

# ALSTON & BIRD LLP

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September 18, 2007

*VIA OVERNIGHT DELIVERY*

**PUBLIC**  
**VERSION**

Mr. R. Matthew Priest  
Chairman, Committee for the Implementation of  
Textile Agreements – Room H3100  
U.S. Department of Commerce  
14th and Constitution Avenue, NW  
Washington, DC 20230

Re: Commercial Availability Request  
Herringbone twill polyester/rayon/spandex woven fabric classifiable at  
5515.11.0040, HTSUS

Dear Mr. Priest:

On behalf of New World Sourcing Group Inc. (“New World Sourcing”), 1359 Broadway, Suite 1200, New York, New York 10018, and pursuant to Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement (“CAFTA-DR”) Implementation Act and the Committee for Implementation of Textile Agreements (“CITA”) Final Procedures for submitting Commercial Availability Requests,<sup>1</sup> we request that certain herringbone twill polyester/rayon/spandex woven fabric classifiable at 5515.11.0040, Harmonized Tariff Schedule of the United States (“HTSUS”), be added to the Short Supply List at U.S. Note 20(a) to Chapter 98, Subchapter XXII, HTSUS (“the Short Supply List”).

## **I. Detailed Product Information**

The subject of this request is certain herringbone stretch woven fabric of polyester, rayon, and elastomeric yarns. This fabric is classified under subheading 5515.11.0040, HTSUS, as other woven fabric of polyester staple fibers mixed mainly or

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<sup>1</sup> Final Procedures for Considering Requests Under the Commercial Availability Provisions of the Dominican Republic-Central America-United States Free Trade Agreement, 72 Fed.Reg. 13,256 (Comm. for the Implementation of Textile Agreements (March 15, 2007)).

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
404-881-7000  
Fax: 404-881-7777

Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
704-444-1000  
Fax: 704-444-1111

90 Park Avenue  
New York, NY 10016  
212-210-9400  
Fax: 212-210-9444

3201 Beechleaf Court, Suite 600  
Raleigh, NC 27604-1062  
919-862-2200  
Fax: 919-862-2260

solely with viscose rayon staple fibers. Additional fabric specifications, which are expressed in ranges, are as follows:

<i>Fiber content</i>	61 to 67 percent polyester; 30 to 36 percent rayon; 1 to 6 percent spandex
<i>Staple length (where applicable)</i>	<ul style="list-style-type: none"><li>• Metric: 3.18 to 4.44 centimeters</li><li>• English: 1.25 to 1.75 inches</li></ul>
<i>Yarn number</i>	<ul style="list-style-type: none"><li>• Warp: plied polyester/rayon staple of any yarn size</li><li>• Filling: plied polyester/rayon staple of any yarn size combined with spandex filament of any denier</li></ul>
<i>Thread count</i>	Metric: 36 to 40 warp ends by 22 to 28 filling picks per centimeter  English: 91 to 102 warp ends by 56 to 70 filling picks per inch
<i>Weave type</i>	Twill
<i>Weight</i>	Metric: 225 to 250 grams per square meter  English: 6 to 7.4 ounces per square yard
<i>Width</i>	Metric: 144 to 155 centimeters  English: 54 to 58 inches
<i>Finish</i>	Piece dyed

A sample of fabric falling within these specifications is enclosed with this letter. The sample shows that this fabric has the tailored look of wool fabric. It is a seasonal, mid-weight fabric used to make apparel to be worn in the autumn.

## **II. Quantity**

New World Sourcing will require a total of 300,000 yards (274,320 meters) within 45 days of a supplier's acceptance of a confirming purchase order.

### **III. Due Diligence**

In performing the due diligence requirements of CITA's Final Procedures, New World Sourcing contacted a number of industry sources and consulted Davison's Textile Blue Book online, <http://www.davisonbluebook.com/textilebluebook>, a comprehensive, searchable Internet database of manufacturers in the textile and apparel industry, in an attempt to ascertain the most likely potential sources for the fabric in question. New World Sourcing also sent its request letter to trade associations from the various CAFTA-DR countries. New World Sourcing was unable to locate a source for the required fabrics. We have identified below those entities contacted and have summarized the responses received. Copies of all correspondence relative to New World Sourcing's compliance with its due diligence obligations, including an example of New World Sourcing's request letter, an example of its blank response form, copies of memoranda confirming telephone conversations, and copies of all completed responses returned to New World Sourcing, are attached. (Attachment A). We request confidential treatment of all attachments.

#### Sources Contacted

#### Response

##### **Sources from the United States**

Alice Manufacturing Co.  
PO Box 369  
208 E 1st Ave American Fed  
Bldg  
Easley, SC 2964  
Brad Wurst  
(864) 859-6323  
[bwurst@alicemillsinc.com](mailto:bwurst@alicemillsinc.com)

We added this company to our list of contacts on August 1, at the request of a company contacted by NCTO. The company responded via email on August 7 that it is not a candidate to produce the requested fabric.

Central Textiles, Inc.  
William C. Steen  
237 Mill Ave  
PO Box 68  
Central, SC 29630  
(864) 639-2491  
Fax: (864) 639-4513

We added this company to our list of contacts on August 1, at the request of a company contacted by NCTO. We sent our request via fax because we could not locate an email address. James McKinnon responded via fax on August 1 that the company cannot supply the requested fabric at this time.

Hamrick Mills, Inc.  
PO Box 48  
515 W Buford St  
Gaffney, SC 29342-0048  
(864) 489-4731

We added this company to our list of contacts on August 1, at the request of a company contacted by NCTO. Our attempt to send our request via email failed. We then attempted to send our request via fax on August 1. This transmission also failed.

semmerth@hamrickmills.com

Inman Mills  
George A. Abbott  
PO Box 207  
300 Park Rd  
Inman, SC 29349  
(864) 472-0252  
sales@inmanmills.com

We added this company to our list of contacts on August 1, at the request of a company contacted by NCTO. Benjamin Truslow initially responded via email on August 7 that the company could produce the fabric if the yarn were available, but not in the quantity and time frame required. On September 12, Mr. Truslow again stated that the company could produce the fabric in the greige but that it would need to source the yarn and contract out the finishing and that it could not produce the fabric in the time required. On September 14, in response to a request to meet to discuss the fabric requirements, Mr. Truslow stated that his company was still not in a position to discuss making the fabric because it was still seeking yarn suppliers and finishers.

International Textile Group  
Frank Bakirdan, Vice President  
of Sales  
2420 Fairview Street  
Greensboro, NC 27405  
(336) 379-2036  
info@itg-global.com

On August 1, we spoke to Frank Bakirdan and, pursuant to his request, we sent a second copy of our request letter via email to him. We received no further response.

Milliken & Co.  
Jim Jacobs, Director of  
Marketing  
PO Box 1926  
Spartanburg, SC 29304  
(864) 503-2547  
kdutilh@milikendc.com (Kathi  
Dutilh)

On July 31, Kathy Dutilh responded that Milliken does not make the requested fabric at this time.

New River Industries (t/a Texfi  
Industries)  
Cindy Pittman  
6540 Viscoe Road  
PO Box 1132  
Radford, VA 24141  
(540) 731-8000  
cpittman@nrbindustries.com

Because recent attempts to use this email address had failed and we were unable to locate another address, we sent our request by mail. We also sent the request letter on August 7 by fax. We received no response to either attempt to contact the company.

Schneider Mills, Inc.

George Shtohryn responded via telephone on August

George Shtohryn, Senior Vice  
President  
1430 Broadway, 7th floor  
New York, NY 10018  
(212) 768-7500  
schmills@bellatlantic.net

16 that the company could produce the requested fabric but could not offer it in a timely manner because the company does not plan to produce it within the next year.

National Coalition of Textile  
Organizations  
Michael Hubbard  
Washington, DC 20006  
(202) 822-8025  
mhubbard@ncto.org

Michael Hubbard responded via email on August 13 that he had forwarded our request to a number of companies and had instructed them to reply directly to us.

American Manufacturing Trade  
Action Coalition  
Augustine Tantillo, Executive  
Director  
910 16<sup>th</sup> Street, NW  
Washington, DC 20006  
(202) 452-0866  
atantillo@amtadc.org

We sent a second copy of our request via email to Sara Ormand on August 7 and she responded that she would circulate it to the association's members.

National Textile Association  
David Trumbull, Director,  
Member Services  
6 Beacon Street, Suite 1125  
Boston, MA 02108  
(617) 542 8220  
dtrumbull@nationaltextile.org

We sent a second copy of our request via email on August 7, but we received no response to either request.

American Apparel Producers'  
Network  
Mike Todaro, Managing  
Director  
PO Box 720693  
Atlanta, GA 30358  
(404) 843-3171  
source@aapnetwork.net

Sue Strickland responded via email on July 25 that she had forwarded our request to Mike Todaro, and she stated by telephone on July 26 that she would circulate our request to the organization's membership.

**Sources from Guatemala**

Amtext Guatemala, S.A.  
Adrian Hernandez  
Ave Reforma 13-70,  
Guatemala City  
Guatemala  
(502) 2332-9184  
Adrian@prideguatemala.com

We sent a second copy of our request via email on August 7, but we received no response to either request.

Broadcloth  
Roberto Gonzalez  
Parques del Lago  
Km. 30.5 Carr. al Pacifico,  
Guatemala  
(502) 6633-6550  
textile@guate.net

We sent a second copy of our request via email on August 7, but we received no response to either request.

Hilos y Telas, S.A.  
Roberto Antonio Malouf  
PO Box 01011  
34 Calle 7-42 Zona 11  
Guatemala 01011  
Guatemala  
(502) 2442-0414  
ramalouf@hilosytelas.com

Antonio Malouf responded via fax on September 5 that the company can produce the requested fabric but has no availability until mid-2008.

FSTex, S.A.  
Hans W. Schieber  
Km. 19.5 Carretera a San Jose  
Pinula, Guatemala  
(502) 6637-1547  
fstexsa@gmail.com

Hans Schieber responded via email on July 30 that FSTex does not manufacture the requested fabric.

Grupo Imperial  
Robert Zaid  
Calzada Roosevelt 34-21 Zona  
11 Guatemala  
(502) 2386-6700  
textiles@imperialtex.com

We sent a second copy of our request via email on August 7, but we received no response to either request.

Jung Woo Textiles  
Ines Lee  
Km. 37.5 Carretera al Pacífico  
Palín Escuintla  
Guatemala  
(502) 7838-9406-7  
jungwoo@jungwootextile.com

We sent a second copy of our request via email on August 7, but we received no response to either request.

Kum'Otex Guatemala  
Young Kyu Park  
Km. 36 Carretera al Pacífico  
Parque Industrial "El Cafetal"  
Bodega B Palín Escuintla  
Guatemala  
(502) 7882-7409  
ykpark@kumotex.co.kr

Y.K. Park responded via email on July 25 that the company produces knit fabric and cannot supply the requested fabric.

Megatextil's  
Sung Deok Kim  
Km. 36 Carretera al Pacífico  
Lotificación Los Sauces Palín  
Escuintla, Guatemala  
(502) 7882-7419  
megatextiles@hanmail.net

We sent a second copy of our request via email on August 7, but we received no response to either request.

Modas Alpha / World Fama (II)  
Hak Rae Kim Kim  
Km. 38.6 Carr. al Pacifico  
Bodegas Nuevas Esperanzas # J  
Guatemala  
(502) 7882-7357  
alphatextil@intelnett.com

Our attempt to transmit our request via email failed. On July 31, we sent our request via fax to (502) 7882-7357. On August 7, we made a second attempt to transmit our request via fax. This attempt also failed.

Monte Textil S.A.  
Juan Carlos Castaneda, Export  
Manager  
Km. 18.5 Carr. al Mayan Golf  
Villa Nueva  
Guatemala  
(502) 6628-0800  
juancarlos@taxisur.com

We sent a second copy of our request via email to Juan Jose Jop Zimeri on August 8, but we received no response to either attempt to contact the company.

Selim Guatemala, S.A.  
Young Jong Han  
Km. 37.5 Carr. al Pacifico  
Parque Industrial Nueva  
Esperanza  
Palin  
Guatemala  
(502) 7882-7368  
jlpereac@hotmail.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

Supra Textiles  
Raul Ibarguen, General Manager  
3a Calle 7-53 A Zona 2  
San Jose, Villa Nueva  
Guatemala  
(502) 6629-9239  
rigs@itelgua.com

Francisco Ibarguen responded via email on July 25 that the company cannot at this time supply the requested fabric.

Textiles Amatitlan, S.A., aka  
Industrias Liztex  
José Habie  
Km 30.5 Carretera al Pacifico  
Amatitlan, Guatemala  
Guatemala  
(502) 6633-6550  
textil@liztex.com

José Habie responded via email on July 17 that the company can make the requested fabric but has no availability until May 2008.

Textiles Parabolica (TEXPASA)  
Roberto Quan, General Manager  
13 Av. 32-53 Zona 13  
Col. Santa Fe  
Guatemala  
(502) 2333-8035  
rcastaneda@texpasa.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

Viva Mundo Textil  
Soo Joong Kang  
Km. 35.8 Carr. Al Pacifico  
Finca Los Sauces  
Amatitlan  
Guatemala  
(502) 7882-7417  
vivamundotextil@hotmail.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

Guatemala Apparel and Textile  
Industry  
Commission (Vestex)  
Liggia Barrios, Promotion and  
Marketing  
15 Avenida 14-72, Zona 13,  
Guatemala  
Guatemala  
(502) 2410-8323  
lbarrios@apparel.com.gt

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

**Sources from Nicaragua**

The Nicaraguan Apparel &  
Textile Manufacturers  
Association (Anitec)  
Carlos Sandino, President  
Zona Franca Las Mercedes  
Km 12.5 Carretera Norte,  
Edificio 29  
Managua, Nicaragua  
(505) 277-2955  
nicaind@aol.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

**Sources from El Salvador**

Industrias Sinteticas de C.A.S.A.  
Maki Uchida, Manager of Sales  
Km 12.5 Carretera Troncal Del  
Norte  
Apopa, San Salvador  
El Salvador  
(503) 2216-0055  
insinca@insinca.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

Industrias Unidas, S.A.  
Guillermo Enrique Vila  
Km Carretera 11.5  
Panamericana  
Frente a Aduana Terrestre de  
San Bartolo, Ilopango  
El Salvador  
(503) 2295-0555  
Guillermo.vila@iusa.com.sv

Guillermo Vila responded via email on August 7 that it produces only polyester/cotton fabrics and cannot supply the requested fabric.

Martinez y Saprissa, S.A. de  
C.V. (MARYSA)  
Luis Sera Escartin, General  
Manager  
Calle Limon y Av. Irazu  
Col. Costa Rica  
San Salvador  
El Salvador  
(503) 2270-0410  
ventasmarysa@integra.com.sv  
Mauricio Arturo Orellana  
Equizabel  
Mauricio Artura Orellana,  
General Manager  
Parque Industrial de Desarrolla  
final #2  
San Salvador  
El Salvador  
(503) 2276-4008  
confecsa@hotmail.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

Texsal, S.A. de C.V.  
Miguel A. Diaz, Admin.  
Manager  
Av. Circunvalacion Lotes 6 Y 7  
Plan De La Laguna Antiguo  
Cuscatlan  
La Libertad  
El Salvador  
(503) 2243-0411  
migueltexal@navegante.com.sv

Miguel Diaz responded via email on August 8 that the company lacks the materials and machinery to supply to subject fabric.

Union de Industriales Textiles  
(Unitex)  
Ingrid Burgos, Executive  
Director  
Edificio ASI  
Calle Roma y Liverpool  
Colonia Roma, San Salvador  
El Salvador  
(503) 2279-2488  
Unitex\_gg@telesal.net

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

**Sources from Honduras**

Elcatex  
Keith A. Reynolds, Vice  
President of Sales  
15016 Mountain Creek  
Frisco, TX 75035  
(972) 727-9868  
chuy@elcatex.com (Jesus  
Canahuati)

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

RLA Manufacturing, S. de R.L.  
Philip Holloway  
garciaedy@russellcorp.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

Textiles Rio Lindo  
Karen I. Facusse, Manager  
Calle Principal, Colonia San  
Jose del Pedregal  
Tetgucigalpa, Francisco  
Morazán  
Honduras  
(504) 245-5411  
kfacusse@riolindo.hn

Karen Facusse responded via email on August 10 that the company cannot produce the requested fabric.

Woon Chun Honduras, S.A. de  
C.V.  
Dong Su Sin  
Km. 19.5 Carr. al Occidente  
Naco  
Santa Barbara,  
Honduras  
(504) 672-1800  
padrino@woongchun.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

Honduran Manufacturers  
Association  
Angela Castillo, Promotion  
Edificio Yude Canahuati 3er y 4  
to Piso  
Avenida Circunvalacion, S.O.  
San Pedro Sula, Cortés  
Honduras  
(504) 556-5526  
promocion@ahm-honduras.com

We sent a second copy of our request via email on August 7, but we received no response to either transmission.

The information above demonstrates that the existing CAFTA-DR industry is unable to provide the fabric requested in the quantities required and within the given time restraints.

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

New World Sourcing is unaware of any suitable substitute for the subject polyester/rayon/spandex herringbone twill woven fabric. The mix of constituent fibers in this fabric is important because, as noted above, the fabric is recognized for approximating the tailored look of wool, while having the ease of care associated with man-made fibers. In particular, unlike wool blends, the subject fabric is machine washable. The twill weave is also significant, because it makes the fabric suited to production of garments for wear in the autumn, rather than other twill weaves or plain weaves, which lack these seasonal characteristics. Thus, neither fabrics of other fibers nor fabrics of other constructions are substitutable for the subject fabric.

#### **V. Conclusion**

In conclusion, we believe the foregoing firmly establishes that the herringbone twill polyester/rayon/spandex woven fabric that New World Sourcing seeks cannot be timely provided by the CAFTA-DR industry in commercial quantities. Accordingly, we request that CITA add this fabric to the Short Supply List in accordance with Section 203(o)(4) of the CAFTA-DR Implementation Act.

Thank you in advance for your thoughtful consideration of this matter. If CITA is in need of any additional information regarding this request, please contact Jon Fee at (202) 756-3387 or [jon.fee@alston.com](mailto:jon.fee@alston.com), or BJ Shannon at (202) 756-3344 or [bj.shannon@alston.com](mailto:bj.shannon@alston.com).

Sincerely,

/s/ BJ Shannon

BJ Shannon

Attachments

cc: Mr. Jonathan M. Fee, Alston & Bird LLP

**INTERESTED ENTITY'S DUE DILIGENCE CERTIFICATION**

I, Scott Wallach, President of New World Sourcing, 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: /s/ Scott Wallach  
Scott Wallach

Date: 9/18/07

**LEGAL COUNSEL'S DUE DILIGENCE CERTIFICATION**

I, Jonathan M. Fee, of Alston & Bird LLP, counsel to New World Sourcing, certify that:

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

Signed: /s/ Jonathan M. Fee  
Jonathan M. Fee

Date: 9/18/07

# **ATTACHMENT A**

CONFIDENTIAL

Contents: Copies of New World Sourcing's Request Letter and blank Response Form, and copies of responses, as described in this petition.