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July 2, 2009

Public Version

Ms. Janet Heinzen
Acting Chairman, Committee for the Implementation of Textile Agreements
U.S. Department of Commerce
14th and Constitution Avenue, NW
Washington, DC 20230

**Re: Commercial Availability Request
Woven Fabric of Polyester, Rayon & Wool
Yarns
HTSUS Subheadings 5515.11.00, 5515.19.00,
5516.92.00, 5516.93.00**

Dear Ms. Heinzen:

This short supply request is filed on behalf of our client, Fishman & Tobin, a designer, manufacturer, and importer of premier children's clothing for over 90 years, with global headquarters at 625 Ridge Pike Building E, Conshohocken, PA. The company employs over 440 people in the United States.

Pursuant to Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR") Implementation Act and the Modified Procedures published in the Federal Register Notice of September 12, 2008, by the Committee for the Implementation of Textile Agreements ("CITA"), we hereby request a determination that certain woven fabrics of polyester, rayon and wool yarns, classifiable in subheadings 5515.11.00, 5515.19.00, 5516.92.00, and/or 5516.93.00, Harmonized Tariff Schedule of the United States ("HTSUS"), be added to the list of fabrics, yarns and fibers not available in commercial quantities in a timely manner in the CAFTA-DR countries, set forth in Annex 3.25 of the Agreement and incorporated in Note 20(a) of Chapter 98, Subchapter XXII, HTSUS.

Fishman & Tobin is filing this request because the company has found it impossible to purchase such fabric in the United States, the CAFTA-DR region, or even in Mexico. The company has owned and operated a factory in Santiago, Dominican Republic, for over 20 years and has approximately 2000 employees working at the facility.

1. Detailed Product Information

The subject fabric is woven of polyester, rayon and wool staple fiber yarns. A complete description of the fabric is set forth below. Fishman & Tobin utilizes this fabric for the production primarily of men's and boys' dress suits, jackets and pants. The instant fabric has the content, characteristics, hand feel, and price range that render it perfectly suitable for the dresswear trade.

The fabric is classifiable in subheading 5515.11.00, 5515.19.00, 5516.92.00, and/or 5516.93.00, HTSUS, depending on the percentages of polyester and rayon staple fibers. We note that the fabric description provides ranges of content, counts, etc., so as to ensure that variances in fabric construction will not preclude the ability to enter the finished garments under CAFTA-DR, and to avoid having to submit multiple requests for short supply designation. The specifications set forth below, including all of the ranges, are identical to those expressed in our due diligence letters.

- Fiber Content: 30-65% Polyester/25-65% Rayon/1-20% Wool
- Configuration #1:
 - Warp Spun yarn – either plied or single of various sizes, of intimately blended¹ Rayon & Polyester staple fibers
 - Fill Spun yarn – either plied or single of various sizes, of intimately blended Polyester & Wool staple fibers
- Configuration #2:
 - Warp Spun yarn – either plied or single of various sizes, of intimately blended Rayon & Polyester staple fibers
 - Fill Spun yarn – either plied or single of various sizes, of intimately blended Polyester, Rayon & Wool staple fibers
- Configuration #3:
 - Warp Spun yarn – either plied or single of various sizes, of intimately blended Polyester, Rayon & Wool staple fibers
 - Fill Spun yarn – either plied or single of various sizes, of intimately blended Polyester, Rayon & Wool staple fibers
- Construction: Various

¹ The phrase “intimately blended” refers to situations where the fibers are wound together to form the yarn.

- Weight:
 - English – 5 – 7.4 oz/yd²
 - Metric – 170 – 250 gm/m²
- Width:
 - English – 56 – 64”
 - Metric – 142 – 163 cm
- Weave: Various, including plain and twill
- Coloration: Piece Dyed or of Yarns of different colors

2. Quantity

Fishman & Tobin will require approximately [*****] of this fabric, in time for production for [*****] and going forward. The fabrics will be used for production of men’s and boys’ dress suits, jackets and/or pants in the Dominican Republic for subsequent importation into the United States as CAFTA-DR eligible garments.

3. Due Diligence

Fishman & Tobin has a longstanding knowledge of DR-CAFTA fabric suppliers, given the company’s 90-plus years of working in the boys’ dresswear business, which focuses heavily on this hemisphere, sourcing from many mills in the region. The company has sought and obtained short supply status for seven other similar dresswear fabrics, six of them in the past year. The list of mills Fishman & Tobin contacted for the subject petition was compiled from the company’s working knowledge of the mills of the DR-CAFTA region and the mills contacted for the company’s prior petitions, including those that expressed interest in producing other dresswear fabrics for the company. Fishman & Tobin also contacted two major textile associations representing mills in the United States. Included with the correspondence to the mills and associations were the detailed description provided above, along with a swatch of the material.² Most of the mills and members of the associations did not express an interest in supplying this fabric. In fact, several mills affirmatively stated that they would be unable to supply the requested fabric in the quantity and time frame provided in our request. For those who did not reply to its initial request, Fishman & Tobin sent follow-up letters, with the same result.

² We note that the subject fabric style was included with other fabrics in Fishman & Tobin’s search for suppliers in the CAFTA-DR region.

Copies of the business confidential correspondence, including the initial letters, responses, and follow-up letters, are provided with the confidential version of this submission. The results of Fishman & Tobin's due diligence efforts are set forth below.

Mill/Association Contacted	Date of First Letter	Response	Date of Second Letter	Response
Bill Gaffney, Sales Rep. Milliken & Company 110 East Neck Road Huntington, NY 11743	4/01/09	None	5/15/09	None
Pete Baumann Sr. Vice President, Merchandising Burlington Worldwide 804 Green Valley Road Greensboro, NC 27408	4/01/09	None	5/15/09	Letter of May 20, 2009 stating that it cannot supply this fabric.
Bob McCormick, President Kaltex 350 Fifth Avenue New York, NY 10118	4/01/09	None	5/15/09	None
Dennis Gilrain Managing Director Swift Galey Five Concourse Parkway Atlanta, GA 30328	4/01/09	None	5/15/09	None
Brian Tack Sales Representative Mount Vernon Mills, Inc. 91 Fourth Street Trion, Georgia 30753	4/01/09	Mount Vernon replied by email on April 7, 2009, advising that the mill does not produce the requested fabric	N/A	N/A

David Trumbull Director, Member Services National Textile Association 6 Beacon Street Boston, MA 02108	4/01/09	The Association forwarded the request by email to its members on April 15, 2009. No members responded with offers.	N/A	N/A
Augustine Tantillo Executive Director American Manufacturing Trade Action Coalition 910 16 th Street NW Washington, DC 20006	4/1/09	None	5/15/09	None
Michael Hubbard Vice President National Council of Textile Organizations 910 17 th Street NW Washington, DC 20006	4/01/09	None	5/15/09	Association replied on May 20, 2009, stating that members were asked to contact F&T directly. No mills responded.
Robert Huang Sales Manager Nien Hsing Textile Co., Ltd. 13F., No. 306, Neihu Road Taipei Taiwan (Owners of Alpha Textil in Nicaragua – see below)	4/01/09	None	5/15/09	None
Chen San-Chun Production Manager Alpha Textil, SA Zona Franca Industrial Mateare KM 15 ½ Carretera Nueva a Leon Managua, Nicaragua	4/1/09	None	5/15/09	None

Al Dinunzio, Sales Rep. Industrias Liztex 1359 Broadway New York, NY 10018 (for its facility located at Parques Del Lago, KM 30.5 Carretera Al Pacifico, Amatitlan, Guatemala City, Guatemala)	4/04/08	Letter returned, address incorrect	5/18/09 to address in Guate- mala	Response of May 27, 2009, that the mill cannot produce the requested fabric..
Juan Carlos Cartenega Sales & Production Manager Textisure Monte Textile S.A. Kilometro 18 ½ Carretera Mayan Golf Villa Nueva, Guatemala, CA	4/01/09	None	5/15/09	None

It is evident from the results of Fishman & Tobin's inquiries outlined above that the subject fabric is not available from mills located in the CAFTA-DR region in the quantities required and within the given time frame. The mills and associations either responded that they could not supply or failed to respond entirely.

4. Substitutable Products

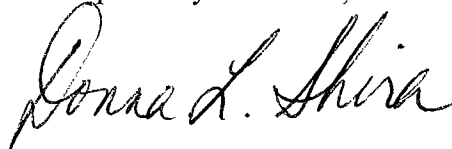
Fishman & Tobin has been unable to obtain any fabric produced in the CAFTA-DR region that would be an adequate substitute for the fabric which is the subject of this request. As stated above, this fabric is used to produce men's and boys' dress suits, jackets and pants, and is particularly suited for that purpose. This fabric is unique for several reasons. It is important that the polyester and rayon fibers are staple and intimately blended with each other or the wool, to achieve the body and hand necessary to translate into a suit jacket and dress pant. The staple polyester adds strength to the wool fibers in the intimately blended yarns and the rayon fibers aid in the drape and hand. This fabric is destined for constructed suit and suit separates in both men's and boys' in a better mid-tier market. The wool elevates the perceived value of the fabric above a regular polyester/rayon blended suiting and resonates with the customer as a better quality fabric, thereby allowing Fishman & Tobin to give its customers great value and a better quality suit at that price point. Fishman & Tobin's customers require this special blend to have the quality, drapability, and hand that this fabric provides, and for which there is nothing comparable available from regional mills.

5. Conclusion

In view of the above, we hereby request a determination that the Polyester/Rayon/Wool fabric is not available in commercial quantities in a timely manner from mills that produce fabric in the CAFTA-DR region. We therefore request that CITA add this fabric to the list of fabrics, yarns and fibers in Annex 3.25 of the Agreement and incorporated in Note 20(a) of Chapter 98, Subchapter XXII, HTSUS.

Should you require any additional information in order to approve this request, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Donna L. Shira". The signature is written in a cursive style with a large initial 'D'.

Donna L. Shira

Cc: Paul Levine
Amanda Lally

Interested Entity's Due Diligence Certification:

I, David Dabb, Vice President, Worldwide Sourcing, of Fishman & Tobin Inc., 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: 
David Dabb

Date: 7/1/09

Legal Counsel's Due Diligence Certification:

I, Donna L. Shira, of Sharretts, Paley, Carter & Blauvelt, P.C., counsel to Fishman & Tobin Inc., certify that:

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

Signed: 
Donna L. Shira

Date: 7-1-09

Business Confidential Information Deleted

ATTACHMENT

Public Version

Confidential version contains copies of Fishman & Tobin's confidential request letters and confidential responses thereto, as described in the foregoing letter