

# ALSTON & BIRD LLP

The Atlantic Building  
950 F Street, NW  
Washington, DC 20004-1404

202-756-3300  
Fax: 202-756-3333  
www.alston.com

BJ Shannon

Direct Dial: 202-756-3344

E-mail: [bj.shannon@alston.com](mailto:bj.shannon@alston.com)

June 1, 2009

VIA E-MAIL AND HAND DELIVERY

**PUBLIC VERSION**

Ms. Janet Heinzen  
Acting Chairman  
Committee for the Implementation of Textile Agreements  
Room H3100  
U.S. Department of Commerce  
14th and Constitution Ave., N.W.,  
Washington, DC 20230

*Re: Response with an Offer to Supply  
File No. 121.2009.05.15.Fabric.SS&AforCintasCorp  
Springfield LLC*

Dear Ms. Heinzen:

On behalf of our client, Springfield LLC ("Springfield"), and pursuant to the Committee for the Implementation of Textile Agreements' ("CITA's") Modified Final Procedures for Considering Requests Under the Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR") (73 Fed. Reg. 53,200, Sept. 15, 2008), we are responding to a commercial availability request filed by Cintas Corporation ("Cintas"). Springfield is a CAFTA-DR supplier of fabric and offers to supply fabric meeting the specifications of the above-referenced commercial availability request. Springfield therefore requests that CITA determine that the fabric is commercially available in CAFTA-DR countries in a timely manner and that CITA accordingly deny the commercial availability request filed by Cintas.

Specifically, Springfield offers to supply the quantity requested by Cintas of yarn-dyed, striped poplin fabric with the following specifications:

- HTS Subheading: 5513.31
- Fiber Content: 64 percent to 67 percent polyester; 33 percent to 36 percent cotton
- Yarn size, warp: Ring spun 49/1 to 53/1 metric: 64 percent to 67 percent polyester; 33 percent to 36 percent cotton

- Yarn size, filling: Ring spun 49/1 to 53/1 metric: 64 percent to 67 percent polyester; 33 percent to 36 percent cotton
- Thread count: 34.5 to 38 ends x 21 to 23 picks per centimeter
- Weave type: Plain
- Fabric Weight: 127 to 140 grams per square meter
- Fabric Width: 156 to 170 centimeters, cuttable
- Coloration: Yarn-dyed warp stripe
- Finishing Processes: Moisture management, pre-cure permanent press finish, 10 percent mechanical stretch in filling direction

#### **I. Due Diligence**

CITA's Modified Final Procedures require Springfield to provide a reasonable explanation as to why it did not respond to Cintas's efforts to obtain the subject fabric in the course of Cintas's due diligence. Springfield was not able to respond, because Springfield was not contacted by Cintas or by a trade association about Cintas's inquiry. Cintas submitted to CITA a list of companies and trade associations that Cintas contacted during its due diligence; Springfield is not listed as a contacted company, and Springfield is not a member of any of the contacted trade associations. Springfield learned of Cintas's request only after Cintas submitted the request and CITA published notice of the pending proceedings on its website. Springfield believes Cintas's oversight was inadvertent, however, and since Springfield is already a supplier of other fabrics to Cintas, the two companies have moved easily into a dialogue about the subject fabric.

Springfield understands that it also has due diligence obligations with respect to its offer to supply the subject fabric, and the required due diligence certifications are included at the end of this letter. CITA's Modified Final Procedures require Springfield to describe the due diligence it has undertaken to substantiate its ability to make the subject fabric. Springfield is a manufacturer of uniform fabrics, fabrics for use in military and government attire, and protective (flame resistant) fabrics. With respect to uniform fabrics, Springfield is a manufacturer of fabrics of polyester, polyester blends, cotton, cotton blends, and many other synthetic fibers. These fabrics are used by manufacturers of workwear, healthcare and hospitality industry uniforms, school apparel, napery, and chefs' wear.

Thus, Springfield is an established supplier of fabrics of the type sought by Cintas. Springfield's production history over the past 24 months demonstrates that Springfield has the capability to produce yarn-dyed poplin fabric of the type requested by Cintas. Additionally, Springfield believes, based on its knowledge of the industry and on its ongoing business relationships with relevant companies, that it has identified spinners and dyers of compliant yarns, confirmed capacity to weave the required quantity of fabric, and identified options for fabric finishing.

## **II. Production Capability**

As noted above, woven uniform fabrics are one of Springfield's areas of expertise. While Springfield produces a wide variety of uniform fabrics, Springfield's production and sales history over the past 24 months demonstrates that Springfield is prepared to produce fabric meeting Cintas's specific needs. During that period, Springfield has produced and sold over [\*\*\*\*\*] square meters of poplin fabric. Because of customer preferences, Springfield has not supplied yarn-dyed poplin fabric in the past 24 months, but Springfield has produced and sold other yarn-dyed woven fabrics. For example, Springfield has produced over [\*\*\*\*\*] square meters of yarn-dyed fabric, including striped fabric, in the past 24 months. Yarn sizes, fiber contents, and other details vary across orders, but this past production of poplin fabrics and yarn-dyed, striped fabrics substantiates Springfield's claim that it is capable of supplying the fabric requested by Cintas.

For the fabric described in Cintas's commercial availability request, Springfield expects that it can obtain greige yarns from Parkdale Mills and/or Wellstone Mills. Attached is information available on the websites of these two yarn producers, indicating that these companies manufacture yarns for woven fabrics and that they can offer ring spun yarns of the required size and fiber types. (Attachment A). Ring spun yarns available from these U.S. spinners will enable Springfield to make striped poplin fabric that conforms exactly to Cintas's specifications. Springfield anticipates that it will contract with Burlington Manufacturing Services to dye the greige yarns. Burlington Manufacturing Services is known in the industry to have substantial yarn-dyeing capacity, far exceeding the needs of this program. Information from Burlington Manufacturing Services' website is attached. (Attachment B).

Springfield will weave the requested fabric at its Limestone Plant, located at 1206 Cherokee Avenue, Gaffney, South Carolina 29342. Based on Cintas's requirements, Springfield estimates that only one loom is required to produce the 138,000 square meters of fabric requested annually by Cintas. Springfield's weaving facility has [\*\*\*\*] looms, and filling Cintas's request would therefore require less than [\*\*] percent of Springfield's weaving capacity. Moreover, as also stated by Cintas, Russell Corporation recently stopped selling yarn-dyed fabrics and, in response, Springfield has acquired additional equipment and hired additional staff to expand its capacity and increase its efficiency in the production of yarn-dyed, striped fabrics. Specifically, Springfield purchased a warper, which regulates yarn tension and allows for more efficient production of fabric from dyed yarns. Additionally, Springfield hired a new quality control staff person and new weave room manager, both of whom have technical skill and experience with yarn-dyed fabrics. Thus, while Springfield has previously produced significant quantities of yarn-dyed fabrics, new equipment and staff have made Springfield even more prepared to produce the fabric Cintas has requested.

Springfield may finish some of the fabrics at its finishing plant, located at 320 Wamsutta Drive, Lyman, South Carolina 29365. Springfield may also contract with Yates Bleachery Co. or with King America Finishing for some of the fabric finishing.

Springfield and Cintas have recently discussed lead times for production. Cintas would initially send samples to Springfield for review, and Springfield estimates that it could take approximately [\*\*\*\*\*] for Springfield to analyze the samples and determine the yarn colors that will match the sample after bleaching and finishing. Thereafter, Springfield requires [\*\*\*\*\*] to produce and begin delivery of sample or commercial quantities of fabric meeting Cintas's specifications. Springfield assumes that Cintas will want to examine samples before making commitments for commercial quantities. In that case, Springfield will be prepared to deliver the first 11,500 square meters [\*\*\*\*\*] after approval of samples.

Significantly, Cintas began contacting potential CAFTA-DR suppliers about the subject fabric on February 12, 2009. If Cintas had contacted Springfield on that date, Springfield could have delivered samples meeting Cintas's specifications on [\*\*\*\*\* \*\*\*\*]. Assuming prompt approval of samples, Springfield could have delivered the first 11,500 square meters of fabric on [\*\*\*\*\*].

#### **IV. Conclusion**

For the foregoing reasons, Springfield opposes Cintas's request for a commercial unavailability determination for yarn-dyed striped poplin fabrics. Springfield has responded to Cintas and also formally to CITA with an offer to supply the requested fabric. Springfield encourages CITA to determine that yarn-dyed striped poplin fabric is commercially available in CAFTA-DR countries and to deny Cintas's request.

As required by CITA's Modified Final Procedures, the contact information of a person at the facility where the subject product will be made is Ansel Smith. His address is 1206 Cherokee Avenue, Gaffney, South Carolina 29342. His telephone number and email address are 864-489-2432, and [ansel.smith@springfieldllc.com](mailto:ansel.smith@springfieldllc.com). If CITA has questions or requires further information, please contact the undersigned at 202-756-3344, or Jon Fee at 202-756-3387.

Sincerely,



BJ Shannon

#### **Attachments**

cc: Mr. Jon Fee, Alston & Bird LLP  
LEGAL02/31340343v1

## LEGAL COUNSEL'S DUE DILIGENCE CERTIFICATION

I, BJ Shannon, of Alston & Bird LLP, counsel to Springfield LLC, certify that:

1. I have read the attached submission.
2. Based on the information made available to me by Jim Tennyson, I have no reason to believe that this submission contains any material misrepresentation or omission of fact.

Signed:   
BJ Shannon

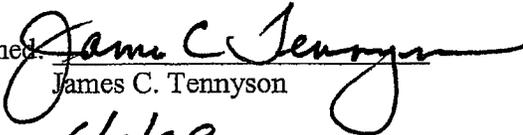
Date: 6/1/09

**INTERESTED ENTITY'S DUE DILIGENCE CERTIFICATION**

I, James C. Tennyson, Sr. VP & CFO of Springfield LLC, certify that:

1. I have read the attached submission.
2. The information contained in the submission is, to the best of my knowledge, complete and accurate.

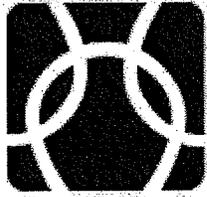
Signed:

  
James C. Tennyson

Date:

6/1/09

# **ATTACHMENT A**



# PARKDALE

ESPAÑOL



[ABOUT US](#)

[PRODUCTS](#)

[NEWS](#)

[CONTACT US](#)

[MACHINERY SALES](#)

## WEAVING YARNS

### Fiber Types

- Cotton
- Pima Cotton
- Organic Cotton
- Egyptian Cotton
- High Tenacity Polyester
- Spandex
- Nylon

### Yarn Counts

- 2/1- 42/1
- 2 ply to 5 ply

### Spinning Technologies

- Open End
- Ring Spun
- Air Jet (MJS)

### Product Categories

- Denim
  - 100% Cotton Combed and Carded Ring Spun
  - 100% Cotton Amsler Carded Ring Spun
- Bottom Weight Apparel
  - 65% Polyester, 35% Cotton Carded Open End and MJS
  - 60% Cotton, 40% Polyester Carded Open End and Carded Ring Spun
  - Various blends of Corespun Cotton/Spandex Carded Ring Spun

## MILITARY YARNS

### Fiber Types

### Yarn Counts

### Standard Products

Weaving Yarns

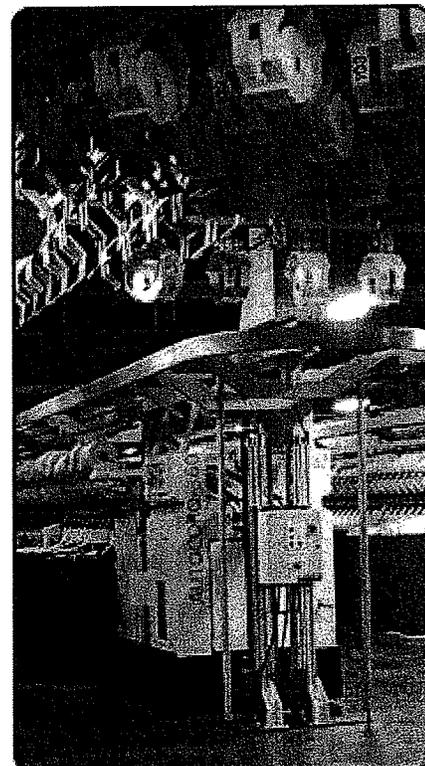
Knitting Yarns

Hosiery Yarns

Industrial Yarns

Military Yarns

Home Furnishing Yarns



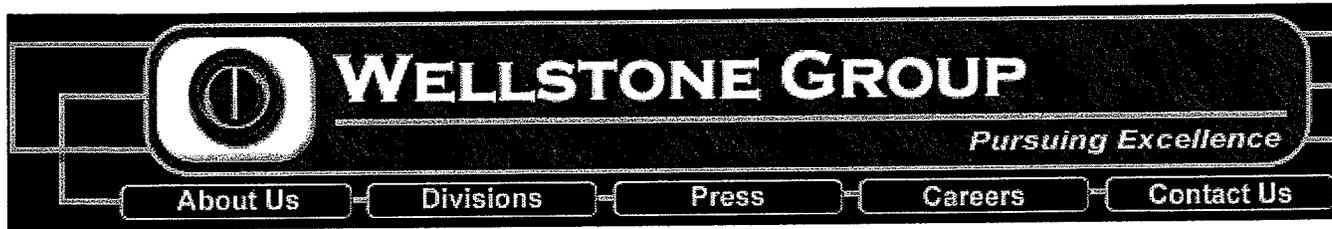
- Cotton
  - Nylon
- 2/1- 42/1

**Product**

**Spinning Technologies**

- 50% Nylon, 50% Cotton Combed or Carded Ring Spun
- Ring Spun

For more information [contact sales](#).



## YARN

With over 40 years of experience in the spinning industry, Wellstone Mills is one of the largest producers of spun yarn for the knitting and weaving industries in the world.

Offering a diverse product line to fulfill demands of customers worldwide, we have perfected our spinning process by applying state-of-the-art automated technology and innovation to every phase of our yarn manufacturing process. Wellstone Mills is recognized worldwide as the industry leader for spun yarns due to our continued focus on product quality and our commitment to extraordinary customer service.

## Products

We serve the knitting, weaving, hosiery industries with all major yarn market segments:

- Cotton Yarns - standard and organic
- Blended Yarns - nylon, poly, eco-friendly, and exotic fibers
- Twisted Yarns
- Ring Spun Carded Yarns – Counts 8/1 to 30/1
- Ring Spun Combed Yarns – Counts 12/1 to 40/1
- Open End Carded Yarns – Counts 14/1 to 26/1

## Plant Locations

### Gaffney

325 Wilcox Ave.  
Gaffney, SC 29341  
Phone (864) 487-5272  
Fax (864) 487-5216

### Lavonia

737 Gerrard Road  
Lavonia, GA 30553  
Phone (706) 356-1211  
Fax (706) 356-1127

## Sales Contacts

Josh Hamilton – Sales Manager

Chad Miller – Yarn Account Executive – Southeast and West Coast

Luis Delgado – Yarn Account Executive – Central America, South America and Mexico

# **ATTACHMENT B**

# Burlington Manufacturing Services

---

[Home](#)   [About Us](#)   [Manufacturing Capabilites](#)   [Contact Us](#)

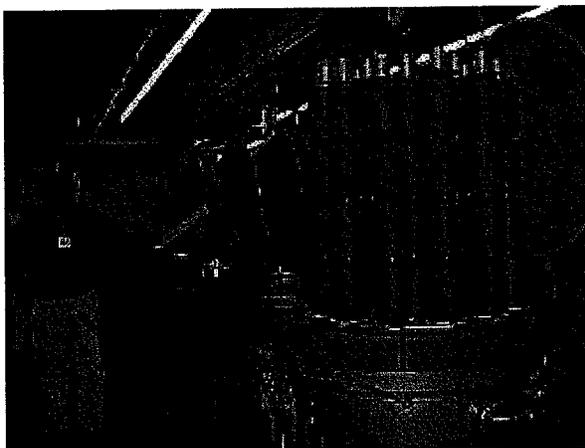
---

## Package Dyeing

BMS provides a full range of dyeing processes for your products.

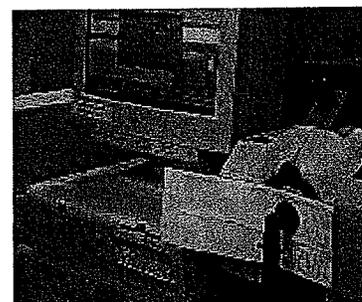
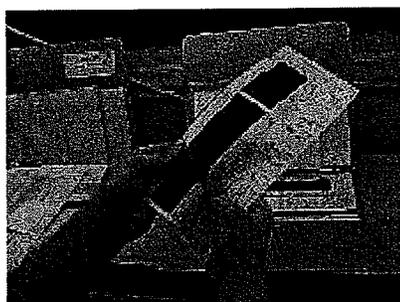
### Package Dyeing Capabilities

- Quick turn sample dye lot capabilities for 1.5lb, 6lbs, 30lbs, 60lbs
- Variety of dye lot sizes based on pack size: 90lb, 350lb, 600lb, 1400lb and 2000lb
- Utilizes direct ship process to shorten lead-time and lower costs
- Flexibility to process polyester, cotton, poly/cotton, rayon, acrylic chenille and novelty blends



## Color Capabilities:

BMS offers custom shade matching capabilities for your special needs. Color measurement software unparalleled initial color matching as well as consistent production of accurate color on a variety of shapes, and luster.



**Types of Dye Stuffs Used**

Direct Dyes  
Disperse Dyes  
Disperse Reactive Dyes  
Disperse Vats Dyes  
Acid Dyes  
Vat Dyes

**Types of Fibers Dyed**

Cotton  
Rayon  
Polyester (spun and flat)  
  
Poly/cotton  
Poly/rayon  
Acrylic  
Nylon

**Types of Physical Testing Availa**

Break Strength  
Elongation  
Linear Denier  
Shrinkage  
Twist  
Colorfastness to Dry Cleaning/  
Colorfastness to Solvent/Wate  
Colorfastness to Crocking (wet  
Colorfastness to Light



© 2008 Burlington Manufacturing Services