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July 24, 2013

VIA E-MAIL AND UPS

PUBLIC VERSION

Ms. Kim Glas, Chairperson
Committee for the Implementation of Textile Agreements
Room H3100, U.S. Department of Commerce
14th and Constitution Ave., NW
Washington, DC 20230

Re: *Commercial Availability Request*
Polyester/Nylon Cut Corduroy Fabric

Dear Ms. Glas:

On behalf of SPC Global, LLC ("SPC Global"), 1270 Broadway, Suite 1207, New York, NY 10001, and pursuant to Section 203 of the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR") Implementation Act (19 U.S.C. § 4033(o)(4)) and the Committee for the Implementation of Textile Agreements' ("CITA's") Modified Final Procedures for Considering Requests Under the Commercial Availability Provision of CAFTA-DR (73 Fed. Reg. 53200 (Sept. 15, 2008)), we request that certain polyester/nylon cut corduroy fabric be added to the CAFTA-DR Short Supply List at U.S. Note 20(a) to Chapter 98, Subchapter XXII, Harmonized Tariff Schedule of the United States ("HTSUS") and on the Office of Textiles and Apparel's ("OTEXA's") CAFTA-DR Annex 3.25 (Updated) short supply list.

I. Detailed Product Information

The subject fabric is certain polyester/nylon cut corduroy fabric. The fabric has the following specifications, some of which are expressed in ranges:

<i>Fabric Type</i>	Polyester/Nylon Cut Corduroy Fabric
<i>Fiber content</i>	80 to 95 percent polyester and 5 to 20 percent nylon

<i>Yarn Size</i>	<p>English</p> <p>Warp: Polyester filament between 100-200 denier</p> <p>Fill: Polyester filament between 100-250 denier and bi-constituent polyester-nylon filament between 200-350 denier</p> <p>Metric</p> <p>Warp: Polyester filament between 111-222 decitex</p> <p>Fill: Polyester filament between 111-278 decitex and bi-constituent polyester-nylon filament between 222-389 decitex</p> <p>NOTE 1: In the bi-constituent yarn, the polyester and nylon are mixed prior to extrusion.</p> <p>NOTE 2: The yarn size designations describe a range of specifications for yarn in its greige condition. They are intended as specifications to be followed by the mill in sourcing yarn used to produce the fabric. Weaving, dyeing, and finishing can alter the characteristics 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.</p>
<i>Thread Count</i>	<p>English: 50 to 86 warp ends x 127 to 170 fill picks per inch</p> <p>Metric: 20 to 34 warp ends x 50 to 67 fill picks per centimeter</p>
<i>Weight</i>	<p>English: 6.48 to 8.55 ounces per square yard</p> <p>Metric: 220 to 290 grams per square meter</p>
<i>Width</i>	<p>English: 56 to 64 inches</p> <p>Metric: 142 to 162 centimeters</p>
<i>Weave</i>	Cut corduroy with 8 to 16 wales per inch (3 to 6 wales per centimeter)
<i>Finishing</i>	Piece-dyed or of yarns of different colors

The requested fabric is classifiable at HTSUS 5801.32.0000, which covers:
“Woven pile fabrics and chenille fabrics, other than fabrics of heading 5802 or 5806: Of man-made fibers: Cut corduroy.”

We note that SPC Global anticipates that it will purchase primarily piece-dyed fabric meeting the specifications above. During the fabric dyeing process, however, some yarns in a fabric may pick up more dye than other yarns in the same fabric. U.S. Customs and Border Protection, which might sample and test a garment made from the imported fabric, would consider such fabric to be of yarns of different colors. *See, e.g.*, HQ 956513 (Sept. 30, 1994). The specifications above therefore clarify that the requested fabric may be yarn-dyed or piece-dyed.

A sample is enclosed with this letter. This sample is representative of the requested fabric.

II. Quantity

SPC Global requires between 150,000 to 200,000 yards (between 137,160 to 182,880 meters) of the requested fabric annually, deliverable within 10 weeks of order placement.

III. Due Diligence

In performing the due diligence required by CITA's Modified Final Procedures, we identified possible CAFTA-DR suppliers for the subject fabric using four sources. First, we reviewed lists of companies contacted in connection with prior commercial availability proceedings involving similar fabrics. Most significantly, we reviewed the due diligence conducted by Fishman & Tobin or its counsel, Sharretts, Paley, Carter & Blauvelt, P.C., in a 2008 commercial availability proceeding involving a similar corduroy fabric. No CAFTA-DR supplier of that fabric was identified and the fabric was determined to be commercially unavailable. Recognizing that circumstances may have changed over time, however, we researched these companies and contacted potential suppliers.

Second, we consulted Davison's Textile Blue Book, which is available online at <http://www.davisonbluebook.com/textilebluebook>. This is a subscription-based, Internet database of manufacturers in the textile and apparel industry, which is searchable by types of textiles and by countries/regions of the world. Third, SPC Global identified potential suppliers based on its knowledge of the industry. Fourth, we provided our due diligence inquiry to major textile trade associations in the United States and the CAFTA-DR countries.

Attached is a table that lists all the trade associations and CAFTA-DR producers that were identified during our due diligence research and to which we sent request letters. (Attachment 1). Our initial outreach began on April 18, 2012, when we sent request letters via both U.S. Mail and email to each of these trade associations and CAFTA-DR producers. The request letter explained that SPC Global produces apparel in CAFTA-DR countries and therefore seeks to obtain fabric that could be used to produce CAFTA-DR-qualifying apparel. The request letter included a table of detailed fabric specifications, as well as information about required quantities and lead times.

Additionally, the letter included information about how a supplier wishing to offer the requested fabric should respond. The column labeled "Response" on the table at Attachment 1 describes the responses received. Where no response was received, the column labeled "Follow-up Due Diligence" describes subsequent attempts to contact trade associations and potential producers by email and by telephone. The column labeled "Response to Follow-up" describes additional responses received. Also attached are copies of the communication described in the table, including our initial letters,¹ email responses, records of returned emails, and file memoranda describing telephone conversations. (Attachment 2). We request confidential treatment of these attachments.

CITA's Modified Final Procedures require that, "[o]nce interest is expressed between requestors and CAFTA-DR suppliers, subsequent communications should be conducted by appropriate officials of the requestor and CAFTA-DR supplier based on normal business practice." Two companies, Burlington and Liztex, expressed interest in producing the fabric. As described on the table at Attachment 1 and documented at Attachment 2, therefore, SPC Global engaged in direct, business-to-business communication with both companies. Burlington requested that SPC Global clarify the bi-constituent nature of the polyester-nylon yarn in the fabric and then confirmed it would not offer to supply the fabric. Liztex requested a sample and again expressed interest in producing the fabric. The documentation at Attachment 2 demonstrates establishment of direct communication between Liztex and SPC Global.

Following this April and May 2012 communication, SPC Global continued to refine its fabric specifications to meet its customers' needs and to work with Liztex and potential suppliers in other regions to find a source for that fabric. Both Burlington and Liztex subsequently confirmed that they would not offer to supply the requested fabric.

Because SPC Global eventually made two minor revisions to the permitted ranges in its fabric specifications and also made the clarification requested by Burlington, and because a year had elapsed since its initial outreach, SPC Global conducted additional due diligence with respect to all identified trade associations and companies. This further outreach and the responses received are also described on the spreadsheet at Attachment 1. Please see the column labeled "2013 (Updated) Contact" and the response and follow-up columns to the right of it. Supporting documentation is also provided. (Attachment 3). We request confidential treatment of these attachments.

Together, the due diligence conducted in 2012 and the additional outreach conducted in 2013 demonstrate that the polyester/nylon cut corduroy fabric described in this request is unavailable from CAFTA-DR producers.

¹ Each letter to a trade association included a copy of the letter sent to individual producers; the enclosures are reproduced at Attachments 2 and 3 behind the first trade association letter only.

IV. Substitutable Products

As noted above, the specifications for the requested fabric are expressed in ranges, to give producers the most flexibility to provide fabric that would fulfill SPC Global's requirements. SPC Global is unaware of any fabric outside the ranges of these specifications that is substitutable for the requested fabric. SPC Global's customers demand a cut corduroy fabric, and most producers indicated that they do not produce corduroy of any type. Furthermore, the specifications note the importance of the bi-constituent polyester-nylon yarn in the fabric's fill. Any fabric made without this bi-constituent yarn would not meet the requirements of SPC Global's customers and would not be substitutable.

V. Conclusion

SPC Global seeks to purchase the subject polyester/nylon cut corduroy fabric for use in garment production in CAFTA-DR countries. The foregoing letter and the attached documentation confirm that the fabric is not available in commercial quantities from CAFTA-DR producers. We therefore request that CITA add this fabric to the CAFTA-DR Short Supply List.

If CITA has questions or requires further information, please contact BJ Shannon at 202-239-3344 or Jason Waite at 202-239-3455.

Sincerely,

/s/ BJ Shannon

BJ Shannon

Attachments

DUE DILIGENCE CERTIFICATION

Interested Entity's Certification

I, Jay Lee, General Manager, currently employed by SPC Global, LLC, certify that:

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

Signed: _____

Jay Lee

Date: _____

7/24/13

DUE DILIGENCE CERTIFICATION

Legal Counsel's Certification

I, BJ Shannon, of Alston & Bird LLP, counsel or representative to SPC Global, LLC, certify that:

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

Signed: _____

BJ Shannon

Date: _____

7/24/13

ATTACHMENT 1

Commercial Availability Request - Due Diligence: Polyester/Nylon Cut Corduroy Fabric (July 22, 2013)

Association or Company Contacted	Contact	Address	Initial Contact	Response	Follow-up Due Diligence	Response to Follow-up	2013 (Updated) Contact	Response	Follow-up Due Diligence	Response to Follow-up
American Manufacturing Trade Action Coalition	Sara Ormand Beatty, Director of International Trade, sbeatty@amtrade.org	910 16th Street, NW, Suite 760, Washington, DC 20006	Sent letter by email and mail on 4/18/2012	Sara Beatty responded on 4/18/2012 that she would circulate the inquiry to AMTAC's members and would notify us of any responses.	N/A	N/A	N/A (AMTAC is now part of NCTO)	N/A	N/A	N/A
National Council of Textile Organizations	Michael Hubbard, Vice President, mhubbard@ncto.org	910 17th Street, NW, Suite 1020, Washington, DC 20006	Sent letter by email and mail on 4/18/2012	Mike Hubbard responded on 4/18/2012 that he would share the inquiry with NCTO members.	N/A	N/A	Sent letter via email and mail on 7/2/2013	Mailed letter returned as undeliverable.	Sent second email and recent letter by mail on 7/12/2013 to 469 Hospital Drive, Suite C, Gastonia, NC 28054	Mike Hubbard responded via email on 7/16/2013 that he did not know of a producer of the requested fabric but that he would check with his members and ask them to respond directly to Alston & Bird/SPC Global.
National Textile Association	David Trumbull, Vice President dtrumbull@nationaltextile.org	6 Beacon Street, Suite 1125, Boston, MA 02108	Sent letter by email and mail on 4/18/2012	David Trumbull requested the letter in a format that he could copy and paste into a daily textile news blog; the text of the letter was sent via email on 4/18/2012. He confirmed on 4/19/2012 that the information had been posted.	N/A	N/A	N/A (NTA is now part of NCTO)	N/A	N/A	N/A
Adosona	Jose M. Torres, Executive Board Vice President, adosona@codeel.net.do	Torre Empresarial APD, Ave. Saratoga 20, 4to. Piso, La Jula, 3184 Santo Domingo, Dominican Republic	Sent letter by email and mail on 4/18/2012	Jose Torres responded on 4/19/12 that there is no availability in the DR of the requested fabric.	N/A	N/A	Sent letter via email and mail on 7/2/2013	None	Sent second email on 7/12/2013	Jose Torres responded via email on 7/12/2013 that the fabric is not available in the Dominican Republic.
Costa Rican Chamber of Textiles	Marie Quirico, Director, mquirico@casaca.co.cr, casaca@textilesr.com	Apartido 1512 1002 Pase de Estudiantes, San Jose, Costa Rica	Sent letter by email and mail on 4/18/2012	None	Sent follow up email (with original letter attached) on 4/30/2012.	Email responses from Arlene on 4/30/2012 indicated that Annia Segura is the new contact, and that no company in Costa Rica manufactures the requested fabric.	Sent letter to Annia Segura via email and mail on 7/2/2013	None	Sent second email on 7/12/2013	Annie Segura responded via email on 7/12/2013 that the woven fabric is not produced in Costa Rica.
Guatemala Apparel and Textile Association (WESTEX)	Karin de Leon, Market Access/Trade Administration, kdeleon@aparel.com.gt	15 Avenida 14-72 zona 13, 2do. Nivel, 01013-Guatemala City, Guatemala	Sent letter by email and mail on 4/18/2012	Karin de Leon responded on 4/18/2012 that she would ask about the availability of the fabric. On 4/28/2012, Karin de Leon also requested a Word version of the letter; the Word version was sent by email on 4/19/2012.	N/A	N/A	Sent letter via email and mail on 7/2/2013	Yarin de Leon responded via email on 7/2/2013 and requested more information about changes to the specifications; information was provided via email on 7/3/2013; Karin de Leon confirmed receipt on 7/4/2013; no further response was received.	N/A	N/A
Honduran Manufacturers Association	Astrid Vanesa Barrios, Customer Service Agent, servicioalcliente@ahm.honduras.com, 011 504 2516-9100	Edificio Yde Canahuatl 3er y 4to Piso, Avenida Circunvalacion S.O., San Pedro Sula, Cortes, Honduras	Sent letter by email and mail on 4/18/2012	Email returned as undeliverable.	Placed telephone calls to and left voice messages for Astrid Barrios on 4/30/2012 and 5/1/2012. Also sent follow up email (with original letter attached) on 4/30/2012.	Email returned as undeliverable. No response to telephone calls.	Sent letter via email and mail on 7/2/2013	Email returned	Sent second email on 7/12/2013 to Joseet Ordonez (listed on association website as maintaining the directory of member companies and responsible for industry communications) at mercadeo@ahm-honduras.com	Joseet Ordonez responded via email on 7/12/2013 that she would forward the request to Astrid Barrios. No further response was received.
Nicaraguan Textile Association (Antitec)	Dean Garcia, Executive Director, director@antitec.net	Zona France "Las Mercedes", km 12 1/2 Carretera Norte, Managua, Nicaragua	Sent letter by email and mail on 4/18/2012	None	Sent follow up email (with original letter attached) on 4/30/2012.	None	Sent letter via email and mail on 7/2/2013	None	Sent second email on 7/12/2013	None
Union de Industrias Textiles (UNITEX)	Ingrid Burgos, Executive Director, iburgos@camtex.com.sv, asistente2@camtex.com.sv, 011-509-22573283	Camara de la Industria Textil de la Confeccion de El Salvador, Calle Liverpool y Calle Roma, edif. ASI. Col. Roma, San Salvador, El Salvador	Sent letter by email and mail on 4/18/2012	None	Sent follow up email (with original letter attached) on 4/30/2012.	Mauricio Ernesto Rodriguez confirmed via email on 4/30/2012 that he had circulated the inquiry to members.	Sent letter via email to two addresses and via mail on 7/2/2013	Email to burgos@camtex.com.sv was returned; email to asistente2@camtex.com.sv transmitted successfully.	Sent second email to asistente2@camtex.com.sv on 7/12/2013	None

Commercial Availability Request - Due Diligence: Polyester/Nylon Cut Corduroy Fabric (July 22, 2013)

Association or Company Contacted	Contact	Address	Initial Contact	Response	Follow-up Due Diligence	Response to Follow-up	2013 (Updated) Contact	Response	Follow-up Due Diligence	Response to Follow-up
Burlington	Mr. Peter Baumann, VP Merchandising, Burlington Worldwide, Pete.Baumann@lbg-global.com	804 Green Valley Rd, Greensboro, NC 27408	Sent letter by email and mail on 4/18/2012	Jay Lee of SPC Global also called Peter Baumann on 4/20/12. Peter Baumann stated that he would contact Burlington's fabric developers and would respond in writing.	N/A	Peter Baumann responded via email on 4/30/2012 to request additional information about constituent yarns. Additional information was provided via email on 5/3/2012. Peter Baumann confirmed on 5/4/2012 that Burlington would not supply the requested fabric with bi-constituent polyester-nylon yarn.	Sent letter via email on 6/20/13 and via mail on 6/21/2013.	Peter Baumann responded via email on 6/28/2013 that Burlington would not oppose a commercial availability request for the fabric.	N/A	N/A
Greenwood Mills	Gary Niederauer, VP Sales, gniederauer@greenwoodmills.com	434 New York Ave, Huntington, NY 11746	Sent letter by email and mail on 4/18/2012	None	Sent follow up email (with original letter attached) on 4/30/2012.	Gary Niederauer confirmed via email on 4/30/2012 that Greenwood Mills does not produce corduroy.	Sent letter via email and mail on 7/2/2013	None	Sent second email on 7/12/2013	Gary Niederauer responded via email on 7/12/2013 that Greenwood Mills does not weave corduroy.
Milliken	Kathi Duilth, Manager, Government Relations, kduilth@milliken.com	PO Box 1976, Spartanburg, SC 29304	Sent letter by email and mail on 4/18/2012	Kathi Duilth responded by email on 4/18/2012 that Milliken is not in the cut corduroy business.	N/A	N/A	Sent letter via email and mail on 7/2/2013	None	Sent second email on 7/12/2013	Kathi Duilth responded via email on 7/12/2013 that Milliken does not make corduroy.
Mount Vernon Mills	William M. Laughridge, Sales Rep	11 Claymore Ct, Greer, SC 29650	Sent letter by mail on 4/18/2012 (email address unavailable)	None	Placed telephone call to and left voice message for William Laughridge on 4/30/2012.	William Laughridge confirmed via telephone on 4/30/2012 that Mount Vernon Mills does not produce corduroy.	Sent letter via mail on 7/2/2013 (email address unavailable)	None	Attempted to call William Laughridge and sent letter via email to Kent Snow on 7/15/2013	Kent Snow responded via email on 7/16/2013 that Mount Vernon Mills does not produce corduroy.
Swift Galey	Dennis Gilrain	Five Concourse Parkway, Suite 2300, Atlanta, GA 30328	Sent letter by mail on 4/18/2012 (email address unavailable)	None	Identified email address (dgilrain@swiftgaley.com) and sent follow up email on 4/30/2012. Placed telephone call to and left voice message for Dennis Gilrain on 5/1/2012.	Dennis Gilrain responded via email on 5/2/2012 that he received the email and would advise if the company could manufacture the product.	Sent letter via email and mail on 7/2/2013	None	Sent second email on 7/12/2013	None
Litex	Saul Mishan, Sales Contact, saul@litex.com	Parques del Lago Km. 30.5 Carretera al Pacifico, Amatitlan, Guatemala	Sent letter by email and mail on 4/18/2012	None	Sent follow up email (with original letter attached) on 4/30/2012. Forwarded email (with original letter attached) to Joe Hable at text@litex.com on 5/4/2012.	Joe Hable requested a sample on 5/1/2012. Sample was sent via express courier on 5/3/2012. Joe Hable also offered on 5/7/2012 to supply fabric. Jay Lee contacted Joe Hable directly on 5/10/2012.	Sent letter to Saul Mishan via email and mail on 6/20/2013.	Saul Mishan responded via email on 6/20/2013 and on 7/17/2013 that Litex would not oppose a commercial availability request for the fabric.	N/A	N/A
Monte Textile	Guillermo Zimeri, Sales Contact, gzimeri@montetext.com	Km 18.5 Carr al Mayan Golf Villa Nueva, Guatemala, Guatemala	Sent letter by email and mail on 4/18/2012	Guillermo Zimeri forwarded the request to Juan Jop Zimeri on 4/20/2012. On the same day, Juan Jop Zimeri asked Guillermo Zimeri to send the attachment.	Sent follow up email to both Guillermo Zimeri and Juan Jop Zimeri (with original letter attached) on 4/30/2012.	Juan Jop Zimeri confirmed via email on 4/30/2012 that Monte Textile cannot currently offer the fabric.	Sent letter via email and mail on 7/2/2013	None	Sent second email to Guillermo Zimeri and to Juan Jop Zimeri on 7/12/2013	None

ATTACHMENT 2

**[Business confidential information,
summarized in the foregoing letter and at Attachment 1]**

ATTACHMENT 3

**[Business confidential information,
summarized in the foregoing letter and at Attachment 1]**