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## COMMERCIAL AVAILABILITY REQUEST

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-- PUBLIC VERSION --

July 6, 2010

Ms. Kim Glas

Chair, Committee for the Implementation of Textile Agreements

Office of Textiles and Apparel, Room H3100

U.S. Department of Commerce

14<sup>th</sup> and Constitution Ave., NW

Washington, DC 20230

**Re: Commercial Availability Request Under Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act: Certain Woven Fabrics of 100% Standard Lyocell (Tencel) Staple Fiber**

Pursuant to Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR") Implementation Act and the Modified Final Procedures set forth in 73 Fed. Reg. 53200 (September 15, 2008) ("Final Procedures"), BWA, Inc. ("BWA") and Sorini, Samet & Associates, LLC ("SS&A") respectfully request that the fabric described herein be added to the list in Annex 3.25 of CAFTA-DR in an unrestricted quantity.

The fabric is not available in commercial quantities in a timely manner from a supplier in the CAFTA-DR countries. BWA and SS&A made this determination after a thorough exploration of the market in CAFTA-DR countries, and through detailed engagements with potential suppliers in attempts to secure the fabric. It is following a good faith effort to secure the fabric that BWA and SS&A submit this commercial availability request.

### **I. Detailed Product Description**

The subject fabric is woven fabric of 100% standard lyocell (Tencel) staple fiber, of yarns of different colors, of various weave types, intended for the end-use of casual shirts for sportswear or travel.

“Standard lyocell” is the generic name for the staple fiber used in the subject fabric. “Tencel” is a branded name of the staple fiber, but is often used interchangeably with “lyocell” within the industry. “Tencel” and “lyocell” are used interchangeably in the course of industry due diligence outlined in Section III of this Request, and within the documented communications in the Business Confidential version of this Request.

It should be noted that there are three types of lyocell (Tencel) staple fiber: “standard lyocell”, “low fibrillation (LF) lyocell”, and “A100 lyocell”. This Request pertains only to fabric of “standard lyocell” (Tencel) staple fiber, which when processed into fabric is commercially different from “LF” and “A100”. For example, standard lyocell (Tencel) staple fiber fabrics fibrillate to a different extent than LF or A100 when they are subjected to abrasion in the wet state.

The production of standard lyocell (Tencel) staple fiber fabric requires special handling and processes in order to achieve the commercially desirable effects. To our knowledge, no mill in the CAFTA-DR region currently has the capability or equipment to produce fabrics with standard lyocell (Tencel) staple fiber, of yarns of different colors.

Fabric Type	Woven fabrics of standard lyocell (Tencel) staple fiber, of yarns of different colors.
Fiber Content	100% standard lyocell (Tencel) staple fiber.
Average Yarn Size	Metric 29.6/1 to 84.7/1 (English 17.5/1 to 50/1).
Thread Count (Warp)	19.7 to 78.7 warp ends per centimeter (50 to 200 ends per inch).
Thread Count (Weft)	11.8 to 59 filling picks per centimeter (30 to 150 picks per inch).
Weave Type	Plain or twill or dobby or jacquard or oxford or satin.
Fabric Weight	101.7 to 298.3 grams per square meter (3 to 8.8 ounces per square yard).
Fabric Width	139.7 to 154.9 centimeters (55 to 61 inches), cuttable.
Coloration	Yarns of different colors.
Finishing Processes	Enzyme (bio) washed. <sup>1</sup>

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<sup>1</sup> During some of the communications, this finishing process was referred to as “bio-wash”. A bio-wash is a form of enzyme wash that is only performed on cellulosic fabrics.

Quantity	[[***]] square meters ([[***]] linear yards) per month.
HTSUS	5516.13.0000

## II. Quantity

BWA requires [[\*\*\*]] square meters per month.

## III. Due Diligence

The potential suppliers were identified through (1) BWA's experience doing business in the CAFTA-DR region, (2) through the 2009 Davison's Textile Blue Book, and (3) through the contact mechanisms of U.S. and Central American textile and apparel trade associations. These efforts did not result in identifying any parties that were able to supply the subject fabric in a timely manner.

### **Engagement with Potential Suppliers:**

BWA initially set out to source in the CAFTA-DR region a variety of fabrics containing standard lyocell (Tencel) staple fiber. It is apparent, as a result of BWA's efforts, that the fabric subject to this Request, which is a subset of the original due diligence communications, cannot be produced in the CAFTA-DR region. BWA continues to engage in due diligence efforts with potential suppliers to source some of the remaining standard lyocell (Tencel) staple fiber fabrics outlined in its original inquiry.

Over the course of due diligence, one potential supplier in the CAFTA-DR region expressed serious interest in supplying the fabrics to BWA: a proposed supply chain project led by Swift Galey. Swift Galey was the primary contact for the project, which was proposed to include: Inman Mills, Sunbury Textile, [[\*\*\*]], [[\*\*\*]], and [[\*\*\*]]. During a lengthy (and still on-going) correspondence with Swift Galey regarding the project's ability to supply the subject fabric, BWA was informed on June 18, 2010 that the project was unable to supply standard lyocell (Tencel) staple fiber fabrics of yarns of different colors. However, Swift Galey maintains that the project can supply piece-dye standard lyocell (Tencel) staple fiber fabrics. BWA continues to discuss opportunities for piece dye fabrics of standard lyocell (Tencel) staple fiber with Swift Galey.

Milliken and Company and Copland Industries also initially expressed interest in supplying at least some of the fabrics contained in the initial due diligence correspondence; however, both companies informed BWA that they would not pursue opportunities in yarns of different colors.

**Record of Communications:**

The following information sets forth the firms and associations that were contacted with regard to whether they, or their members, could supply the fabric described in Section I of this Request. Confirmations of the contacts are provided within Appendix II of the confidential version of this Request. All communications were conducted via e-mail unless otherwise noted.

**(1) Association: National Textile Association, NTA**

Contact: David Trumbull, Director – Members Services  
[dtrumbull@nationaltextile.org](mailto:dtrumbull@nationaltextile.org)  
Address: 6 Beacon Street, Suite 1125, Boston, MA 02108  
Phone: (617) 542-8220  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to members' ability to supply subject fabric, and request for potential suppliers' contact information.  
Sample Provided: No  
Reply and Date: October 19, 2009: Trumbull circulated to his membership.

**(2) Association: National Council of Textile Organizations, NCTO**

Contact: Mike Hubbard, Vice President: [mhubbard@ncto.org](mailto:mhubbard@ncto.org)  
Address: P.O. Box 99 – Gastonia, NC 28053  
Phone: (704) 824-3522  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to members' ability to supply subject fabric, and request for potential suppliers' contact information.  
Sample Provided: No  
Reply and Date: October 12, 2009. Hubbard said he would send around to his membership.

**(3) Association: American Manufacturing Trade Action Coalition, AMTAC**

Contact: Sarah Ormond, Director of International Trade:  
[sormand@amtacdc.org](mailto:sormand@amtacdc.org)  
Address: 910 16th St. NW, Washington, DC 20006  
Phone: (202) 452-0866  
Date Contacted: October 9, 2009  
Nature of request: Inquiry to members' ability to supply subject fabric, and request for potential suppliers' contact information.  
Sample Provided: No  
Reply and Date: October 13, 2009: Ormond referred SS&A to Inman Mills.

**(4) Association: Honduran Manufacturers Association**

Address: Edificio Yde Canahuati 3er y 4to Piso, Avenida Circunvalacion, S.O., San Pedro Sula, Cortes, Honduras, C.A.

Phone: (504) 556-5526  
Contact: Astrid Barnica, Client Services:  
[servicioalcliente@ahm-honduras.com](mailto:servicioalcliente@ahm-honduras.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry into members' ability to supply subject fabric, and request for potential suppliers' contact information.  
Sample Provided: No  
Reply and Date: October 14, 2009: Barnica said she would circulate to her membership.

**(5) Association: Nicaraguan Textile & Apparel Manufacturers Association (ANITEC)**

Address: Zona Franca "Las Mercedes" km 12 ½ Carretera Notre Managua Nicaragua  
Phone: (505) 421-8984  
Contact: Dean Garcia Foster, Executive Director: [director@anitec.net](mailto:director@anitec.net)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry into members' ability to supply subject fabric, and request for potential suppliers' contact information.  
Sample Provided: No  
Reply and Date: No reply from association.

**(6) Association: Camara de la Industria Textil y de la Confeccion de El Salvador (CAMTEX)**

Address: Calle Liverpool y Calle Roma, edif. ASI. Col. Roma San Salvador, El Salvador  
Phone: (503) 2245-3540  
Contact: Ingrid Burgos, Director: [iburgos@camtex.com.sv](mailto:iburgos@camtex.com.sv)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry into members' ability to supply subject fabric, and request for potential suppliers' contact information.  
Sample Provided: No  
Reply and Date: No reply from association.

**(7) Company: Milliken & Company**

Address: PO Box 1926, Spartanburg, SC 29304  
Phone: (864) 503-2020  
Contact: Kathi Dutilh: [kdutilh@millikendc.com](mailto:kdutilh@millikendc.com)  
Earl Wolynes: [Earle.Wolynes@Milliken.com](mailto:Earle.Wolynes@Milliken.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Reply and Date: October 9, 2009: Dutilh said she would vet the inquiry through the company.

Reply and Date: October 12, 2009: Wolynes replied that Milliken makes lyocell (Tencel) to the specification.

Reply and Date: October 27, 2009: BWA contacted Wolynes to inquire about experience in supplying standard lyocell (Tencel) fabrics.

Reply and Date: October 27, 2009: Wolynes declined to pursue the inquiry and referred BWA to Lenzing.

Reply and Date: June 17, 2010: BWA contacted Milliken to inquire about a narrower set of standard lyocell (Tencel) specifications. The new range of specifications fell within the original set of specifications provided to Milliken.

Follow-up: June 25, 2010: BWA followed up on the June 17 inquiry.

Reply and Date: June 25, 2010: Milliken responded that it is capable of making lyocell (Tencel) blends, but is only spinning 22.8's at 100% lyocell (Tencel), and asked what BWA is looking for in 100%.

Reply and Date: June 27, 2010: BWA responded that it is looking for yarn-dyed standard lyocell (Tencel) in various weaves.

Reply and Date: June 30, 2010: Mark Heard of BWA spoke with Earle Wolynes of Milliken via telephone. Wolynes informed Heard that Milliken does not weave yarn dye lyocell (Tencel), and that Milliken's lyocell (Tencel) fabrics are only produced for industrial applications, and not suitable for apparel.

Reply and Date: June 30, 2010: Mark Heard of BWA spoke again with Earle Wolynes of Milliken via telephone. Wolynes confirmed Milliken does not weave yarn dye lyocell (Tencel) fabrics.

**(8) Company:** **Swift Gale**

Address: Five Concourse Parkway, Suite 2300, Atlanta, GA 30328

Phone: (770) 901-6300

Contact: Gary Bird, Sales Contact: [gbird@swiftgaley.com](mailto:gbird@swiftgaley.com)  
Richie Holbert, Director of Global Product Development: [rhobert@swiftgaley.com](mailto:rhobert@swiftgaley.com)

Date Contacted: October 9, 2009

Nature of Request: Inquiry to ability to supply subject fabric.

Sample Provided: Yes

Reply and Date: October 13, 2009: Holbert replied to SS&A, copying NCTO (2, above), stating that Swift Gale ("SG") offers a wide range of rayon fabrics, including the Tencel, Modal, and lyocell brands, and offered to send samples to BWA. Holbert asked for specific construction and weight requirements.

Reply and Date: October 14 2009: BWA asked Holbert if the lyocell (Tencel) is "standard" lyocell or the "LF" or "A100" variations, and asked if SG can make and mill wash standard lyocell (Tencel) yarn dyed fabrics.

Reply and Date: October 15, 2009: Holbert indicated that standard, LF, and A100 lyocell (Tencel) fiber was available from [[\*\*\*]], and SG could

produce a “softer hand” by de-sizing the woven fabrics, and also by washing the fabrics after dyeing. Holbert asked for more information about mill washing. Holbert asked for samples, specifications and volumes of current products.

Reply and Date: October 19, 2009: BWA asked if SG can supply yarn dyed standard Tencel, and asked to confirm whether standard Tencel yarn is spun in a CAFTA-DR country.

Reply and Date: October 22, 2009: Holbert replied to BWA, copying individuals at two other companies: Norman Chapman of Inman Mills (12, below), David Hodges of Inman Mills (12, below), and Hank Truslow of Sunbury Textiles (18, below). Holbert did not reference these companies in the body of the email. In this email Holbert stated that SG can source standard Tencel yarns, and SG can supply yarn dyed standard Tencel woven fabrics, and jacquard woven fabrics, which would comply with CAFTA-DR rules. Holbert asked for specific target construction and physical property requirements.

Reply and Date: October 27, 2009: BWA replied to Holbert (copying contacts from Inman and Sunbury who were included in SG’s email) with fabric details for the customer’s immediate requirement, including a timeline for development of the fabric and delivery of the fabric. BWA asked SG to clarify why Inman Mills was included in the correspondence. BWA also asked Holbert whether SG had experience producing the fabric, and how SG intended to source yarns, weave the fabrics, and finish the fabrics.

Reply and Date: October 27, 2009: BWA (copying Inman and Sunbury) informed Holbert that fabric samples were sent to SG.

Follow-up: October 29, 2009: BWA (copying Inman and Sunbury) followed up to ensure that SG had received the samples and asked if SG had any questions concerning the fabric development.

Reply and Date: October 29, 2009: Holbert (copying Inman and Sunbury) said he included Inman Mills and other contacts in order to reduce the number of emails regarding the inquiry. Holbert said SG works with a number of spinning mills to produce the required yarns. Holbert said he would supply the fabric cost shortly and then they could discuss sample yardage and different color ways.

Reply and Date: October 29, 2009: BWA (copying Inman and Sunbury) asked if Inman Mills is going to be involved, and how it relates to Swift Galey. BWA also asked Holbert for specifics on SG’s past production of standard lyocell (Tencel) fabrics in the CAFTA region, and which particular spinners and weavers would be used, and whether they had experience supplying CAFTA-DR compliant product.

Reply and Date: October 29, 2009: Norman Chapman of Inman Mills (copying Swift Galey and Sunbury) replied that Inman is the likely weaver of the fabric, and that Inman has woven lyocell (Tencel) on numerous

occasions. Chapman stated that Inman would supply greige goods and SG would be the finisher.

Reply and Date: October 29, 2009: BWA (copying Inman and Sunbury) asked Inman to send swatches of standard lyocell (Tencel) fabrics that were woven in commercial quantities, along with the affidavit of origin of the yarns used to weave the fabrics.

Reply and Date: October 30, 2009: Gary Bird of Swift Galey (copying BWA, Inman, and Sunbury) wrote to Holbert that he should “not back down on this guy”.

Reply and Date: October 30, 2009: Holbert (copying Inman and Sunbury) replied to BWA that SG has made lyocell (Tencel) fabrics in the CAFTA region. Holbert also asked BWA for descriptions or samples of additional fabrics of interest, and also asked BWA to clarify the use of the words “Tencel” and “lyocell” in various parts of the exchange to date.

Reply and Date: November 2, 2009: BWA (copying Inman and Sunbury) replied that “Tencel” is branded version of the generic fiber named “lyocell”. BWA asked SG to confirm that it can supply the fabric of the swatch sent to SG, and BWA indicated that rayon is not a substitution for standard lyocell.

Reply and Date: November 2, 2009: Holbert (copying Inman and Sunbury) said SG is working on a sample, and asked BWA to forward other fabric requirements, and committed to send existing SG standard lyocell/Tencel products to BWA.

Reply and Date: November 2, 2009: BWA (copying Inman and Sunbury) asked SG to concentrate efforts on development of fabric swatch already sent to SG.

Reply and Date: November 2, 2009: BWA (copying Inman and Sunbury), asked Holbert to send samples of CAFTA-DR-compliant Tencel/standard lyocell fabrics processed in the past. In the same email, BWA also asked Chapman of Inman to send samples of CAFTA-DR-compliant Tencel/standard lyocell fabrics woven in the past.

Reply and Date: November 6, 2009: Holbert (copying Inman and Sunbury) replied that SG has CAFTA-DR-compliant Tencel/lyocell fabrics, and requested BWA’s shipping address.

Reply and Date: November 6, 2009: BWA (copying Inman and Sunbury) asked SG to include spinner, weaver finisher information for the samples being sent.

Reply and Date: November 6, 2009: Holbert (copying Inman and Sunbury) replied that SG was the spinner, weaver, dyer, and finisher for all sample fabrics being sent to BWA.

Reply and Date: November 6, 2009: BWA (copying Inman and Sunbury) asked Holbert to confirm whether SG can meet BWA’s previously supplied timeline for fabric development and delivery.



Reply and Date: November 9, 2009: BWA (copying Inman and Sunbury) informed Holbert that SG's shipment contained primarily bottom weight samples, and that BWA is primarily concerned with shirting weight fabrics. The sample previously sent by BWA (fabric #1) to SG was 4.3 ounces per square yard (146 grams per square meter). BWA again asked SG for confirmation on meeting the development/delivery timeline for this fabric, and included the timeline again. BWA also sent details on four other individual fabrics (fabrics #2-5, which all fall within the original range sent to SG).

Reply and Date: November 9, 2009: Holbert (copying Inman and Sunbury) wrote that SG is working with the dyer to develop the first fabric sample (fabric #1) sent by BWA, and asked BWA to confirm yarn counts and blends in the warp and filling direction for this fabric, and also the yarn counts, yarn blends, and constructions of the four new fabrics (fabrics #2-5).

Reply and Date: November 9, 2009: BWA (copying Inman and Sunbury) provided additional details on fabric #1, and informed Holbert that the extent of BWA's information was provided for fabrics #2-5.

Reply and Date: November 9, 2009: BWA (copying Inman and Sunbury) informed Holbert that the previously sent details were incorrect for the fabric #1, and included the correct details.

Follow-up: November 24, 2009: BWA (copying Inman and Sunbury) followed up with Holbert to determine the fabric sample development status. BWA provided a timeline of recent email exchanges, and asked for specific confirmation that Swift Galeley can supply the fabrics to the specifications.

Reply and Date: November 25, 2009: Holbert (copying Inman and Sunbury) replied that the samples sent to BWA were within the original range of specifications. Holbert informed BWA that SG had secured a spinner, a dye house, and is working with two different greige weavers to produce a sample for fabric #1. Holbert asked for either more detailed construction information or larger samples of fabrics to analyze for fabrics #2-5.

Reply and Date: December 2, 2009: BWA (copying Inman and Sunbury) requested a time and action calendar for development and delivery of fabric #1 to provide to the customer. BWA also outlined the business relationships and responsibilities between BWA, Swift Galeley, and the customer for the project. BWA requested to meet with Holbert in person and to visit the facilities involved in production.

Follow-up: December 7, 2009: BWA (copying Inman and Sunbury) followed up on the email of December 2 to request a meeting with Holbert at SG facilities.

Reply and Date: December 7, 2009: Holbert (copying Inman and Sunbury) informed BWA that he is available any day except December 17.

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Reply and Date: December 7, 2009: BWA (copying Inman and Sunbury) again requested a time and action calendar for sampling and production, and requested that Holbert assemble an itinerary for BWA to visit SG facilities.

Reply and Date: December 8, 2009: Holbert asked BWA if December 18 at 1:00pm would be a convenient date to meet to discuss potential opportunities.

Reply and Date: December 9, 2009: Holbert asked if BWA can instead do the meeting on the morning of December 18.

Reply and Date: December 18, 2009: Mark Heard from BWA flew to SG facilities in Society Hill, SC and met with Richie Holbert to discuss the status of the fabric development, including sample yardage. SG outlined a fabric development timeline and proposed supply chain, but did not offer details on the status since November 9, 2009, when the BWA was told the sample was in development. Further details of the meeting are included in Appendix I of the business confidential version of this Request.

Follow-up: January 12, 2010: BWA followed up on the December 18, 2009 meeting by sending Holbert details on fabrics #2-5. BWA informed Holbert that BWA would be sending a PO for sample yardage on fabric #1, and asked for confirmation on the timing of sampling.

Follow-up: February 10, 2010: After not receiving a response to the January 12 email, BWA followed up with Holbert to inquire about the status of the sample production, and again requested information on timing.

Reply and Date: February 11, 2010: Holbert informed BWA that he had been traveling and will provide an update shortly.

Follow-up: June 17, 2010: BWA (copying Inman and Sunbury) contacted Holbert to inquire about a narrower set of standard lyocell (Tencel) specifications. The new range of specifications fell within the original set of specifications provided to Swift Galey.

Reply and Date: June 17, 2010: Holbert replied that Swift Galey can make lyocell (Tencel) blended fabrics within BWA's new specifications, and outlined certain specifications available. Holbert also stated that BWA had never requested sample yardage from Swift Galey, and BWA had not provided piece dye color targets.

Reply and Date: June 17, 2010: BWA replied that Swift Galey had received requests for samples and received color standards on a number of occasions, and attached emails for Swift Galey's reference.

Reply and Date: June 17, 2010: Holbert responded that the color targets submitted by BWA were yarn-dyed, and asked BWA to provide piece dyed fabric specifications.

Reply and Date: June 17, 2010: BWA replied with details for specific piece dyed products, and asked about Swift Galey's status of the yarn dyed products.

Reply and Date: June 18, 2010: Holbert replied that Swift Galey is no longer able to supply the yarn dyed fabrics in BWA's inquiry.

**(9) Company: Mount Vernon Mills, Inc.**

Address: 91 4th Street, PO Box 7, Tion, GA 30753  
Phone: (706) 734-2311  
Contact: Rich Turner, President – Apparel Fabrics: [rich@mvmills.com](mailto:rich@mvmills.com)  
David Thrailkil, Sales Contact: [DavidTh@Mvmills.com](mailto:DavidTh@Mvmills.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Follow-up: February 22, 2010: Inquiry to ability to supply subject fabric.  
Reply and Date: No reply from company.

**(10) Company: Industrias Liztex**

Address: Parques del Lago Km 30.5, Ruta al Pacifico Amatitlan, Guatemala  
Phone: (502) 6633-6550  
Contact: Saul Mishaan, Sales Contact: [saul@liztex.com](mailto:saul@liztex.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Follow-up: February 22, 2010: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Reply and Date: No reply from company.

**(11) Company: Monte Textil S.A.**

Address: Km 18.5 Carr al Mayan Golf Villa Nueva, Guatemala  
Phone: (502) 6628-0800  
Contact: Juan Carlos Castaneda, Export Manager:  
[juancarlos@textisur.com](mailto:juancarlos@textisur.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Follow-up: February 22, 2010: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Reply and Date: No reply from company.

**(12) Company: Inman Mills**

Address: 300 Park Road, PO Box 207, Inman, SC 29349  
Phone: (864) 472-0252  
Contact: Ben Truslow, Contact: [btruslow@inmanmills.com](mailto:btruslow@inmanmills.com)  
Norm Chapman, Contact: [nchapman@inmanmills.com](mailto:nchapman@inmanmills.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Sample Provided: No

Reply and Date: Inman Mills did not reply independently, but instead participated in the correspondence conducted with Swift Galey (8). It was indicated by Norman Chapman (documented above), that Inman Mills would be a greige weaver in a proposed project to supply the subject fabric.

**(13) Company: Alice Mills, Inc**

Address: P.O. Box 369, Easley, SC 29641  
Phone: (864) 859-6323  
Contact: Eric Nees, VP: [enees@alicemillsinc.com](mailto:enees@alicemillsinc.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Reply and Date: October 13, 2009: Nees replied that Alice only supplies greige fabrics.  
Reply and Date: October 13, 2009: SS&A asked whether Alice supplier greige lyocell (Tencel) apparel fabrics.  
Reply and Date: October 13, 2009: Nees replied that Alice does not supply these fabrics.

**(14) Company: Industrias Sinteticas de Centro America**

Address: Km 12.5 Carr Troncal de Notre, Apopa  
San Salvador, El Saldavor  
Phone: (503) 2216-0055  
Contact: Oscar Uvidal Palma, Production Manager: [info@insinca.com](mailto:info@insinca.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Follow-up: February 26, 2010: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Reply and Date: No reply from company.

**(15) Company: Burlington Industries**

Address: 3330 West Friendly Avenue, Greensboro, NC 27420  
Phone: (212) 621-4047  
Contact: Hal Baner, Sales Rep.: [Hal.Baner@Burlington.com](mailto:Hal.Baner@Burlington.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Follow-up: February 22, 2010: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Reply and Date: February 23, 2010: Baner replied that Burlington does not produce any lyocell (Tencel) products.

**(16) Company: Copland Industries**

Address: N Graham-Hopedale Road, PO Box 1208, Burlington, NC 27216  
Phone: (336) 226-0272  
Contact: Jason Copland, Purchasing Contact:

[jason.copland@coplandfabrics.com](mailto:jason.copland@coplandfabrics.com)

Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Sample Provided: Yes  
Reply and Date: October 12, 2009: Copland asked to see samples and provided an address for shipment.  
Reply and Date: October 12, 2009: Fabrics were shipped to Copland. No response.  
Reply and Date: October 13, 2009: Telephone call with Jason Copland to determine whether Copland could supply the fabric. Copland stated that he could not supply the fabric, but he bet that he could find someone who could. He told me that there was no way that they were going to let this petition pass.  
Follow-up: March 12, 2010: BWA followed up with Copland to inquire whether Copland could supply the subject fabrics, and BWA sent a package of samples to Copland through express mail.  
Reply and Date: March 15, 2010: Copland replied that three of the four fabrics sent to Copland were jacquard, and that Copland only supplied plain weave or dobbies.  
Reply and Date: March 15, 2010: BWA replied that the four fabrics sent to Copland were dobbies.  
Reply and Date: March 15, 2010: Copland replied that the amount of yarn dyed fabrics poses a risk to contaminate. Copland advised that BWA needs a weaving company set up to do shorter runs of yarn dyed and intricate dobbies, and that Copland did not have sufficient equipment to do some of the fabrics.  
Follow-up: March 15, 2010: BWA responded that the information provided indicated that Copland does not run these products, and asked Copland if they are a greige weaver given the concerns about contamination. BWA asked Copland to provide the types of fabrics weaved so that BWA can keep Copland in mind in the future.  
Follow-up: June 17, 2010: BWA contacted Copland to inquire about a narrower set of standard lyocell (Tencel) specifications. The new range of specifications fell within the original set of specifications provided to Copland.  
Reply and Date: June 24, 2010: Copland replied that it did not make sense for them to pursue a yarn-dye opportunity due to risks of contamination.

**(17) Company: Royal American Mills**

Address: 595 E. 10<sup>th</sup> Avenue, Hialeah, FL 33010  
Phone: (305) 887-0777  
Contact: Richard Flaster, VP: [info@chenilleyarns.com](mailto:info@chenilleyarns.com)  
Date Contacted: October 9, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Follow-up: February 22, 2010: Inquiry to ability to supply subject fabric.

Sample Provided: No  
Reply and Date: February 22, 2010: Flaster replied that Royal American no longer makes fabrics of any kind.

**(18) Company: Sunbury Textile**

Address: 1206 Cherokee Ave, PO Box 250, Gaffney SC 29342  
Phone: (864) 489-2513  
Contact: Hank Truslow, Jr., President: [htruslowjr@sunburytextile.com](mailto:htruslowjr@sunburytextile.com)  
Date Contacted: October 19, 2009  
Nature of Request: Inquiry to ability to supply subject fabric.  
Sample Provided: No  
Reply and Date: October 19, 2009: NTA referred Sunbury to SS&A via email.  
Reply and Date: October 20, 2009: SS&A replied that BWA would be in touch with Sunbury.  
Reply and Date: October 22, 2009: Sunbury was included in the email exchange with Swift Galey (8, above), and did not express direct interest to BWA in supplying the subject fabric. It was indicated by Swift Galey, during an in-person meeting on December 18, 2009 (as described in Appendix I to the Request), that Sunbury would be a greige weaver in a proposed project to supply the subject fabric.

As a result of the above inquiries and the thorough engagement and good faith efforts to procure the subject fabric, SS&A and BWA do not believe that the subject fabric is commercially available in the CAFTA-DR region in a timely manner and we request that it be added to Annex 3.25.

#### **IV. Substitutable Products**

The use of standard lyocell (Tencel) staple fiber in fabric production imparts unique qualities that cannot be reproduced in fabrics using other fibers. Fabrics made from standard lyocell (Tencel) staple fiber possess superior moisture management – *i.e.*, they wick away a far greater amount of moisture from the skin than do other fabrics. This in turn provides for a more hygienic fabric by reducing the potential for mold to grow in the fabric. Fabrics containing standard lyocell (Tencel) staple fiber also have a smoother surface that imparts a softer “hand”. Finally, fabrics formed with standard lyocell (Tencel) staple fiber are made in a closed-loop, environmentally friendly manufacturing process that is increasingly important with consumers of outdoor recreation apparel. Fabrics not formed with standard lyocell (Tencel) staple fiber cannot impart these special characteristics and thus cannot be substituted for the requested fabrics.

#### **Closing**

If you have any questions or require further information with regard to this Request, please contact Keith Jenkins at (202) 393-4481, or [kjenkins@ssa-dc.com](mailto:kjenkins@ssa-dc.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Keith A. Jenkins", with a long horizontal flourish extending to the right.

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Keith A. Jenkins  
Senior Director of Government Affairs

July 6, 2010

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Date

**APPENDIX I**

Details of BWA meeting with Swift Galey in Society Hill, South Carolina:

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## **APPENDIX II**

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