capable of making the subject fabrics.)

THREE

Association: Vestex Comission, Guatemala
(vestex@apparel.com.gt)
Karin de Leon (Market Access Excecutive)
(kdeleon@apparel.com.gt)
Date Contacted: March 24, 2009
Nature of Request: Contact information for members capable of producing subject fabric (3A)
Reply and Date: March 24, 2009, Full List of Mills is Provided and Vestex has indicates which mills produce denim and/or twill. Karin de Leon will inform all Guatemalan companies. (3B)

FOUR

Association: HMA, Honduras
Angela Castillo (promotion)
(promocion@ahm-honduras.com)
Grisel Oseguera (promotion)
(promocion2@ahm-honduras.com)
Nelie Cruz (promotion)
(promocion3@ahm-honduras.com)
Date Contacted: March 24, 2009
Nature of Request: Contact information for members capable of producing subject fabric (4A)
Reply and Date: March 24 2009 HMA Astrid Vanesa Barnica informs us that the organization will send our fabric specifications to all members, and that Honduras mills will contact us if they are able to produce and supply. (4B)
Follow up: March 24 2009 We request list of mills in Honduras. (4C)
Reply and Date: March 24, 2009, Full List of 15 Mills is Provided, all and each is contacted respectively. Details follow. (4D)

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FIVE

Association: Camtex, El Salvador
Date Contacted: March 24, 2009 = WebSite DOWN (5A)
(Note: A diligent search has failed to identify any mill in El Salvador capable of making the subject fabrics.)

SIX

Association: Anitec, Nicaragua
Director@anitec.com.ni
Date Contacted: March 24, 2009
Nature of Request: Contact information for members capable of producing subject fabric (6A)
EMAIL DOWN (6B)
Follow up: March 26, 2009 Second request for information . (6C)
Reply and Date: EMAIL DOWN (6D)
Follow up: March 30, 2009 Called official phone numbers, both local and cellular listed number; Local number is down, cellular posted is wrong number

SEVEN

Association(s): National Coalition of Textile Organizations
910 17th Street, NW
Washington, DC
Individual(s) Contacted: Cass M. Johnson
Date(s) Contacted: April 3, 2009 by Luis Mantica (7A)
April 10, 2009 by Luis Mantica (7B)
Reply and Date: No reply

EIGHT

Association(s): American Manufacturing Trade Action Coalition
910 16th Street, NW
Washington, DC
Individual(s) Contacted: Augustine Tantillo,
Date(s) Contacted: April 3, 2009 by Luis Mantica (8A)
April 10, 2009 by Luis Mantica (8B)
Reply and Date: No reply

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NINE

Association: National Textile Association
6 Beacon Street
Boston, MA

Individual Contacted: John Trumbull

Date Contacted: April 3, 2009 by Luis Mantica (9A)

Reply and Date: April 9, 2009 Trumbull publishes on official website ADI's request to all members, which includes up to 300 daily subscribers: (9B)

Web AD: <http://nationaltextile.blogspot.com/2009/04/nicaraguan-company-seeks-denim-fabric.html#links> (9C)

WebAd: http://www.wikio.co.uk/international/americas/central_america/nicaragua

Reply and Date: April 24, 2009 Trumbull indicated that its members did not communicate any interest in supplying the subject fabrics (9D)

Cafta DR Mills:

TEN

Mill: Cia Textil C.A., S.A.,
Costa Rica
ctextil@racsa.co.cr

Individual Contacted: Jose Nowalski

Date Contacted: March 24, 2009 by Luis Mantica (10A)
March 26, 2009 Second request for information (10B)

Reply and Date: No reply received.

ELEVEN

Mill: Maquila Textil de la Union,
Costa Rica
mtutex@racsa.co.cr

Individual Contacted: Mario Ossenbach

Date Contacted: March 24, 2009 by Luis Mantica (11A)

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Reply and Date: March 24 2009, Mr. Ossenbach confirms he cannot provide fabrics (11B)

TWELVE

Mill: Tejidos y Confecciones Palmares
Costa Rica
Tejidosyconf_palm@racsa.co.cr

Individual Contacted: Jose Pacheco

Date Contacted: March 24, 2009 by Luis Mantica (12A)
March 26, 2009 Second Request for Information (12B)

Reply and Date: No reply received.

THIRTEEN

Mill: Tejidos y Colores Rosario, SA
Costa Rica
rmctector@racsa.co.cr

Individual Contacted: Rodolfo Molina

Date Contacted: March 24, 2009 by Luis Mantica (13A)

Reply and Date: Email no longer in service (13B)

Follow Up: Visit website and sent internal request for contact information on person responsible for supplying fabrics.

Reply and Date: No reply

FOURTEEN

Mill: AKH S.A,
Honduras
teamm@anvilknitwear.com

Individual Contacted: Tem Mcinville

Date Contacted: March 24, 2009 by Luis Mantica (14A)
March 26, 2009 Second request for information (14B)

Reply and Date: No reply received.

FIFTEEN

Mill: Caracol Knits,
Honduras

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Individual Contacted: Ceiba Textiles
Honduras
dcastellanos@caracolknits.com
Date Contacted: Denisse Castellanos
March 24, 2009 by Luis Mantica (15A)
March 26, 2009 Second Request for Information (15B)
Reply and Date: March 26, 2009 Denisse Castellanos confirms they cannot
produce subject fabrics (15C)

SIXTEEN

Mill: Cottonwise Textiles S.A,
Honduras
cwkim@cottonwise.com
Individual Contacted: Chan Wun Kim
Date Contacted: March 24, 2009 by Luis Mantica (16A)
March 26, 2009 Second Request for Information (16B)
Reply and Date: No reply received.

SEVENTEEN

Mill: Elcatex S.A,
Honduras
chuy@elcatex.com
Individual Contacted: Jesus Canahuati
Date Contacted: March 24, 2009 by Luis Mantica (17A)
March 26, 2009 Second Request for Information (17B)
Reply and Date: No reply received.

EIGHTEEN

Mill: Gildan Activewear S.A,
Honduras
aduran@gildan.com
Individual Contacted: Alfonso Duran
Date Contacted: March 24, 2009 by Luis Mantica (18A)

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Reply and Date: March 26, 2009 Second Request for Information (18B)
No reply received.

NINETEEN

Mill: Industrias Continental,
Honduras
Roberto.diban@dibangroup.com
Individual Contacted: Roberto Diban
Date Contacted: March 24, 2009 by Luis Mantica (19A)
Reply and Date: March 25, 2009 Confirms it cannot supply fabrics (19B)

TWENTY

Mill: Laticom S. de R.L. de C.V.,
Honduras
Batres.carol@hotmail.com
Individual Contacted: Vilma Carolina Batres Cervantes
Date Contacted: March 24, 2009 by Luis Mantica (20A)
March 26, 2009 Email no longer in service (20B)

TWENTY ONE

Mill: RLA Manufacturing,
Honduras
rodriguezzerik@russellcorp.com
Individual Contacted: Erik Rodriguez
Date Contacted: March 24, 2009 by Luis Mantica (21A)
March 26, 2009 Second Request for Information (21B)
Reply and Date: No reply received.

TWENTY TWO

Mill: Roman Knit Honduras,
Honduras
wmodenessy@rkhsa.com
Individual Contacted: Wilfredo Modenesst
Date Contacted: March 24, 2009 by Luis Mantica (22A)

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Reply and Date: March 26, 2009 Second Request for Information (22B)
No reply received.

TWENTY THREE

Mill: Simtex International,
Honduras
azavala@simtex-international.com
Individual Contacted: Aldo Craso Zavala
Date Contacted: March 24, 2009 by Luis Mantica (23A)
Reply and Date: March 24, 2009 Simtex confirms it cannot supply (23B)

TWENTY FOUR

Mill: Woong Chun Honduras S.A,
Honduras
honduras@woongchun.com
Individual Contacted: Chan Wun Kim
Date Contacted: March 24, 2009 by Luis Mantica (24A)
March 26, 2009 Second Request for Information (24B)
Reply and Date: No reply received.

TWENTY FIVE

Mill: Ametex,
Guatemala
americatextil@inteln.net.gt
Individual Contacted: Marco Tulio Bautista
Date Contacted: March 24, 2009 by Luis Mantica (25A)
March 26, 2009 Second Request for Information (25B)
Reply and Date: No reply received.

TWENTY SIX

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Mill: Industrial Textil (Indutex),
Guatemala
administracion@toallasfaxel.com
Individual Contacted: Elmer Leonel Chinguichon
Date Contacted: March 24, 2009 by Luis Mantica (26A)
March 26, 2009 Second Request for Information (26B)
Reply and Date: No reply received.

TWENTY SEVEN

Mill: Industrias Liztex,
Guatemala
Roytex
Guatemala
saul@liztex.com
Individual Contacted: Saul Mishan
Date Contacted: March 24, 2009 by Luis Mantica (27A)
March 26, 2009 Second Request for Information (27B)
Reply and Date: No reply received.

TWENTY EIGHT

Mill: Monte Textil,
Guatemala
Frazima,
Guatemala
juancarlos@textisur.com
Individual Contacted: Juan Carlos Castaneda
Date Contacted: March 24, 2009 by Luis Mantica (28A)
Reply and Date: March 25, 2009 Monte Responds it can supply fabrics and sends attachment of 4 page power point presentation on their company generals (28B)

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Follow Up: March 26, 2009 ADI requests basic info on Monte, abilities and quantities it has produced in the past and may produce monthly (28C)

Reply and Date: March 30, 2009 Monte sends emails stating it can produce 100,000 yards per month of “a fabric” (no specification of which fabric is given) (28D)

Follow Up: March 30, 2009 ADI requests specifications of fabric offered with quantity of 100,000 yards per month offered by Monte, and inquires for a Second Time to report the quantity Monte has supplied the subject product in the last 24 months (28E)

Follow Up: April 2, 2009 ADI (Second Request) specifications of fabric offered with quantity of 100,000 yards per month offered by Monte, and inquires for a Third Time to report the quantity Monte has supplied the subject product in the last 24 months (28F)

Reply and Date: April 2, 2009 Monte sends email “will do”... (28G)

Follow Up: April 14, 2009 ADI requests once more information to substantiate offer with concrete details of operation and examine validity (28H)

Reply and Date: April 15, 2009 Monte Textil responds it can only supply fabric #1 and #2; confirms it cannot supply fabric #3, #4, #5, #6, #7. (28I)

As a result of these inquiries, American Design Industries is firmly of the conviction that the subject fabrics are not available in the region.

SUBSTITUTABLE PRODUCTS

No fabrics which differ from the fiber content, thread counts and plied yarn sizes set forth in the Attachment. Fabrics not satisfying all of these criteria are not substitutable for the subject fabrics. No fabric which differs from the specifications set forth in the Exhibit is substitutable for the subject fabric and will not be accepted by American Design Industries or, more importantly, its customer.

If you have any questions or require further information with regard to this request, please contact Luis Carlos Mantica at (505) 888-58110 or *via* e-mail to American.design.industries@gmail.com.

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PUBLIC VERSION

Sincerely,

Luis Carlos Mantica
Managing Partner

ATTACHMENT

| | |
|-----------------------------|---|
| HTS Subheading: | 5209.42.00 |
| Fiber Content: | 96% to 98% cotton 4% to 2% spandex |
| Average Yarn Number: | 22.0/1MC;27.0/1MC |
| Thread Count: | 43 warp ends x 20 filling picks per Square Centimeter |
| Weave Type: | Twill Weave |
| Weight: | 345.9 grams/m ² |
| Width: | 132.08 to 137.16 centimeters |
| Finish: | Stone Washed (Indigo) |

Variance allowance of up to three percent for content, ten percent for yarn size, ten percent for thread count, ten percent for fabric weight, and ten percent for fabric width.