

**Commercial Availability Request
Public Version**

DIRECT DIAL/EMAIL
(212) 973-7704
ABodek@GDLSK.com

May 21, 2013

VIA EMAIL (OTEXA CAFTA@ita.doc.gov) AND FEDEX

Committee for the Implementation of Textile Agreements
Room H3100, U.S. Department of Commerce
14th and Constitution Ave., N.W.
Washington DC 20230

Attention: Ms. Kim Glas, Chairperson

Re: PCA Textiles
Commercial Availability Request-CAFTA-DR
Warp Stretch Woven Rayon, Nylon, Spandex Fabric
Our Reference: 12043-0660002

Dear Ms. Glas:

On behalf of our client, PCA Textiles (“PCA”), located at 222 West 37th St. #10 New York NY 10018, 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 warp stretch woven nylon/rayon/spandex 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”), as it is not available in commercial quantities in a timely manner from a producer in the CAFTA-DR countries.

**Commercial Availability Request:
Public Version**

We note that this submission concerns a different fabric from that which we had consulted with your office in late 2012.

I. DETAILED PRODUCT INFORMATION

The subject fabric is certain warp stretch woven nylon/rayon/spandex fabric. The fabric specifications are as follows, some of which are expressed in ranges:

Fiber Content:	Rayon (67-80%), Nylon (15-35%), Spandex (2-6%)
Yarn Configuration:	Warp: nylon filament combined with spandex filament Filling: rayon staple
Yarn Denier:	Nylon and Spandex of various deniers
Width:	56-60" (142 to 153 cm)
Weight:	220-315 grams per square meter
Thread Count (Density):	76-110 Ends per inch (Warp) X 70-90 Picks Per Inch (Filling); (30-44 ends per cm (Warp) x 27-36 picks per cm)(Filling)
Weave Type:	Twill Weave
Finishing Processes:	Airjet Dyed

The requested fabric is classifiable under the following HTSUS subheadings:

- 5516.22.0040- woven fabrics of artificial staple fibers: Containing less than 85% by weight of artificial staple fibers, mixed mainly or solely with man-made filaments: dyed; twill weave.
- 5516.23.0040- woven fabrics of artificial staple fibers: Containing less than 85% by weight of artificial staple fibers, mixed mainly or solely with man-made filaments: of yarns of different colors; twill weave.

The subject fabric is airjet dyed. Traditionally, dyed fabric is provided for under the subheading for dyed fabric, 5516.22.0040, HTSUS. As we note and as noted in previous petitions, yarns may absorb the dye differently during the dyeing process. Under the HTSUS, such

a fabric may be classified as a fabric of yarns of different colors. Thus, the listed tariff classifications include those for fabrics that are dyed as well as for fabrics of yarns of different colors.

II. QUANTITY

PCA will require a total of [*****] of the subject fabric per month/ [*****] per year [(*****] per month/ [*****] per year), for delivery to one or more specified factories in the CAFTA-DR territory, within [****] from the date the order is placed.

III. DUE DILIGENCE

Attached as **Exhibit A** are the signed Due Diligence Certifications required under the CITA Final Procedures. In performing the due diligence required by CITA's Modified Final Procedures, we identified possible CAFTA-DR suppliers for the subject fabric using five sources:

- First, we consulted Davison's Textile Blue Book ("Davison's), ordered from <http://www.davisonbluebook.com/textilebluebook>. Davison's is a database of manufacturers in the textile and apparel industry, which is sortable by types of textiles, products, companies, and by countries/regions of the world.
- Second, we reviewed lists of companies contacted in connection with prior commercial availability proceedings from 2008 forward involving similar fabrics.
- Third, PCA identified potential suppliers based on its knowledge of the industry.
- Fourth, as is described in more detail below, we provided our due diligence inquiry to major textile trade associations in the United States ("US") and the CAFTA-DR countries.
- Fifth, during the course of due diligence for a similar (but different) fabric for which a petition was not filed, we provided OTEXA with our initial due diligence list for its

review. We added the additional associations and mills identified by OTEXA as potential suppliers to our due diligence list.

On April 12, 2013, we sent communications via email to the companies and textile trade associations in the US and the CAFTA-DR Countries identified using the sources described above. On April 26, 2013, we sent follow up communications via emails to the companies and textile trade associations that did not respond to our initial inquiries. Finally, on May 3, we sent a follow up email to Industrias de Hilos, S.A. de C.V., as the company had not been included in the follow-up emails sent on April 26. The request letter explained that PCA supplies fabric to companies that manufacture garments in CAFTA-DR countries and thus seeks to obtain fabric that could be used to produce CAFTA-DR qualifying apparel. The request letter included the same table of detailed fabric specifications as appears in this letter, as well as information about required quantities. Additionally, the letter requested supplier's proposed production timeline. As these were initial inquiries, a sample was not submitted to the associations and suppliers. Attached in **Exhibit B** are copies of the emails sent to each fabric producer (**Exhibit B(1)**) and trade association (**Exhibit B(2)**). Also attached in **Exhibit B** are the responses that were received. We request confidential treatment of all attachments.

Attached as **Exhibit C** is a chart that lists all the CAFTA-DR producers and trade associations that were identified during our due diligence research and to which we sent request letters. **Exhibit C(1)** reflects the producers located in the CAFTA-DR region and the US and **Exhibit C(2)** reflects the trade associations. Columns B through F list the producers and associations contact information. Column G reflects the initial correspondence date. Column H reflects the responses and any subsequent contact, including subsequent attempts to contact

suppliers when no response was received. Highlighted in red are the suppliers that affirmed it could not produce the required fabric (as well as associations that indicated that the fabric is unavailable). Highlighted in yellow are the suppliers that we could not contact with the available information, despite requests for updated contact information from the relevant associations.

In short, all of the parties contacted either affirmatively indicated an inability to produce the fabric or failed to respond to at least two attempted communications. Thus, as confirmed by the due diligence described in the table attached in **Exhibit C**, the requested fabric is unavailable from CAFTA-DR producers for the purposes of the short supply provision.

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 PCA's requirements. PCA is unaware of any fabric outside the ranges of these specifications that is substitutable for the requested fabric. PCA's customers, who manufacturer CAFTA-DR eligible apparel made from fabric of this type, expect that the fabric satisfy these specifications (both in terms of the ranges and finishing). Fabric not meeting the specifications outlined above would not permit PCA to meet the demands of its customers. In any event, no party has indicated its ability or interest in making a purportedly substitutable product.

V. CONCLUSION

PCA seeks to purchase the subject warp stretch woven nylon/rayon/spandex fabric for use in garment production in CAFTA-DR countries. The foregoing letter and the attached documentation confirm that the fabric PCA seeks is not available in commercial quantities from

CAFTA-DR producers. We therefore respectfully request that CITA add this fabric to the CAFTA-DR Short Supply List.

We appreciate your kind consideration in this matter. Please contact Arthur W. Bodek or Angela M. Santos at (212) 557-4000 with any questions.

Sincerely,

GRUNFELD, DESIDERIO, LEBOWITZ,
SILVERMAN & KLESTADT LLP



Arthur W. Bodek



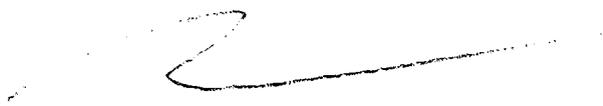
Angela M. Santos

10/1/2010

DUE DILIGENCE CERTIFICATION

I, William Thompson, President, currently employed by PCA Textiles/Teldtex, 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.



William Thompson
President, PCA Textiles
5/21/2013

LEGAL COUNSEL'S DUE DILIGENCE CERTIFICATION

I, Arthur W. Bodek, of Grunfeld Desiderio Lebowitz Silverman & Klestadt LLP, certify that:

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



Arthur W. Bodek

Business Confidential Information Deleted

EXHIBIT B

PUBLIC VERSION

Confidential version contains copies of PCA's confidential due diligence correspondence and confidential responses thereto, as summarized in **Exhibit C**.

Supplier List: CAFTA Producers

A	B	C	D	E	F	G	H
	Association or Company Contacted	Contact	Telephone Number	Email	Address	Initial Correspondence	Response
1	Gama textil	Francisco Andres Goenz	502-6624-1000	francisco.goenz@imerlet.com	Lote 55 Montemaria Aldea El Pajon Santa Catarina Pinula, Guatemala http://www.textilgama.com/productos.html	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.
2	Hilos y Telas, S.A.	Roberto Antonio Malouf	(502) 2442-0414	ramalouf@hilosytelas.com marlenni.meany@hilosytelas.com lucrecia.barrientos@hilosytelas.com	34 Calle 7-42 Zona 11 Colonia Las Carcas, Guatemala	4/12/2013 via email	4/12/2013- Delivery Failed ramalouf@hilosytelas.com . Called MIAMI number on website (305-438-1927) and was told the number no longer belongs to Hilos y Telas. 4/15/2013- Emailed VESTEX for updated email address. Andrea Hernández provided marlenni.meany@hilosytelas.com ; lucrecia.barrientos@hilosytelas.com . 4/15/2013- Emailed these addresses. Delivery Failed for both. Ms. Hernandez will look for another address. 4/22/2013- Lucia de Sander of VESTEX confirmed that the company is closed.
3	TEJIDOS POLICINTAS	Guillermo Zaid Chester Laguardia	502-2434-0658	ribbons@tejidospolitex.com chlaguardia@policintas.com	12 Calle A 2-37 Zona 3 de Mixco Colonia El Rosario, Guatemala	4/12/2013 via email	ribbons@tejidospolitex.com . 4/15/2013- Emailed VESTEX for updated email address. A.Hernandez provided alternative email: chlaguardia@policintas.com . 4/15/2013- Emailed chlaguardia@policintas.com . Delivery Failed. Requested alternative email address from A. Hernandez. 4/18/2013- Lucia de Sander confirmed Politex is operating under a different name. 4/22/2013- Requested Politex' updated contact information from Lucia de Sander. 4/25/2013- Ms. Sander confirmed co. name changed to Policintas. Again provided email chlaguardia@policintas.com , and email address that did not work. Requested an alternative email. 4/26/2013- Sent follow-up email to ribbons@tejidospolitex.com and chlaguardia@policintas.com . Delivery failed to ribbons@tejidospolitex.com but went through for chlaguardia@policintas.com . Note, original due diligence request was again attached.
4	Industrias de Hilos, S.A. de C.V.	Fredi Lazo, Sales		sales@industriadehilos.com	KM 11.5 Carr Panamericana Final 4ta Av Norte Ilopango San Salvador, El Salvador	4/12/2013 via email	05/03/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.
5	Industrias Liztex	Jose Habie/ Al Dinunzio		textil@liztex.com ; saul@liztex.com	Km. 30.5 Carretera al Pacifico Amatitlan, Guatemala Guatemala	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.
6	Industrias Unidas S.A. (IUSA)	Guillermo Enrique Villa, Sales Manager		ventas@iusa.com.sv	KM 11.5 Carretera Panamericana Frente Aduana San Bartolo San Salvador, El Salvador	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.
7	Monte Textile, S.A.	Juan Carlos Castaneda, Export Manager		juancarlos@textisur.com	Km 18.5 Carr al Mayan Golf Club, Villa Nueva, Guatemala	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.

	Association or Company Contacted	Contact	Telephone Number	Email	Address	Initial Correspondence	Response
8	Grupo Mix	Alicia Segura, Manager of Sales		asegura@grupomix.com	Costado Norte de las Instalaciones de Firestone San Antonio de Belen Aptdo 7604-1000	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.
9	Pettenati Centro America S.A. de C.V.	Francesco Pilenga, General Director	Phone: 503 2526 1300	pilenga@pettenati.com.sv	KM 42 Carretera a Santa Ana, Canton la Joya Santa Ana, El Salvador Website: http://www.pettenati.com.br	4/12/2013 via email	4/12/2013- Delivery failed- pilenga@pettenati.com.sv . 4/15/2013- Emailed CAMTEX requesting updated address. No response. 4/26/2013- attempted to send email to this address again. Note, original due diligence request was again attached. Delivery failed. No response recieved.**
10	Poliester y Filamentos de C.A., S.V. de C.V.	Julio Nasri Miguel, General Manager		polify1@123.com.sv	KM 10.5 Carr alPuerto de la Libertad La Libertad, El Salvador	4/12/2013 via email	4/12/2013- Delivery Failed - polify1@123.com.sv . 4/15/2013- mailed CAMTEX requesting updated address. No response. 4/26/2013- attempted to send email to this address again. Note, original due diligence
11	Textiles Capuano	Estuardo Capuano	502-2442-6138 502-2442-6142	info@textilescapuano.com	1a Ave 3-86 Zona 1 Boca Del Mont Villa Canales, Guatemala	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.
12	Textiles Rio Lindo	Karen I. Facusse		sales@riolindo.hn ventas@riolindo.hn	Calle Principal, Colonia San Jose Tegucigalpa Honduras	4/12/2013 via email	4/12/2013- Delivery failed- sales@riolindo.hn , ventas@riolindo.hn . 4/15/2013- mailed AHM-Honduras requesting updated address. 4/16/2013- Per Astrid Barnica [servicioalcliente@ahm-honduras.com], this company is now closed.
13	Tejidos Corporativos	Tony Malouf		ramalouf@tejidoscorporativos.com		4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response.

**In a past correspondence with this company concerning a similar fabric, on 11/15/2012 Francesco Pilenga responded that this company does not produce woven fabrics.

Supplier List: US Producers

A	B	C	D	E	F	G	H
	Association or Company Contacted	Contact	Telephone Number	Email	Address	Initial Correspondence	Response & Follow-up
1	Burlington Worldwide Trade	Pete Baumann, Sr. Vice President, Merchandising / Pat Palmer		pete.baumann@itg-global.com	804 Green Valley Road, Greensboro, NC 27408	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. Received out of office reply, out until 4/26/2013. No Response.
2	Concept III	David Parkes, Pres; Jennifer Miller, Contact; Christopher Parks, Contact	732 530-1976	info@conceptiii.com	130 Maple Ave Red Bank, NJ 07701 http://www.conceptiii.com/	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. Reply they cannot produce this
3	Kaltex	Bob McCormick, President		jimmy.koby@kaltex.com	350 Fifth Avenue, Suite 6200 New York, NY 10118	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
4	Milliken & Company	Kathi Dutilh, Manager, Government Relations		kdutilh@millikendc.com	110 East Neck Road Huntington, NY 11743	4/12/2013 via email	4/15/2015- Email response it is looking into whether it can provide the fabric. 4/26/2013- sent follow-up email after no further response. Note, original due diligence request was again attached. No response.
5	National Spinning Company	Robert Gordon, New York Sales and Marketing	917-287-3096	rogo@natspin.com	www.natspin.com	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
6	Zagis USA	Salomon Zaga Kalach, Chmn; Rafael Zaga Saba, Sec / Treas; Daniel Febus, Pres / CEO; Don Cassel, Sales Dir; Steve Johnston, Mktg Dir	337 261-0701 865-805-0443	dcassel@zagisusa.com	1017 Saint John St. Lafayette, LA 70501	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
7	Gehring Textiles	Bill Rowan	717-578-5058 (mobile)	browan@gehringtextiles.com	1225 Franklin Ave Garden City, NY 11530	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
8	Aurora Specialty Textiles Group, Inc.	Jeff Leagon; Teresa Skinner	864-270-2339	customerservice@auroratextile.com	911 North Lake Street Aurora, IL 60506	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
9	Copland Industries	Jason Copland; Glenn Gehlbach	336-226-0272	jason.copland@coplandfabrics.com	PO Box 1208 Burlington, NC 27215 http://www.coplandfabrics.com	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
10	Duro Textiles, LLC	Steve Bodnar	508-675-0101	bodnar_steve@durolink.com	110 Chace Street Fall River, MA 02724 http://duroindustries.com	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
11	Greenwood Mills	Gary Niederauer, Vice President Sales	631- 944-6732	gniederauer@greenwoodmills.com	300 Morgan Avenue Greenwood, SC 29646	4/12/2013 via email	4/15/2013- response mill can not manufacture this fabric.
12	Inman Mills	Ben Truslow	864- 472-2121	btruslow@inmanmills.com	PO Box 207, 300 Park Rd. Inman, SC 29349 http://www.inmanmills.com/contact/	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
13	Mount Vernon Mills, Inc.		864- 688-7100	richt@mvmills.com	503 S. Main Street Mauldin, SC 29662 http://mvmills.com	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response
14	Galey & Lord, LLC	Gary Bird, VP of Manufacturing	843-378-2211	gbird@swiftgaley.com	670 North Main Street Society Hill, South Carolina 29593-0157 http://galeyandlord.com/	4/12/2013 via email	4/26/2013- sent follow-up email after no response. Note, original due diligence request was again attached. No response

