SANDLER, TRAVIS & ROSENBERG, P.A.
ATTORNEYS AT LAW
1300 PENNSYLVANIA AVENUE, N.W.
SUITE 400
WASHINGTON, D.C. 20004
———
(202) 471-3240
FAX: (202) 842-2247
E-MAIL: mtallo@strtrade.com
WWW.STRTRADE.COM

SANDLER & TRAVIS
TRADE ADVISORY SERVICES
MIAMI - WASHINGTON, DC
DETROIT – MEXICO CITY
OTTAWA - SÃO PAULO

MARK D. TALLO
ATTORNEY AT LAW

April 24, 2009

PUBLIC VERSION

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 Cotton/ Polyester Fleece Fabrics (#5)

Dear Chairman:

On behalf of Garan Manufacturing Corp., of Starkville, MS, 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 DR-CAFTA country. By means of this letter, we request that CITA place the subject product described in the Annex on the list in Annex 3.25 of the Agreement because the fabrics are 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 fabrics in question are cotton/polyester20 gauge three-thread fleece classifiable under HTSUS subheading 6001.21.

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

We note that the subject fabric is similar to an existing item contained in Annex 3.25, namely File Number 25.2007.07.06.Fabric.ST&RforGaranMfg. The differences between the existing specifications and those in the subject fabric relate to additional tolerances for fiber content and yarn denier, as well as the removal of the requirement that the cotton in the fleece yarn be combed. .

These standards and specifications were explained to all potential suppliers.

Timing was expressed as the annually quantity being supplied quarterly.

(2) Quantity

Garan requires 181,439 – 1,133,993 kilograms (400,000 – 2,500,000 pounds) each season – January – June of each calendar year.

(3) Due Diligence

(i) Generally:

The following is a summary of our contacts and due diligence that demonstrates Garan's legitimate intent, and good faith and reasonable efforts to obtain the subject fabrics from DR-CAFTA suppliers.

We made initial contacts with all potential suppliers to locate sources for the subject fabrics, as well as the industry associations in all DR-CAFTA countries. Only one company expressed an initial interest or capability to produce the subject fabric, but subsequently determined that they could not produce the fabric.

The following firms and associations were contacted and asked if they or their members could supply the subject fabric. Contact and communication was made by various methods: email, courier service, U.S. Express mail, and teleconferencing.

ASSOCIATIONS:
Association: National Association of Textile Organizations
Contact/Email: Michael Hubbard; Vice President; (mhubbard@ncto.org)
469 Hospital Drive
Gastonia, NC 28054
4/3/09: Initial inquiry regarding members' ability to produce subject fabric.
4/7/09: An association member suggested several possible sources. Each of which was separately contacted (see below).

Association: National Textile Association
Contact/Email: David Trumbull; Director, Member Services; (dtrumbull@nationaltextile.org)
6 Beacon Street
Suite 1125

Boston, MA 02108

4/3/09: Initial inquiry regarding members' ability to produce subject fabric.
4/3/09: Association advised that it will poll its members and respond by 4/17.
4/20/09: Sent follow up confirmation.
4/21/09: Association stated that none of its members expressed an interest in supplying the fabric.

Association: American Manufacturing Trade Action Coalition
Contact/Email: Augustine Tantillo; Executive Director; (atantillo@amtacdc.org)
910 16th Street, NW
Suite 760
Washington, DC 20006
4/3/09: Initial inquiry regarding members' ability to produce subject fabric.
4/10/09: Follow up request for information regarding members' ability to produce subject fabric.
No responses received.

Association: Adozona (DR Association)
Contact/Email: José M. Torres; Executive Director; adozona@codetel.net.do
Torre Empresarial AIRD
Ave. Sarasota 20, 4to. Piso, La Julia
Apartado Postal 3184
Santo Domingo, República Dominicana
4/3/09: Initial inquiry regarding members' ability to produce subject fabric.
4/10/09: Follow up request for information regarding members' ability to produce subject fabric.
No responses received.

Association: Union de Industrias Textiles (UNITEX)
Contact/Email: Edwin Zamora; President; Unitex_gg@telesal.net
4/3/09: Initial inquiry regarding members' ability to produce subject fabric.
4/10/09: Follow up request for information regarding members' ability to produce subject fabric.
No responses received.

Association: Guatemala Apparel and Textile Association (VESTEX)
A list of Guatemalan fabric manufacturers was previously obtained from the Association. The companies identified as fabric knitters were separately contacted. (See below).

Honduran Manufacturers Association
A list of Honduran fabric manufacturers was previously obtained from the Association. The companies identified as fabric knitters were separately contacted. (See below).

Association: Nicaraguan Textile Association (Anitec)
Contact/Email: General Inquiries nicaind@aol.com
4/3/09: Initial inquiry regarding members' ability to produce subject fabric.
4/10/09: Follow up request for information regarding members' ability to produce subject fabric.

No responses received.

Contact/Email: Dean Garcia; Executive Director; (director@anitec.net)
4/13/09: Initial inquiry regarding members' ability to produce subject fabric.
4/20/09: Follow up request for information regarding members' ability to produce subject fabric.

Association: Costa Rican Chamber of Textiles
Contact/Email: Maria Quirce, Director (maqcateco@racsa.co.cr)
4/3/09: Initial inquiry regarding members' ability to produce subject fabric.
4/10/09: Follow up request for information regarding members' ability to produce subject fabric.

COMPANIES:
United States:

Company: Alamac American Knits
Contact/Email:Ron Giacone; Sales (ron.giacone@alamacusa.com)
1885 Alamac Road
Lumberton, NC 28358
4/3/09: Inquiry regarding ability to produce subject merchandise
4/3/09: Company advised that it cannot produce subject fabric.

Company: LJ Knit Sales
Contact/Email:Jay Steinberg INSERT TITLE (jaysteinbergmsv@comcast.net)
Address Unkown
4/3/09: Inquiry regarding ability to produce subject merchandise
4/10/09: Follow up request for information regarding ability to produce subject fabric.
4/14/09: Company advised it could not produce subject fabric.

Company: Milliken & Co.
Contact/Email: Kathi Dutilh; Manager, Government Relations; (kdutilh@millikendc.com
910 16th Street NW
Suite 700
Washington, DC 20006
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
4/12/09: Company advised it was working to get an answer.
4/15/09: Company advised that it was not currently producing subject fabrics; requested information on volumes.
4/17/09: Responses provided to Milliken.
4/21/09: Garan requested response.
4/22/09: Milliken advised it would respond shortly, possibly by 4/22.
4/23/09: Garan requested response.
No further communications received.

MJ Soffe
Contact/Email: General Inquiry (customerservice@mjsoffe.com)
One Soffe Drive
Fayetteville, NC 28312
4/6/09: Suggested as a possible source by NCTO
4/7/09: Initial inquiry regarding ability to produce subject fabric.
4/14/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Delta Maiden
Contact/Email: Eliot Floren; Sales representative (elliot.floren@deltaapparel.com/
(ph) 516-816-3417)
New York, NY 10018
4/6/09: Suggested as a possible source by NCTO
4/7/09: Initial inquiry regarding ability to produce subject fabric.
4/8/09: Teleconf w/ M. Haney: Company only produces T-shirts.

Volunteer Knit Apparel
Contact/Email: Nora Wolsenbarger; Manager (nora@volknit.com)
403 Old Knoxville Highway
New Tazewell, TN 37825
4/6/09: Suggested as a possible source by NCTO
4/14/09: Telephone conversation between Mark Haney and Nora Wolsenberger. Company advised it made two types of fleece. Garan sent exact specs via email. Company agreed to review to determine if the specs matched either of the styles they produce.
4/20/09: Requested response.

Fruit in Jamestown, NC
Contact/Email: Ted Golesby; Title Unknown; 270.781.6400
S Highway 127
Jamestown, KY, 42629-0170
4/6/09: Suggested as a possible source by NCTO
4/15/09: Telephone conversation with Mark Haney. Company advised that it does not sell fabric to the public.

Guatemala:

Company: America Textil / Ametex
Contact/Email: Marco Tulio Bautista / americatextil@intelnet.net.gt
4/3/09: Initial inquiry regarding ability to produce subject fabric
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Broadcloth
Contact/Email: Wilfredo Garcia Sanchez / textil@guate.net; fax(502.663.35808

4/7/09: Initial inquiry regarding ability to produce subject fabric (FAX)
4/21/09: Follow up request for information regarding ability to produce subject fabric (FAX)
No responses received.

Company: Confecciones Anice / Conamsa
Contact/Email: Munir Massis / munir@terra.com.gt; tejisamira@turbonett.com
4/3/09: Initial inquiry regarding ability to produce subject fabric
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Empresa Industrial Cantel
Contact/Email: Pablo Garcia Salas / pablogs@itelgua.com
4/3/09: Initial inquiry regarding ability to produce subject fabric
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Fabrica De Tejidos Samira
Contact/Email: Munir Massis / tejisamira@turbonett.com
4/3/09: Initial inquiry regarding ability to produce subject fabric
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Fabrica La Roca
Contact/Email: Alejandro Arnau; : General Manager / nrivera@flaroca.com
4/3/09: Initial inquiry regarding ability to produce subject fabric
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Frazima Concepción/Monte Textile
Contact/Email: Juan Carlos Castaneda / juancarlos@textisur.com
4/3/09: Initial inquiry regarding ability to produce subject fabric
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: FSTEX
Contact/Email: Hans W. Schieber V. / hwsvl@yahoo.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Grupo Imperial
Contact/Email: Roberto Zaid / textiles@imperialtex.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/14/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Hilos Y Telas
Contact/Email: Antonio Malouf / ramalouf@hilosytelas.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
4/10/09: Company advised it would be closed until 4/13.

Company: ICITEX
Contact/Email: Guillermo Zaid / ribbons@tejidospolitex.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Industria Textile / INDUTEX
Contact/Email: Federico Zimeri / operaciones@toallasfaxel.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Industrias Liztex
Contact/Email: Saul Mishan / saul@liztex.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/3/09: Company advised that it cannot produce subject fabric.

Company: J. H. Brostex
Contact/Email: Byung Taek Chung / brostex@daum.net
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Jung Woo Textiles
Contact/Email: Ines Lee / Guatemala@jungwootextile.com; rnilove@hanmail.net
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Megatextil's
Contact/Email/Phone/Fax: Sung Deok Kim / megatextiles@hanmail.net / (502)66330549; 78799178 / (502)66330506
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Modas Amor

Contact/Email: Chang Ok Yoo / changoky@hanmail.net
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Modas Han Kil
Contact/Email: Chang Ok Yoo / mkeo728@hanmail.net
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Parktland
Contact/Email: Bryan Quan / parktland@apparel.com.gt
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Parracana
Contact/Email: Raul Ibarguen Pujol / parracanacantel@yahoo.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Rosazu
Contact/Email: Francisco Goenz; Luis Guzman / luis.guzman@imerlet.com; francisco.goenz@imerlet.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Supratextiles
Contact/Email: Raul Ibarguen Garcia-Salas / rigs@itelgua.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Tejidos Mundiales
Contact/Email: Stefan Meany / ventas@tejidosmundiales.com
4/14/09: Initial inquiry regarding ability to produce subject fabric.
4/20/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Textilera Santa Emilia
Contact/Email: Alberto Zimeri Gandara;Carlos Zimeri Gandara / textiles@textilesperfecta.com

4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Textiles Capuano/ Textiles Catania
Contact/Email: Alejandro Ortega / aob@textilescapuano.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/14/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Textiles Del Pacifico
Contact/Email: Rene Castaneda / aguerra@texpasa.com; rcastaneda@texpasa.com
4/7/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Textiles Modernos
Contact/Email: Ligia Maria Illescas / texmosairis@citel.com.gt
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: LA Dyeing and Finishing
Contact/Email: Mr. Hung; 'myhong@dnfgt.com'; (502) 783.89450/783.78454
Company formerly known as World Fama
4/15/09: Teleconference between David Olave and Mr. Hung
4/15/09: Complete fabric specifications sent via email 4/22/09: Requested response

Honduras:

Company: AKH
Contact/Email: Tem Mclnville / temm@anvilknitwear.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Caracol Knits
Contact/Email: Erick Rodriguez / erodriguez@caracolknits.com; fax: (504) 507-1201
'dcastellanos@caracolknits.com'
4/10/09: Initial inquiry regarding ability to produce subject fabric.
No responses received.
4/20/09: Follow up request for information regarding ability to produce subject fabric.

Company: Cottonwise Textiles
Contact/Email/Fax: Mu Hyun Han / cottonwise@cottonwise.com / fax: (504)554-0882

'cwkim@cottonwise.com'
4/10/09: Initial inquiry regarding ability to produce subject fabric.
4/20/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: ELCATEX
Contact/Email: Jesus Canahuati / chuy@elcatex.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/14/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Industrias Continental
Contact/Email: Roberto Diban Canahuati / fax (504) 574-8176
juancarlos@industriascontinental.com; antonior@industriascontinental.com
4/14/09: Initial inquiry regarding ability to produce subject fabric.
4/20/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: RLA Manufacturing
Contact/Email: Philip Holloway / garciaedy@russellcorp.com; fax (504) 606-4800
'rodriguezerik@russellcorp.com'
4/10/09: Initial inquiry regarding ability to produce subject fabric
4/20/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Shin Sung Honduras
Contact/Email: Jeong Yang Gi / jose@shinsung.hn; 'ygjeong@ssts.co.kr'
4/10/09: Initial inquiry regarding ability to produce subject fabric.
4/13/09: Company advised it could not make subject fabric.
No responses received.

Company: Sky Textile Honduras
Contact/Email: Ken Tai / ken_tai@oceanskyintl.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

Company: Woong Chun Honduras
Contact/Email: Brian Kwon; Marketing Director / padrino@woongchun.com
4/3/09: Initial inquiry regarding ability to produce subject fabric.
4/10/09: Follow up request for information regarding ability to produce subject fabric.
No responses received.

(ii) Identification of CAFTA-DR suppliers:

As part of our due diligence, we contacted the trade associations representing the DR-CAFTA countries' textile industries. We also contacted numerous individual companies throughout the DR-CAFTA region that based upon our inquiries and experience could conceivably produce the fabrics in question. To the best of its knowledge and ability, Garan 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:

We made all initial contacts with potential suppliers. Once an indication of interest to supply was received all contacts thereafter were made by Garan and were made at the level appropriate to communicate information on the fabrics needed, the specifications and standards, and the reason for those standards. Garan 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 fabrics needed by Garan,

(v) Provision of Samples

No dialogue with any prospective DR-CAFTA supplier advanced sufficiently to warrant the exchange of samples.

(vi) Substitutability of Products:

No prospective DR-CAFTA supplier suggested the use of an alternative or substitutable fabric.

(4) Substitutable Products

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

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

Thank you for your consideration of this request. If you have any questions or require further information, please contact my office. If you have any questions or comments regarding this submission, please contact Mark Haney at mhaney@strtrade.com.

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

By: _____
Mark Tallo

Product	Circular Knit Three End Fleece - #5 HTS Subheading: 6001.21 Fiber Content: 67-73% cotton / 27-33% polyester Average Yarn Number: Face yarn - 100% combed cotton; 47/1 to 58/1 metric (28/1 to 34/1) Tie yarn - 100% filament polyester; 110-125 metric/36 filaments (72-82 denier / 36 filaments) Fleece yarn – 57-63% cotton /37-43% polyester; 12/1 to 24/1 metric (7/1 to 14/1) Gauge: 20 Weight: 271 to 300 grams per square meter (8.0 to 8.85 ounces per square yard) Width :152 to 183 centimeters (60 to 72 inches) Finish:(Piece) dyed; printed In addition, the technical back must be heavily napped to produce a fabric thickness of not less than 4.5 millimeters, including the napped pile. The height of the pile is a requirement of the finished fabric. During processing, including rolling of the fabric, the actual height of the fabric, including the napping, may be less. Additionally, a portion of the fabric is brushed on the technical face to produce a sueded hand and appearance and a portion is treated with a stain release finish. Finally, the following performance criteria must be satisfied: · Vertical and horizontal shrinkage must be less than 5% · Torque may not exceed 4% · All fabrics must have a Class 1 flammability rating · For optimum fabric integrity and stitch definition, this fabric must be knit on machines whose number of yarn feeds is a multiple of 3.