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August 4, 2008

Mr. R. Matthew Priest, 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

SANDLER & TRAVIS  
TRADE ADVISORY SERVICES  
DETROIT • OTTAWA • SÃO PAULO  
CONSULTING SERVICES

PUBLIC VERSION

Re: Petition Regarding the Commercial Availability of Certain Three Yarn Circular Knit Stretch Fleece

Dear Mr. Chairman:

On behalf of Badger Sportswear, Inc., we herewith 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 ("DR-CAFTA") Implementation Act and CITA Final Procedures for implementing Section 203(o)(4) contained in CITA's Federal Register notice of March 15, 2007, with respect to certain fabric to be used in the manufacture of apparel. By means of this letter, we request that the subject fabric be added to Annex 3.25 of the Agreement.

Complete details of the fabric in question are listed in the attached Annex. Badger requires approximately 9,144 linear meters per month.

As part of our due diligence, we contacted the trade associations representing the U.S. textile industry. We also contacted numerous individual companies throughout the DR-CAFTA region that might have the capability to produce the subject fabric. While four companies expressed some interest, they ultimately advised that they could not produce the fabric, or simply stopped communicating.

## Due Diligence

### **Associations:**

National Association of Textile Organizations

Michael Hubbard ([mhubbard@ncto.org](mailto:mhubbard@ncto.org))

3/24/08. Initial inquiry regarding members' ability to produce subject merchandise.

3/26/08: NCTO advised the names of several companies that might be able to produce subject fabric. Each listed company was separately contacted (see below).

National Textile Association

David Trumbull ([dtrumbull@nationaltextile.org](mailto:dtrumbull@nationaltextile.org))

3/24/08. Initial inquiry regarding members' ability to produce subject merchandise.

4/8/08: NTA advised that no member companies have responded with any interest in producing subject fabric.

American Manufacturing Trade Action Coalition

Augustine Tantillo ([atantillo@amtacdc.org](mailto:atantillo@amtacdc.org)); Sara Ormand ([sormand@amtacdc.org](mailto:sormand@amtacdc.org))

3/24/08. Initial inquiry regarding members' ability to produce subject merchandise.

### **COMPANIES:**

#### *United States:*

**Firm:** Alamac American Knits

**Contact:** Ron Giacone ([ron.giacone@alamacusa.com](mailto:ron.giacone@alamacusa.com))

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/08: Second inquiry.

4/9/08: Company cannot produce subject fabric.

**Firm:** Alandale Knitting

[sales@alandale.net](mailto:sales@alandale.net)

4/9/08: Initial inquiry regarding ability to produce subject merchandise.

5/2/08: Second request.

No responses received.

**Firm:** Clover Knits

**Contact:** Kevin McCarter ([Kevin@cloverknits.com](mailto:Kevin@cloverknits.com))

4/9/08: Initial inquiry regarding ability to produce subject merchandise.

4/9/08: Company response with technical questions on gauge and width.

4/10/08: Response on technical questions.

5/6/08: Company requested sample in order to provide proper response.

5/7/08: Sample sent by Badger.

6/6/08: Follow up by Badger

No further communications or samples received.

**Firm:** LJ Knit Sales

**Contact:** Jay Steinberg (jaysteinbergmsv@comcast.net)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

3/25/08: Company requested telephone call.

3/25/08: Telephone conversation between Mark Haney of Sandler, Travis & Rosenberg, and Jay Steinberg. LJ notes several changes it proposes to the fabrication, including: [\*\*\*]. Ginny Gasswint of Badger contacted J. Steinberg directly to discuss variances and need for meeting exact specifications.

4/1/8: Factory provided pricing and minimum order requirements

4/8/8: Factory advised that it would not be able to source grey heather ring spun yarn.

4/9/8: Requested factory to move forward with production of a sample of the uncolored part of the assortment using correct yarns.

4/12/8: Company advised that it could not provide a sample.

5/7/8: Badger requested clarification that factory was not interested in program.

No further communications received.

**Firm:** Global Engineered Materials Corp.

**Contact:** Bruce Hauser (bhauser31@aol.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Firm:** Milliken & Co.

**Contact:** Kathi Dutilh (kdutilh@millikendc.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

3/25/08: Company cannot produce subject fabric.

**Firm:** SSTS

**Contact:** T.H. Lee (thlee@sstsnny.com)

5/2/8: Initial inquiry regarding ability to produce subject merchandise.

6/24/8: Second inquiry.

No responses received.

### ***Guatemala:***

**Company:** Alcatextil

**Contact/Email:** Ana Santos / shkim@alcatextil.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Amtex Guatemala

**Contact/Email:** Adrian Hernandez / Adrian@prideguatemala.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Confecciones Anice / Conamsa

**Contact/Email:** Munir Massis / munir@terra.com.gt; tejisamira@turbonett.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8 & 5/6/8: Second inquiries.

No responses received.

**Company:** Empresa Industrial Cantel

**Contact/Email:** Pablo Garcia Salas / pablogs@itelgua.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

4/10/8: Company cannot produce subject fabric.

**Company:** Fabrica De Tejidos Samira

**Contact/Email:** Munir Massis / tejisamira@turbonett.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Fabrica La Roca

**Contact/Email:** Alejandro Arnau / nrivera@flaroca.com

4/3/8. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

4/11/8: Company cannot produce subject fabric.

**Company:** FSTEX

**Contact/Email:** Hans W. Schieber V. / hwsvl@yahoo.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Grupo Imperial

**Contact/Email:** Roberto Zaid / textiles@imperialtex.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Jae Sung Guatemala

**Contact/Email:** Jae Ho Lim / js\_tex@jaesung-tex.co.kr; mathbeem@jaesung-tex.co.kr FAX: 502.7838.9456

3/24/08. Initial inquiry regarding ability to produce subject merchandise. Email address provided by association is not operable.

5/7/8: Initial inquiry via fax. Fax number provided by industry association no longer in service.

**Company:** Jung Woo Textiles

**Contact/Email:** Ines Lee /rnilove@hanmail.net FAX: 502.7838.9424

4/3/08. Initial inquiry regarding ability to produce subject merchandise.  
4/9/8: Second inquiry.  
No responses received.

**Company:** Manufacturas Textiles Perfecta

**Contact/Email:** Enrique Zimeri Gandara; Abraham Zimeri Gandara / perfecta@guate.net.gt;

4/3/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Mayotex

**Contact/Email:** Raymond Zaid / rzaid@turbonett.com

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Megatextil's

**Contact/Email/Phone/Fax:** Sung Deok Kim / megatextiles@hanmail.net

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Modas Amor

**Contact/Email:** Chang Ok Yoo / changoky@hanmail.net

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Modas Han Kil

**Contact/Email:** Chang Ok Yoo / mkeo728@hanmail.net

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Parktland

**Contact/Email:** Bryan Quan / parktland@apparel.com.gt

4/3/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

4/9/8: Company responded with certain questions.

5/6/08: Response on questions.

6/24/08: Follow up by Badger.

6/25/08: Factory advised that it could produce a sample.  
6/25/08: Badger requested confirmation that factory was capable of meeting required specifications.  
6/25/08: Factory advised it had samples on hand to send to Badger.  
6/25/08: Factory advised that samples would be ready by 6/27/08.  
6/30/08: Badger sent samples to factory.  
7/1/08: Additional follow up by Badger.  
No further responses received.

**Company:** Parracana

**Contact/Email:** Raul Ibarguen Pujol / [parracanacantel@yahoo.com](mailto:parracanacantel@yahoo.com) Fax: 502.7763.8033

4/9/08. Initial inquiry regarding ability to produce subject merchandise.

5/7/8: Second inquiry (via fax)

**Company:** Selim Guatemala

**Contact/Email:** Jeong Woo Hong / [wild478@hotmail.com](mailto:wild478@hotmail.com); [jlperera@hotmail.com](mailto:jlperera@hotmail.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

**Company:** Supratextiles

**Contact/Email:** Raul Ibarguen Garcia-Salas / [rigs@itelgua.com](mailto:rigs@itelgua.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Tejidos Berlin

**Contact/Email:** Horst Wandel Raiser / fax: 502.2434.7141

5/7/8: Initial inquiry

5/14/08: Second inquiry.

No responses received.

**Company:** Tejidos Mundiales

**Contact/Email:** Stefan Meany / [tejidos\\_mundiales@hilosytelas.com](mailto:tejidos_mundiales@hilosytelas.com) FAX: 502.6631.3378

Email addresses and fax number provided by association inoperable.

**Company:** Texpasa

**Contact/Email:** Rene Castaneda / [rcastaneda@texpasa.com](mailto:rcastaneda@texpasa.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Honduras:**

**Company:** AKH

**Contact/Email:** Tem McInville / [temm@anvilknitwear.com](mailto:temm@anvilknitwear.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

3/24/08: Company cannot produce subject fabric.

**Company:** Caracol Knits

**Contact/Email:** Erick Rodriguez/ FAX: 504.554.0882

4/11/08. Initial inquiry regarding ability to produce subject merchandise.

4/25/08: follow up inquiry.

No responses received.

**Company:** Coral Knits

**Contact/Email:** Gerson Fajardo / [gfajardo@coralknits.com](mailto:gfajardo@coralknits.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

3/24/08: Company cannot produce subject fabric.

**Company:** Cottonwise Textiles

**Contact/Email/Fax:** Mu Hyun Han / [cottonwise@cottonwise.com](mailto:cottonwise@cottonwise.com), James Lin  
[caphonbn@cottonwise.com](mailto:caphonbn@cottonwise.com) / (504)554-0882

Email addresses and fax number provided by association inoperable.

**Company:** ELCATEX

**Contact/Email:** Jesus Canahuati / [chuy@elcatex.com](mailto:chuy@elcatex.com)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

3/31/08: Response: numerous questions on specifications.

4/1/08: Response from Badger on questions.

4/1/8: Additional questions from factory on specifications.

4/11/08: Responses sent by Badger.

4/14/08: Samples sent by Badger to factory.

4/16/08: Factory confirmed receipt of sample and advised it would analyze fabric and respond.

6/6/8: Requested status report.

No samples or further communications ever received from factory.

**Company:** Industrias Continental

**Contact/Email:** Roberto Diban Canahuati / [rdibaninco@sigmanet.hn](mailto:rdibaninco@sigmanet.hn)

3/24/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

**Company:** Woong Chun Honduras

**Contact/Email:** Brian Kwon / [padrino@woongchun.com](mailto:padrino@woongchun.com)

4/3/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

No responses received.

*El Salvador*

**Company:** Duraflex-Politex

**Contact/Email:** Edwin Zamora / [edwinz@duraflex-poliotex.com](mailto:edwinz@duraflex-poliotex.com)

4/3/08. Initial inquiry regarding ability to produce subject merchandise.

4/9/8: Second inquiry.

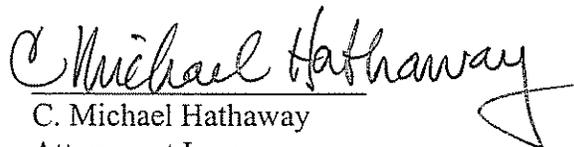
No responses received.

### Substitutable Products

No fabrics which differ from the fiber content, yarn sizes, construction or any of the other physical parameters set forth in the Annex are substitutable for the subject fabric as they do not impart certain characteristics that are required, including, hand, drape, colorfastness, etc.

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](mailto:mhaney@strtrade.com).

Sincerely,

  
C. Michael Hathaway  
Attorney at Law

ANNEX

**THREE YARN CIRCULAR KNIT FLEECE**

HTS	6001.21.00
Description	Three yarn circular knit stretch fleece fabric; 20 gauge
Fiber Content	57-63% Cotton/43-37% polyester
<b>FACE YARN</b>	
Fiber content	60% ring spun cotton/40% polyester
Average Yarn Number (Metric)	51/1
Average Yarn Number (English)	30/1
<b>TIE YARN</b>	
Fiber content	60% ring spun cotton/40% polyester
Average Yarn Number (Metric)	51/1
Average Yarn Number (English)	30/1
<b>NAP (FLEECE) YARN</b>	
Fiber content	52% ring spun cotton/48% polyester
Average Yarn Number (Metric)	17/1
Average Yarn Number (English)	10/1
<b>NOTE:</b> all physical parameters may vary by +/- 5%. Fiber content may vary by +/- 3%	
Weight (Metric)	305-330 grams per square meter
Weight (English)	9.0 – 9.8 ounces per square yard
Width (Metric)	Slit open and finished to 156-163 cm
Width (English)	Slit open and finished to 62-64 inches
Finish	Bleached and/or piece dyed. Napped on technical back
<b>PERFORMANCE CRITERIA</b>	
Shrinkage	6 percent maximum shrinkage (length and width; 1 percent positive shrinkage (AATCC #135)
Torque/Spirality	Maximum 5 degrees left or right (protractor method)
Stretch	Minimum 20 percent stretch in length; 30 percent in width (ASTM D2594)
Pilling	Grade 4 or better on technical face (ASTM D3512 Random Tumble Method)
Color Fastness to laundering	Grade 4 or better on polyester and cotton portions of multifiber strip (AATCC 61 Test No. 2A)
Color Fastness to water	Grade 4 or better (AATCC 107)
Color Fastness to heat	Grade 4 or better on white polyester fabric (AATCC 117 Test Temperature II)
Color Fastness to crocking	Grade 4 or better dry; Grade 3 or better wet technical face side (AATCC 8)
Flammability	Class 1
Appearance	No obvious wale pattern (must be smooth); soft finish

NOTE: Yarn sizes relate to size prior to texturing.