



SANDLER, TRAVIS & ROSENBERG, P.A.
ATTORNEYS AT LAW

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November 18, 2014

PUBLIC VERSION

Joshua Teitelbaum, 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

Re: Petition Regarding the Commercial Availability of Certain Composite Laminated Fabric

Dear Mr. Teitelbaum:

On behalf of our client, VF Corp. ("VF") we hereby submit this request for a finding of commercial non-availability pursuant to the provisions of Section 203(o)(4) of the Dominican Republic-Central America-United States Free Trade Agreement ("the Agreement") Implementation Act and CITA Final Procedures for implementing Section 203(o)(4) contained in CITA's Federal Register notices of March 15, 2007 and the Modifications to Procedures of September 12, 2008 (hereinafter "Procedures") with respect to certain fabric, described in the Annex attached to this request, to be used in the manufacture of apparel in a CAFTA-DR country. We respectfully request that the subject fabric described in the Annex be added to the list in Annex 3.25 of the Agreement in unrestricted quantity because the fabric is not available in commercial quantities in a timely manner from a supplier in the CAFTA-DR countries.

(1) Detailed Product Information

The Annex provides in detail: fiber content, construction, yarn size, and finishing processes; and the classification of the product under the HTSUS. The fabric in question is a composite fabric consisting of a three layered bonded fabric with woven face and knit fleece backing bonded with an air/wind/water-proof polyurethane (PU) membrane. The composite fabric is classifiable under HTSUS subheading 6001.22.

The product specifications, including, fiber content, construction, yarn size, and finishing processes and performance characteristics are reasonable and stated in terms of accepted terminology and standards.



We note that the subject fabric is similar in construction to an existing fabric previously determined by CITA to be unavailable in commercial quantities in a timely manner from a supplier in the CAFTA-DR countries and are contained in Annex 3.25.¹

These standards and specifications were explained to all potential suppliers.

Timing was expressed as the annual quantity being supplied.

(2) Quantity

VF requires approximately [*****] yards ([*****] meters) per year on the following schedule: January-March: [*****] yards ([*****] meters); April-June: [*****] yards ([*****] meters); July-September: [*****] yards ([*****] meters); October-December: [*****] yards ([*****] meters).

(3) Due Diligence

(i) Generally

The following is a summary of VF's contacts and due diligence that demonstrates its legitimate intent, good faith and reasonable efforts to obtain the subject fabrics from CAFTA-DR suppliers. We note that despite our best efforts to provide contact names, titles and addresses for each company, in some circumstances we were unable to find or verify some of this information since the contacts were made entirely via email or facsimile based on the best information available. See footnote 2.

VF directly contacted all potential suppliers to locate sources for the subject fabrics, as well as the industry associations in all CAFTA-DR countries. No company indicated that they could supply CAFTA-DR subject fabric.

Details of the salient points of VF's communications with the various companies and trade associations in the region with regard to whether they or their members could supply the subject fabric within the specifications described in the Annex to this submission are described below.² Copies of the contacts are provided in the attachment of the confidential version of this submission.³

¹ See CITA Reference Number: 173.2013.01.16.Fabric.ST&RforVFCorp. and 38.2007.12.26.Fabric.ColumbiaSportswearCo.

² Titles of the individuals contacted are listed in all cases where they are known. Contact information for some of the companies was provided by other companies or the relevant industry association. However, none of the companies or associations provided titles with that contact information. VF contacted the individuals recommended and/or the contact person with whom they typically correspond with for business purposes.

³ Please note that while identical fabric specifications were attached to each email request, they have only been reproduced for the first email communication {A1}.



INDUSTRY ASSOCIATIONS

Association: *Adozona*
Contact(s): José M. Torres, Executive Director (adozona@codetel.net.do)
Address: AV. Sarasota #20, 4to. Piso,
Torre Empresarial AIRD,
Apartado Postal 3184, Santo Domingo, R.D.

Reply and Date: 4/24/2014: Initial inquiry regarding members' ability to produce subject fabric. {A1}
6/12/2014: Second request. {A2}
6/13/2014: Association advised that no companies in the Dominican Republic produce the subject fabric. {A3}

Association: *Costa Rican Chamber of Textiles*
Contact(s): Annia Sequra, Director (asegura@textilescr.com)
Address: Apartado 1512 1002 Pase de Estudiantes
San Jose, Costa Rica

Reply and Date: 4/24/2014: Initial inquiry regarding members' ability to produce subject fabric. {B1}
4/24/2014: Association advised that no companies in Costa Rica produce the subject fabric. {B2}
6/12/2014: Revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {B3}
No response received.

Association: *El Salvador's Chamber of Textiles and Apparel (CAMTEX)*
Contact(s): Mauricio Rodriguez, Director (mrodriguez@camtex.com.sv)
Address: Calle Liverpool y Roma, edificio ASI
San Salvador, El Salvador

Reply and Date: 4/24/2014: Initial inquiry regarding members' ability to produce subject fabric. {C1}
4/24/2014: Association advised that it received the request and asked for images and physical samples of the fabric. {C2}
6/12/2014: VF provided revised fabric specifications to correct mathematical conversion error for thread count and overall weight of the fabric and indicated that it would provide physical samples directly to any El Salvadoran company that expressed interest in supplying the requested fabric. {C3}
No response received.

Association: *Guatemala Apparel and Textile Association (VESTEX)*
Contact(s): Luis Oscar Estrada, Manager (lestrada@apparel.com.gt)
Address: 15 Avenida 14-72 zona 13 2ndo. Nivel
Guatemala, Guatemala C. A 01013

Reply and Date: 4/24/2014: Initial inquiry regarding members' ability to produce subject



fabric. {D1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {D2}
No response received.

Association: *Honduran Manufacturers Association*
Contact(s): Astrid Vanessa Barnica Ajuria (servicioalcliente@ahm-honduras.com)
Address: Edificio Yude Canahuati 3 y 4 Piso, Avenida Circunvalacion S. O. Apartado Postal 2658 San Pedro Sula, Honduras

Reply and Date: 4/24/2014: Initial inquiry regarding members' ability to produce subject fabric. {E1}
4/24/2014: Association provided list of textile mills. {E2}
6/12/2014: Company provided revised fabric specifications to correct mathematical conversion error for thread count and overall weight of the fabric and asked association to forward to its members. {E3}
6/13/2014: Association forwarded request to its members. {E4}

Association: *National Council of Textile Organizations*
Contact(s): Michael Hubbard, Vice President (mhubbard@ncto.org)
Address: 910 17th Street, NW, Suite 1020 Washington, D.C. 20006

Reply and Date: 4/24/2014: Initial inquiry regarding members' ability to produce subject fabric. {F1}
4/28/2014: Association requested clarification regarding conversion for thread count and weight. {F2}
6/12/2014: Company provided revised fabric specifications to correct mathematical conversion error for thread count and overall weight of the fabric and asked association to forward to its members. {F3}
6/13/2014: Association forwarded request to its members. {F4}

Association: *Nicaraguan Textile Association (Anitec)*
Contact(s): Dean Garcia, Executive Director (director@anitec.net)
Address: Zona Franca "Las Mercedes" km 12 ½ Carretera Norte, Building #29 Managua, Nicaragua

Reply and Date: 4/24/2014: Initial inquiry regarding members' ability to produce subject fabric. {G1}
6/12/2014: Second request {G2}
No response received.

COMPANIES:

Dominican Republic:



Company: **3 MT Enterprises, Inc.**
Contact(s): Sigfrido Elmufdi, Manager (selmufdi@grupo3mt.com)
(fax: 506-2239-0059)
Address: Zona Franca Industrial San Pedro de Macoris
San Pedro de Macoris, Dominican Republic

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {H1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {H2}
No response received.

El Salvador:

Company: **Industrias Unidas S.A. (IUSA)**
Contact(s): Guillermo Enrique Vila, Sales Manager (ventas@iusa.com.sv)
Address: Km 11.5 Carretera Panamericana
Frente Aduana San Bartolo
San Salvador, El Salvador

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {I1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {I2}
No response received.

Company: **Pettenati Centro America S.A. de C.V.**
Contact(s): Claudia Villacorta, Customer Service Coordinator Commercial Department (cvillacorta@pettenati.com.sv)
Address: KM 42 Carretera a Santa Ana
Coatepeque, santa ana, El Salvador

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {J1}
4/24/2014: Company asked if fabric is bonded. {J2}
6/12/2014: VF confirmed that the fabric is bonded and sent revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {J2}
6/13/2014: Company advised that it could not produce the subject fabric. {J3}

Company: **Poliester y Filamentos de CA, SV de CV**
Contact(s): Julio Nasri Miguel, GM (polifylsa@gmail.com.com.sv)
(fax 001-571-223-2731)
Address: Km 10.5 Carr al Puerto de la Libertad
La Libertad, El Salvador

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {K1}
6/12/2014: Second request including revised fabric specifications



provided to correct mathematical conversion error for thread count and overall weight of the fabric. {K2}

No response received.

Company: *Pro Dept El Salvador, SA de CV*
Contact(s): Mario Zavaleta, Manager (mario@prodept.com)
Address: Edif #18 Calle Tazumal
Zona Franca San Bartolo
San Salvador, El Salvador

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {L1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {L2}
No response received.

Guatemala:

Company: *Hilos Y Telas*
Contact(s): Sue Hamm, Export Sales Mgr & Raul Ibarguen (info@hilosytelas.com)
34 Calle 7-42 Zona 11, Colonia Las Charcas, Guatemala, Guatemala

Address: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {M1}
Reply and Date: 6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {M2}
No response received.

Company: *Monte Textil S.A.*
Contact(s): Guillermo Zimeri Massis (gzimeri@textisur.com)
Address: Kn 18.5 Carr al Mayan Golf Villa, Nueva, Guatemala

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {N1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {N2}
No response received.

Company: *Parktland*
Contact(s): Bryan Quan, General Manager (bquan@parktland.com)
Address: 17 Calle 5-36 Zona 1, Guatemala

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {O1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {O2}
No response received.

Honduras:

Company: *Industrias Gabriela S de RL de CV*



Contact(s): Harold Guerrero, General Manager (hguerrero@indgabriela.com)
Address: 200 mts antes de Aldea Mateo
Carretera al 1er Batallon
Tegucigalpa, 11101 Honduras

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {P1}
4/25/2014: Company advised that it is not able to produce the requested fabric. {P2}
6/12/2014: VF provided revised specifications to correct mathematical conversion error for thread count and overall weight of the fabric. {P3}
No response received.

United States:

Company: **Brookwood**
Contact(s): Steven Lerman, VP Consumer (steven@brookwoodcos.com)
Address: 25 west 45th Street, 11th Floor, New York, New York 10036

Reply and Date: 5/05/2014: Initial inquiry regarding company's ability to produce subject fabric. {Q1}
5/12/2014: Company requested fabric samples. {Q2}
8/12/2014: Fabric samples were delivered to Brookwood. {Q3}
8/26/2014: VF telephone call and email summarizing call, specifically that Brookwood is not able to supply the requested fabric. {Q4}.
8/26/2014: Company confirmed that it is not able to produce the subject fabric. {Q4}

Company: **Inman Mills**
Contact(s): Ben Truslow, Vice President Sales (sales@inmanmills.com)
Address: 300 Park Rd
PO Box 207, Inman, SC 29349

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {R1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {R2}
No response received.

Company: **Milliken & Co.**
Contact(s): Kathi Dutilh, Manager, Government Relations (kdutilh@millikendc.com)
Eric Mossbrook, Director of Sales (eric.mossbrook@milliken.com)
Address: 920 Milliken Road, Spartanburg, SC 29304

Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {S1}
4/24/2014: Company stated that they could supply the fabric and would contact VF. {S2}
6/12/2014: VF follow up request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {S3}



6/13/2014: Company requested a fabric sample. {S4}
8/14/2014: Fabric sample was delivered to Milliken. {S5}
10/22/2014: Company advised that it is not able to produce the subject fabric. {S6}

Company: *Polartec, LLC*
Contact(s): Moshe Rock (rockm@polartec.com)
46 Stafford Street, Lawrence, MA 01841
Address:
Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {T1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {T2}
8/26/2014: Third request. {T3}
No response received.

Company: *W.L. Gore and Associates*
Contact(s): Ian Pund , Account Manager (ipund@wlgore.com)
Address: 555 Paper Mill Road, Newark, Delaware 19711
Reply and Date: 4/24/2014: Initial inquiry regarding company's ability to produce subject fabric. {U1}
6/12/2014: Second request including revised fabric specifications provided to correct mathematical conversion error for thread count and overall weight of the fabric. {U2}

(ii) Identification of CAFTA-DR suppliers

The list of potential suppliers was compiled through: (1) the 2014 Davison's Textile Salesman's Blue Book (online), (2) through the contact mechanisms of U.S. and Central American textile and apparel trade associations, and (3) VF's experience sourcing product in the U.S. and DR-CAFTA region.

As part of its due diligence and as detailed above, VF directly contacted the trade associations representing the CAFTA-DR countries' textile industries. They also contacted numerous individual companies throughout the CAFTA-DR region that based upon trade publications, inquiries and experience could conceivably produce the fabrics in question. To the best of its knowledge and ability, VF identified and contacted any regional supplier that might have the capability to produce the subject fabric. As the foregoing explains, these efforts to identify CAFTA-DR suppliers were reasonable in light of the product at issue.

(iii) Use of Third Parties and Business-to-Business Contact

All communications were handled directly between VF and the individual companies and associations. Further, all contacts were made at the level appropriate to communicate information on the fabrics needed, the specifications and standards, and the reason for those standards. VF was represented at the highest level of the company.



(iv) *Description of the Subject Product*

The Annex was provided to all potential suppliers and represents reasonable product specifications, including fiber content, yarn size and finishing processes expressed in accepted terminology and standards. The Annex describes with specificity the fabric required by VF.

(v) *Provision of Samples*

As noted above, in the course of the business dialogue, VF provided physical samples to several potential suppliers. No potential suppliers indicated that they could produce the requested fabric.

(vi) *Substitutability of Products*

No company suggested any fabrics that were substitutable for the subject fabric.

(4) Substitutable Products

VF, and its related brands, including The North Face, provide high-quality performance apparel and outerwear to its customers. The subject fabric is used for performance outerwear and its specifications are designed to withstand prolonged use in extreme conditions.

It is, therefore, absolutely critical that the fabric in question meet the stated performance criteria. A fabric that cannot match the stated requirements is simply unusable to VF and its customer and therefore is not substitutable.

VF is unaware of any supplier that produces a substitutable product in the CAFTA-DR countries, and did not receive an assertion that a conforming fabric could be produced that was substitutable for the fabrics requested.

As a result of the above inquiries and the thorough engagement and good faith efforts to procure the subject fabric, neither VF nor ST&R 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.

Thank you for your consideration of this request. If you have any questions or require further information, please contact me at 202-216-9307 or mtallo@strtrade.com.

Respectfully submitted,
SANDLER, TRAVIS & ROSENBERG, P.A.

By: Mark Tallo
Mark Tallo, Esq.

ANNEX

Detailed Fabric Description

Fabric:	Composite Fabric consisting of a 3-layered fleece/shell construction, woven outer layer and brushed inner layer, bonded with a PU membrane		
	Woven Face Fabric	Circular Double Knit Fleece Back Pile Fabric	Composite Fabric
Fiber Content	100% Polyester	100% Polyester	N/A
Warp Yarn Size (single ply)	Textured Polyester: 323.0 to 343.0 decitex/144 F (31.0 to 29.0 Nm/144 F)	81.0 to 86.0 decitex (73.0 to 78.0 Denier) (124.0 to 116.0 Nm)	N/A
Filling Yarn Size (single ply)	(291 to 309 denier/144 F)		
Thread Count:	57 – 61 warp ends per inch by 55 - 59 filling picks per inch – 22 – 24 warp ends per centimeter by 21 – 23 filling picks by centimeter.		N/A
Weave Type:	Plain Weave	Circular Double Knit Looped Pile	N/A
Weight:	156.8 g/m ² to 204.8 g/m ² (4.6 to 6.0 oz./yd ²)	157.1 to 173.2 g/m ² (4.6 to 5.1 oz./yd ²)	355.3 to 405.4 g/m ² (10.5 to 12.0 oz./yd ²)
Width:	N/A	N/A	130 cm wide (51.18 inches)
Finish:	Woven Face: Piece Dyed and/or Printed. Woven Back: Piece Dyed. Knit Face: Piece Dyed. Knit Back: Piece Dyed. Full contact bonding.		
Properties (Composite Fabric):	Windproof (ASTM D737 – Initial ≤ 1.0 cfm – 3x Wash ≤ 1.0 cfm), Durable Water Resistant (AATCC 22 – Initial ≥ 90 Points – 10x Wash ≥ 70 Points), High Light Fastness (AATCC 16 Opt 3 – Class 3.0 @ 40 Hours AFU), Low Range Hydrostatic (JIS1092 – Initial 20,000 mm – 3x Wash 20,000 mm; AATCC127 – Initial 20,000 mm – 3x Wash 20,000 mm); Water Vapour Permeability (JIS 1099 – Initial 20,000 g/m ² /24hr – 3x Wash 20,000 g/m ² /24hr); Water Vapour Transmission (ASTM E96 B – Initial 500 g/m ² /24hr – 3x Wash 500 g/m ² /24hr)		
HTSUS:	6001.22		
Remarks:	<p>Ranges above allow for a variance of up to five percent for fabric weight, thread count and three percent for Yarn Size.</p> <p>NOTE: The yarn size designations describe a range of yarn specifications for yarn before knitting, dyeing and finishing of the fabric. They are intended as specifications to be followed by the mill in sourcing yarn used to produce the fabric. Dyeing, finishing, and knitting can alter the characteristic of the yarn as it appears in the finished fabric. This specification therefore includes yarns appearing in the finished fabric as finer or coarser than the designated yarn sizes provided that the variation occurs after processing of the greige yarn and production of the fabric. The specifications for the fabric apply to the fabric itself prior to cutting and sewing of the finished garment. Such processing may alter the measurements.</p>		

DUE DILIGENCE CERTIFICATION

I, Mark Tallo, of Sandler, Travis & Rosenberg, P.A., counsel to VF Corp., certify that:

- (1) I have read the attached submission, and
- (2) Based upon the information made available to me by Hector Tock, I have no reason to believe that this submission contains any material misrepresentation or omission of fact.


Mark Tallo

Date: November 18, 2014

Due Diligence Certification

I, Hector Tock, Sourcing Director, currently employed by VF Corp., certify that I:

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

Signed: _____

Hector Tock

Date: _____

Nov, 17, 2014

ATTACHMENT

(CONFIDENTIAL VERSION ONLY)

Confidential version contains copies of VF's confidential request letters and confidential responses, as described in the foregoing letter.