

May 5, 2008

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

PUBLIC VERSION

**Re: Petition Regarding the Commercial Availability -
Indigo Dyed Woven Fabric #3**

Dear Mr. Chairman:

On behalf of B*W*A of New York City, we hereby submit this request for a finding of no commercial availability pursuant to the provisions of Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement ("DR-CAFTA") Implementation Act and your Federal Register notice of March 15, 2007, with respect to indigo-dyed woven fabric which B*W*A wishes to use in the manufacture of apparel in a DR-CAFTA member country. By means of this letter, we request that the subject fabric be added to Annex 3.25 of the Agreement.

The fabric in question is a 100% cotton lightweight fabric woven with a dobby attachment and piece dyed with synthetic indigo dye. It is classified in HTS 5208.39.6090 and 5208.39.8090. Further details are shown in the accompanying **Exhibit**.

DUE DILIGENCE

The following firms and associations were contacted and asked if they or their members could supply the subject fabrics. Full product details, as set forth in the Exhibit, were provided.

Associations:

NCTO

Michael Hubbard 'mhubbard@ncto.org'

2/12/08: Initial inquiry regarding members' ability to produce subject fabric.

2/14/08: Suggested we contact Kattan, ITG, (the parent company of Cone Mills and Carlisle Finishing) Hamrick Mills, Mount Vernon Mills, Springfield, and Alice Manufacturing. These companies were contacted separately (see below).

AMTAC

Auggie Tantillo; Sarah Ormond: Auggie_Tantillo@amtacdc.org; sara_ormond@amtacdc.org

2/12/08: Initial inquiry regarding members' ability to produce subject fabric.

Response: No response received.

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Companies:

Alice Mfg.,

Bradley Wurst: bwurst@alicemillsinc.com

2/28/08: Initial request regarding ability to produce subject fabric.

2/28/08: Response: Alice is not interested in producing the fabric.

Carlisle Finishing/Cone Mills/ITG

Mike Vecchione 'mike.vecchione@carlislefinishing.com'

2/12/08: Initial inquiry regarding ability to produce subject fabric.

Response 2/12/08: Advised Carlisle was able to finish and would look for producer of grieger fabric.

3/24/08: Follow up.

4/14/08: Additional follow up and request to verify that it was able to finish the fabric as required.

No further responses received.

John Key, 336-379-6164, john.key@mail.cone.com.

2/27/08: Initial inquiry regarding ability to produce subject fabric.

5/2/8: Company advised that individual was no longer with firm, suggested contacting Tom Philipkowski

Tom Philipkowski 212.703.3422

5/2/8: During telephone conversation with Mark Haney, Mr. Philipkowski advised that Cone only produces yarn dyed denim.

Duro Finishing

Gail Strickler Strickler_Gail@DUROLINK.COM

2/12/08: Initial inquiry regarding ability to produce subject fabric.

2/27/08: Second inquiry.

2/29/08: Company says they cannot produce subject fabric.

Hamrick Mills

Sales: semmerth@hamrickmills.com; Lymon Hamrick, 800-600-4305,

lhamrick@hamrickmills.com

2/27/08: Initial inquiry regarding ability to produce subject fabric.

3/3/8: Company says they cannot produce subject fabric.

Kattan

Jacobo Kattan (504-669-3607 or jacobo.kattan@kattangroup.com)

2/28/08: Initial inquiry regarding ability to produce subject fabric.

3/11/08: Second request.

No responses received

Liztex Guatemala

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Saul Mishan; Al Dinunzio 'saul@liztex.com'; 'aldinunzio@liztexnyc.com'

2/12/08: Initial inquiry regarding ability to produce subject fabric.

2/12/08: Company advised that it was capable of producing subject fabric.

2/27/08: Requested verification that company had experience piece dyeing indigo fabrics; Samples sent; requested counter samples and samples of previous piece dyed indigo fabrics.

2/29: Sent detailed procedure steps to Mill.

3/12: Liztex provided six sample fabrics, each measuring approximately 10 square inches. Two were of corduroy which does not correspond to the required fabric. A visual inspection of the remaining four samples indicated that they were of incorrect yarn sizes, different weight and had a coarser feel and had a different dobby pattern than the original sample.

5/1/8: Liztex advised that it was not able to supply the fabric until 2009.

Mount Vernon

Rich Turner, rich@mvmills.com

1/3/8: Initial inquiry regarding ability to produce subject fabric.

1/3/8: Company says they cannot produce subject merchandise.

Springfield

Ronnie Walkup, 864-487-2445, ron.walkup@springfieldllc.com

2/27/08: Initial inquiry regarding ability to produce subject fabric.

2/28/08: Request passed on to Mr. Len Fishman, VP of Merchandising for Occupational business.

No further responses received.

Textisur

Juan Carlos Casteneda 'juancarlos@textisur.com'

2/12/08: Initial inquiry regarding ability to produce subject fabric.

2/14/08: Advised that message would be sent to production and he would respond.

2/27/08: Requested follow up.

No further responses received.

SUBSTITUTABLE PRODUCTS

No fabrics which differ from the fiber content, yarn sizes, construction or any of the other physical parameters set forth in the Exhibit are substitutable for the subject fabrics. In particular, the use of indigo piece dyeing cannot be substituted without altering the esthetic of the finished articles, including evenness of color from side to side and end to end.

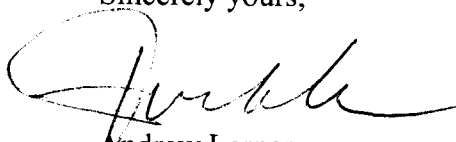
Quantity

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B*W*A requires approximately 2,800 linear meters (2,560 linear yards) per quarter, beginning April, 2008.

Thank you for your consideration of this request. If you have any questions or require further information, please contact me directly.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Andrew Lerner', written over a faint circular stamp.

Andrew Lerner
President

EXHIBIT
100% Cotton Indigo Dyed Fabric #3

HTS	528.39.6090 & 5208.39.8090
Description	100% cotton lightweight fabric; woven with dobby attachment; indigo dyed
Fiber Content	100% combed cotton
Average Yarn Number (Metric)	64/2 + 64/1 x 64/1 to 71/2 + 71/1 x 71/2
Average Yarn Number (English)	38/2 + 38/1 x 38/1 to 42/2 + 42/1 x 42/1
Construction	Woven with a dobby attachment
Weight (Metric)	135-149 gms/sq. mtr.
Weight (English)	4.0-4.4 oz./Sq. Yd
Width (Metric)	135-149 cm
Width (English)	53-59 inches
Finish	Piece dyed with synthetic indigo, Color Index No. 73000