

OFFICE OF THE U.S. TRADE REPRESENTATIVE

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TRADE POLICY STAFF COMMITTEE

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PUBLIC HEARING ON THE ADMINISTRATION'S ACTION
 FOLLOWING A DETERMINATION OF IMPORT INJURY WITH
 REGARD TO FINE DENIER POLYESTER STAPLE FIBER

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MONDAY
 SEPTEMBER 30, 2024

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The Trade Policy Staff Committee met
 via Videoconference, at 9:30 a.m. EDT, Laura
 Buffo, Chair, presiding.

PRESENT

LAURA BUFFO, Acting Assistant U.S. Trade
 Representative for Trade Policy
 Coordination, Office of the U.S. Trade
 Representative; Chair

ALEXANDER AMDUR, U.S. Customs and Border
 Protection

ANDREA BORON, Office of the U.S. Trade
 Representative

MICHAEL GAGAIN, Office of the U.S. Trade
 Representative

RACHEL HASANDRAS, Office of the U.S. Trade
 Representative

STU HUFFMAN, U.S. Department of State

KAYLA JOHNSON, U.S. Department of Commerce

SONGHUA LIN, U.S. Department of Labor

VICTOR MROCZKA, Office of the U.S. Trade

Representative
DAVID SALKELD, Office of the U.S. Trade
Representative
TYLER VAN PATTEN, U.S. Department of Treasury
MARIN WEAVER, U.S. Department of Commerce

ALSO PRESENT

TOBIAS BAUMGAERTEL, Sales Director, Sandler
Nonwoven Corporation
CARLOS BENATTO, President North America,
Fibertex Nonwovens
DON BOCKOVEN, President and CEO, Fiber
Industries d/b/a Darling Fibers
ALEXANDER BRENT, Supply Chain Manager, Fibertex
Nonwovens
KATHLEEN CANNON, Partner, Kelley Drye
OMER CETIN, Sales & Marketing Manager, SASA
Polyester San Turkiye
MARC DOYON, Vice President of Commodities,
Gildan
JULIE EPPARD, Akin Gump Strauss Hauer & Feld LLP
CATHERINE FANG, Vice President of Sales, Sun
Fiber
WES FISHER, Director of Government Affairs,
INDA, Association of the Nonwoven Fabrics
Industry
TOLGA GORGUN, Sales and Marketing Manager,
Engineered Fiber Solutions GmbH
MATTHEW HOLT, Sourcing Director, Milliken &
Company
JOHN MANESS, Senior Vice President of Yarn
Spinning, Gildan
MATTHEW NICELY, Akin Gump Strauss Hauer & Feld
LLP
BRIAN PETTER, Head of the Economics and Trade
Department, CIRFS: European Man-made
Fibres Association
JOHN PRICE, President & Chief Operating Officer,
BMT Fibers
BROOKE RINGEL, Partner, Kelley Drye
PAUL ROSENTHAL, Partner, Kelley Drye
MARY SIMON, Operations Director, Fibertex
Nonwovens

MICHAEL SPARKMAN, Senior Business Manager, Nan
Ya

MARK THORNTON, Vice President - Baby Care North
America, Procter & Gamble

NIROSHA WIMALASENA, Senior Director - Research
and Development Baby Care Global Material
Development and Supply, Procter & Gamble

PETER YOUNG, Minister-Counselor Delegation of
the European Union to the United States

1 P-R-O-C-E-E-D-I-N-G-S

2 9:27 a.m.

3 CHAIR BUFFO: Good morning, everyone,
4 and welcome. My name is Laura Buffo and I'm the
5 chair of the interagency Trade Policy Staff
6 Committee, or the TPSC.

7 This public hearing is being held in
8 connection with the question of what action the
9 President should take pursuant to Section 201 of
10 the Trade Act of 1974 in response to the U.S.
11 International Trade Commission's, or USITC,
12 determination of import injury with regard to
13 fine denier polyester staple fiber. This hearing
14 is scheduled for one day and we will hear
15 testimony from five panels.

16 Before I introduce our TPSC colleagues
17 and describe in further detail how this hearing
18 will proceed, I will turn it over to my
19 colleague, Michael Gagain, to provide further
20 context for why we are here and what we hope to
21 accomplish in this hearing. Thank you.

22 MR. GAGAIN: Thank you, Ms. Buffo.

1 Good morning. My name is Mike Gagain from USTR's
2 Office of the General Counsel, and I'm chair of
3 Section 201 Committee, a subcommittee of the
4 TPSC. I will provide you with some further
5 context as to why we convened this hearing today.

6 On February 28th, 2024, Petitioners
7 Darling, Nan Ya, and Sun Fiber, filed a petition
8 requesting a Section 201 safeguard investigation
9 with the U.S. International Trade Commission, or
10 USITC, regarding the imports of fine denier
11 polyester staple fiber, or PSF. The petition
12 alleged that the surge of fine denier PSF have
13 been a substantial cause of serious injury to the
14 domestic industry resulting in significant idling
15 of production, closing two large facilities, and
16 abrupt exiting of the U.S. market by two
17 producers. The petition further alleged that the
18 Fine Denier PSF industry and its workers need a
19 remedy to recover from this serious injury caused
20 by imports.

21 On March 8th, 2024, the USITC
22 initiated a safeguards investigation in response

1 to the petition. On July 9th, 2024, the USITC
2 determined, pursuant to Section 202(b) that fine
3 denier PSF is being imported in the United States
4 in such increased quantities as to be a
5 substantial cause of serious injury to the
6 domestic industry producing article like or
7 directly competitive with the imported article.

8 On August 13th, the USITC issued its
9 remedy recommendations. Finally, on August 26th,
10 2024, the USITC transmitted its report containing
11 its serious injury determination and remedy
12 recommendations to the President.

13 Sections 201 and 203 of the Trade Act
14 authorize the President, upon receipt of a report
15 containing an affirmative serious injury
16 determination by the USITC, to take all
17 appropriate and feasible action within his power
18 that he determines will facilitate efforts by the
19 domestic industry to make a positive adjustment
20 to important competition and provide greater
21 economic and social benefits than costs.

22 In this proceeding, the President's

1 statutory deadline to announce any safeguard
2 action falls on November 9th, 2024. Pursuant to
3 Section 203(a)(1)(c), the Trade Policy Staff
4 Committee must make a recommendation to the
5 President regarding what to do in response to the
6 USITC serious injury determination report.

7 On August 5th, 2024, USTR, on behalf
8 of the TPSC, published a Federal Register Notice
9 announcing a process for public comment in a
10 public hearing regarding this matter. This
11 Notice can be found at 89 Federal Register 63465.

12 In seeking public comment, this Notice
13 request said that interested parties provide
14 views and evidence on whether a proposed remedy
15 under Section 201 is appropriate and in the
16 public interest. The Notice specifically asked
17 interested parties to address: (1) the
18 appropriateness of any other proposed action and
19 how it would be in the public interest; (2) the
20 short and long-term effects the proposed action
21 is likely to have on the domestic PSF industry,
22 other domestic industries, and downstream

1 consumers; and (3) the short and long-term
2 effects that not taking the proposed action is
3 likely to have on the domestic PSF industry, its
4 workers, and other on other domestic industries
5 and communities.

6 Initial public comments were due by
7 September 9th and rebuttal comments were due by
8 September 16th. We received initial and rebuttal
9 comments from a variety of interested parties.

10 We're now holding this public hearing
11 to receive testimony from interested parties on
12 the issues discussed in the Federal Register
13 Notice. The TPSC will carefully consider the
14 testimony received today, along with the USITC's
15 report, the public comments received, and other
16 information pertaining to the statutory criteria
17 found in Section 203(c) (2) of the Trade Act and
18 ultimately making a recommendation to the
19 President regarding this matter.

20 Before I turn back to Ms. Buffo to
21 discuss how today's hearing will proceed, I want
22 to highlight that the purpose of this hearing is

1 to receive testimony on the appropriate remedy,
2 if any, that the President should impose in
3 response to the USITC's serious injury
4 determination. That is the determination of
5 whether increased imports are a substantial cause
6 of serious injury to the domestic PSF producing
7 industry is a separate and previously resolved
8 inquiry by the USITC.

9 Ms. Buffo will now introduce
10 participants from the TPSC agencies and will lay
11 out how today's hearing will proceed. Thank you.

12 CHAIR BUFFO: Thank you, Mike. We are
13 pleased to have international trade and economic
14 experts from a range of U.S. Government
15 departments and agencies which are members of the
16 TPSC. I would ask you to please introduce
17 yourself starting on the left.

18 MR. VAN PATTEN: Hi. Tyler Van
19 Patten, U.S. Treasury.

20 MS. LIN: Hi, good morning. This is
21 Songhua Lin, Senior International Economist from
22 Department of Labor.

1 MS. JOHNSON: Good morning, Kayla
2 Johnson, International Trade Specialist at the
3 U.S. Department of Commerce.

4 MR. MROCZKA: Victor Mroczka, Director
5 for Trade Remedies and Competition at USTR.

6 MR. HUFFMAN: Stu Huffman, Senior
7 International Trade Advisor for the U.S.
8 Department of State.

9 MR. AMDUR: Good morning, Alexander
10 Amdur. I'm the Director of the Antidumping
11 Countervailing Duty Policy and Programs Divisions
12 for U.S. Customs and Border Protection of the
13 Department of Homeland Security.

14 MS. BUFFO: Thank you to my
15 interagency colleagues. Today's hearing is
16 scheduled for one day. We will hear from 14
17 witnesses which have been composed into five
18 panels. We note that most witnesses are
19 testifying in person, but there are a few that
20 are testifying remotely. Some witnesses may have
21 several individuals speaking on the panel.

22 Before we proceed with Panel 1, I'll

1 provide some procedural and administrative
2 instructions.

3 Each witness has approximately 15
4 minutes to provide their testimony. We have
5 previously communicated to each panel of
6 witnesses that they may allocate some of their
7 time to other witnesses as appropriate. Some
8 witnesses have more than one individual
9 testifying, but each interested party ultimately
10 has 15 minutes to testify.

11 The light before you will be green
12 when you start your testimony. Yellow means you
13 have one minute left, and red means your time has
14 expired. After the testimony, TPSC participants
15 will have an opportunity to ask questions. All
16 questions will be from interagency participants.

17 TPSC participants will generally
18 direct their questions to one or more specific
19 witnesses. We will have a brief break between
20 Panels 3 and 4 and we'll take a 60-minute lunch
21 from approximately 12:30 to 1:30.

22 No cameras or video or audio recording

1 will be allowed during the hearing. A written
2 transcript of this hearing will be posted on the
3 USTR website and on regulations.gov under Docket
4 No. USTR-2024-0010 as soon as possible after the
5 conclusion of the hearing.

6 We expect witnesses to answer the
7 questions during the hearing and we will not
8 accept post-hearing written submissions.

9 I am pleased to introduce our first
10 panel this morning. First, we will hear from the
11 delegation of the European Union to the United
12 States. Our TPSC participants on this panel are
13 Stu Huffman, the Department of State; Tyler Van
14 Patton, U.S. Department of Treasury; Kayla
15 Johnson, U.S. Department of Commerce; Michael
16 Gagain and Victor Mroczka from USTR.

17 Thank you, Mr. Young. You may
18 proceed.

19 MR. YOUNG: Thank you very much, Madam
20 Chair. Good morning to you, good morning to
21 members of the Committee, good morning to other
22 participants in the hearing and it's my pleasure

1 to appear before you this morning.

2 MR. BURCH: Please pull the microphone
3 a little closer?

4 MR. YOUNG: It's my pleasure to appear
5 before you this morning to deliver some comments
6 on behalf of the European Commission in the
7 framework of this investigation. And as you
8 said, my name is Peter Young and I'm a minister
9 counselor here at the delegation of the EU to the
10 U.S.

11 First off of course, the Commission
12 would like to recall that the safeguard
13 instrument is the most restrictive trade defense
14 instrument available and should only be used in
15 exceptional circumstances and when relevant
16 criteria are met. And given that this is the
17 most restrictive instrument, the type of remedy
18 what you are considering today is of crucial
19 importance to not unduly penalize downstream
20 users and consumers.

21 The ITC Commissioners in the present
22 case have recommended a four-year period of

1 relief comprising a tariff-rate quota on imports
2 from countries with which the US has a free trade
3 agreement, and a quantitative restriction on
4 imports from all other countries, including the
5 European Union, to be set at zero in the first
6 year of relief and increasing by one million
7 pounds in each subsequent year over the duration
8 of the safeguard.

9 As we have stated previously in the
10 context of this present proceeding, the European
11 Commission is of the view that a multilateral
12 safeguard is not the suitable instrument to
13 remedy a situation such as the present one where
14 the overwhelming majority of all imports, more
15 than 80 percent, come from only a handful of
16 countries in Asia.

17 Nevertheless, we are at the stage
18 where USTR and present Committee is looking to
19 shape a remedy for recommendation to the
20 President. Hence, the European Commission would
21 like to repeat that any remedy that is
22 recommended should avoid unduly limiting

1 legitimate market access of imports that are not
2 causing any injury. In our view, however,
3 suggesting an outright ban of imports from a
4 majority of countries for a full year will most
5 certainly not avoid such collateral damage.

6 The international rules on designing
7 a safeguard measure are very clear. According to
8 the relevant provision of the WTO Safeguard
9 Agreement, Article 5.1, and I quote: "A Member
10 shall apply safeguard measures only to the extent
11 necessary to prevent or remedy serious injury and
12 to facilitate adjustment."

13 On the one hand, in the present case,
14 the ITC recommends to exclude USFTA partners from
15 a safeguard measure. This would then include
16 imports from a free trade partner such as Mexico,
17 where imports increased by almost 240 percent and
18 where import prices are some 40 percent lower
19 than e.g. on import prices from Germany. Thus, it
20 seems imports from Mexico and those from other
21 FTA partners of the U.S. are most likely
22 contributing to any injury that has occurred.

1 On the other hand, imports from the
2 European Union are not causing injury to U.S.
3 industry as they represent a negligible share,
4 around 1 percent of all imports, and indeed have
5 been decreasing over time. In addition, prices of
6 EU products imported to the U.S. market are more
7 than double the average import prices, and have
8 increased by 10 percent between 2019 and 2023,
9 while the average import prices during that
10 period have decreased by 6 percent.

11 Such a price difference and a
12 difference in price dynamics indicates that
13 imports from the EU are competing in different
14 segments from other imports. And according to EU
15 industry exporting to the U.S., imports from the
16 EU concern mainly specialty grades of fine denier
17 staple fiber and some of these specialty grades
18 are not produced in the U.S.

19 The European Commission advises and
20 trusts that USTR therefore at least follows the
21 request from the EU industry to exclude these
22 specialty grades from the product scope to ensure

1 trade flows for these products is undisrupted,
2 which would be in the interest of the U.S.
3 consumers and downstream user industry. For any
4 products that fall within the scope of a
5 potential remedy, the EU should benefit from a
6 specific tariff rate quota to allow traditional
7 trade flows to continue.

8 As to the Commissioners' suggestion to
9 develop an exclusion process in the interest of
10 the U.S. user industry to flank the remedy
11 proposed, the European Commission would like to
12 recall that in recent experience, such exclusion
13 procedures have added significant burden on both
14 exporting and importing companies. The European
15 Commission therefore insists that any remedy is
16 designed in a way that would render such a
17 burdensome exclusion process redundant. Should
18 USTR nevertheless decide to pursue such an
19 exclusion process, the European Commission would
20 urge that such a process be designed in a
21 practicable manner to allow for smooth and
22 predictable trade without creating unnecessary

1 additional administrative burdens.

2 In conclusion, Madam Chair and members
3 of the committee, the European Commission
4 profoundly disagrees that a safeguard would solve
5 the difficulties of the domestic industry.
6 Should USTR seek to recommend a safeguard measure
7 nevertheless, and such measure be applied, we
8 hope that it would ensure the continuation of
9 historical trade flows, including a specific
10 tariff rate quota for the EU.

11 Finally, any product types not
12 produced by the domestic industry should
13 logically be excluded from the scope of the
14 measure, as they cannot be the cause of any
15 injury.

16 Thank you very much for the
17 opportunity to present those remarks, Madam
18 Chair.

19 CHAIR BUFFO: Thank you very much for
20 your statement, Mr. Young.

21 We will now turn to our TPSC
22 participants for questions.

1 MR. HUFFMAN: Thank you, Mr. Young.
2 How might European producers of fine denier PSF
3 be impacted by certain of the USITC
4 Commissioners' recommendations? For example,
5 that the President introduce legislation that
6 permanently precludes the importation of fine
7 denier PSF under the temporary import under bond
8 or TIB program?

9 MR. BURCH: May you please pull your
10 microphone closer?

11 MR. HUFFMAN: Sure. I'll start over.
12 How might European producers of fine denier PSF
13 be impacted by certain of the USITC
14 Commissioners' recommendations? For example,
15 that the President introduce legislation that
16 permanently precludes the importation of fine
17 denier PSF under the temporary import under bond
18 or TIB program or if the President were to impose
19 a tariff rate quota on PSF imports?

20 MR. YOUNG: Well, thank you. I think
21 the EU industry will speak for themselves also
22 later in this session, so I'm sure that they will

1 also respond on that question. My view, in
2 essence, would be obviously if the decision is
3 made to make the import regime conditions more
4 restrictive including by narrowing possibilities
5 that currently exist in the U.S. legislation,
6 that will not necessarily aid neither the EU --
7 interests of the EU industry as an exporter to
8 the U.S., nor the interests of the U.S. industry
9 and the U.S. consumers of imported European
10 product including product which is not actually
11 to our knowledge manufactured here in this
12 country.

13 So we trust in its consideration of
14 the measure, the Committee and USTR will
15 basically keep in mind our expectation that
16 basically any measure should be no more trade
17 restrictive than necessary to achieve the goal
18 assessed in terms of ensuring maintenance of
19 appropriate conditions of competition between --
20 and import and export conditions for the
21 industry.

22 MR. VAN PATTEN: Thank you, Mr. Young.

1 On page 2 of your statement and then again
2 verbally today, you indicated that "The European
3 Commission would like to recall that in recent
4 experience such exclusion procedures have added
5 significant burden on exporting and importing
6 companies. The European Commission therefore
7 insists that any remedy is designed in a way that
8 would render such a burdensome exclusions process
9 redundant."

10 I have two questions for you from the
11 statement. One, if you could please identify
12 what significant burdens your stakeholders have
13 experienced in past exclusion procedures; and
14 two, if the President were to impose safeguard
15 relief, but include a product exclusions process,
16 are there particular aspects of an exclusions
17 process that the EU industry would find helpful?

18 MR. YOUNG: Thank you. Again, let me
19 say that the EU industry interests will speak
20 later in the session, but I mean for my part in
21 terms of recent experiences with exclusion
22 processes, I would particularly have in mind the

1 procedures applicable for the Section 232
2 restrictions on steel and aluminum, which I know
3 is operating under a different statute. But in
4 that case, it has proven very difficult for both
5 European exporters, but also their customers here
6 in the U.S. who are basically buying product,
7 subject to restriction to obtain those exclusions
8 in fairly difficult, lengthy, sometimes
9 unpredictable process. Even where domestic
10 industry in the U.S. has not been in the position
11 to satisfy the demand of user industries here.

12 I think in that sense also in future
13 decisions on how such a system should work, I
14 would encourage the competent authorities
15 basically to think about easing the procedure to
16 the degree possible in situations, for example,
17 where a product, a particular product is not
18 produced domestically. That should basically be
19 a fairly straight forward process to obtain an
20 exclusion from any measures that otherwise would
21 apply. Given that, of course, any such measure
22 whether it's the form of an import restriction,

1 quantitative restriction, or price-based
2 restriction, increases the cost of the U.S.
3 domestic industries that uses and needs that
4 product.

5 CHAIR BUFFO: Are there any other
6 questions from the panel?

7 Great. Thank you very much, Mr.
8 Young, for your statement and your responses. We
9 will now take a five-minute break while we
10 compose the next panel. Thank you.

11 MR. YOUNG: Thank you.

12 (Whereupon, the above-entitled matter
13 went off the record at 9:48 a.m. and resumed at
14 9:52 a.m.)

15 CHAIR BUFFO: Next, welcome, we will
16 hear from the Petitioners, Darling, Nan Ya
17 Fibers, Sun Fiber, and Petitioners' counsel.
18 Thank you.

19 MR. ROSENTHAL: Good morning. I'm
20 Paul Rosenthal of Kelley Drye & Warren. I am
21 here today on behalf of the U.S. producers of
22 fine denier polyester staple fiber.

1 The domestic fiber and textile
2 manufacturing industry has been hurt by import
3 competition for a long time, and the industry's
4 supply chain has important segments that have
5 gone out of business entirely. This case
6 presents an opportunity to save a critical part
7 of the supply chain, and with it the jobs of many
8 workers and communities who rely on the domestic
9 fine denier industry.

10 In the last nine months, the U.S.
11 International Trade Commission has held three
12 all-day hearings on the industry: one involving
13 a sunset review of the antidumping orders on
14 imports from China, India, Taiwan and South
15 Korea; and two more exploring both the serious
16 injury and potential safeguard remedies involved
17 in this case. In the ITC's process, many of the
18 witnesses you will be hearing from today have
19 undergone cross-examination, have submitted
20 thousands of pages of data and briefs, and
21 generated over 600 pages of transcript.

22 While some of the opposition witnesses

1 you'll hear later today would have you review the
2 ITC's factual findings on serious injury or on
3 what products are not produced in the United
4 States, that is neither appropriate, nor
5 feasible. The ITC and the participating parties
6 developed a comprehensive factual record showing
7 not only that the fine denier industry has
8 suffered serious import-caused injury, but also
9 that a strong remedy is warranted to give the
10 industry the best chance at survival.

11 The question before you today and the
12 objective of this Committee should be to focus on
13 what action the President should take to achieve
14 the goal of facilitating the fine denier
15 industry's recovery.

16 You know from the ITC's record that
17 the domestic industry's employment, capacity
18 utilization, shipments, market share, and
19 profitability have plunged to abysmal levels.
20 The domestic industry and its workers need a
21 robust remedy to recover from the devastating
22 injury that imports have caused. The remedy must

1 sufficiently control the volumes and prices of
2 imports to permit the industry to undertake its
3 adjustment plans. Those plans include resumption
4 of operations at a facility where production was
5 suspended, investments and innovations in
6 existing U.S. facilities, and rehiring workers to
7 restore jobs lost due to imports.

8 The proposed remedy is consistent with
9 the recommendations of the ITC and comports
10 almost precisely with those of Commissioner
11 Kearns. The key elements of the proposed trade
12 restraints are, first, a four-year tariff rate
13 quota, or TRQ, limiting all covered import
14 volumes to 110 million pounds annually, with both
15 an in-quota and out-of-quota tariff. The in-
16 quota tariff should start at 22 percent and be
17 phased down by 2 percentage points in Year 2 and
18 again in Year 4. The out-of-quota tariff should
19 start at 50 percent in Year 1 and be phased down
20 by 3 percentage points per year.

21 The severity of the industry's injury
22 due to large volumes of imports that consistently

1 undercut U.S. producer prices necessitates both a
2 volume limit and a tariff on imports that will
3 allow the industry to recover and adjust to
4 import competition.

5 The President should also impose a
6 four-year quota limiting all temporary
7 importation under bond or, TIB, imports to zero,
8 to then be relaxed in increments of one million
9 pounds per year. TIB imports of fine denier have
10 avoided antidumping and countervailing duties for
11 years, allowing them to surge into the U.S.
12 market and injure U.S. producers. TIB imports
13 similarly will avoid duties imposed pursuant to a
14 TRQ if a quota or an alternative prohibition on
15 TIB imports is not imposed.

16 It is critical, therefore, for the
17 President to address TIB imports as part of the
18 remedy to effectively respond to the serious
19 injury suffered by the domestic industry.
20 Contrary to comments by Gildan, it is also lawful
21 for the President to do so.

22 We do not disagree with the ITC's

1 recommendation to exclude the following countries
2 from a remedy at this point: Canada, Mexico,
3 Australia, the CAFTA-DR countries, Colombia,
4 Israel, Jordan, Panama, Peru, Singapore, and the
5 beneficiary countries under the Caribbean Basin
6 Economic Recovery Act. We do, however, request
7 two important modifications to the ITC's
8 recommended remedy.

9 First, Korea should be subject to not
10 just the TIB quota as the ITC recommended, but
11 also the TRQ. Inclusion of Korea in the remedy
12 is critical, given the injury dumped imports from
13 Korea have inflicted in the past, and will
14 inflict if excluded from the remedy. Inclusion
15 of Korea is vital to prevent circumvention and
16 frustration of the remedy.

17 Second, a monitoring program should be
18 established to track imports from all countries,
19 including those excluded from the remedy, to
20 prevent circumvention or undermining of the
21 remedy. The proposed remedy is the least action
22 necessary to effectuate the relief needed and

1 allow the domestic industry to undertake the
2 adjustments it has planned, as the ITC's economic
3 model shows. The domestic industry has provided
4 detailed adjustment plans to demonstrate how it
5 will innovate and invest and prepare itself to
6 compete more effectively with imports in the
7 future.

8 I want to address some of the non-
9 trade remedies that we have recommended and the
10 ITC has recommended as well.

11 In addition to trade restraints, the
12 President should undertake the following actions
13 as part of the remedy in order to assist
14 downstream purchasers and to address broader
15 issues raised by this case. The President should
16 submit to Congress a legislative proposal that
17 would permanently preclude the importation of
18 products under TIB to avoid payment of
19 antidumping and countervailing payments and
20 safeguard duties. This TIB loophole is contrary
21 to policy concerns addressed in U.S. trade laws
22 and should be rectified.

1 Now in the ITC hearings on this case,
2 Gildan objected to the use of the term loophole
3 when referring to TIB. TIB is legitimate program,
4 but when used to evade anti-dumping and
5 countervailing duties and safeguard duties, it
6 undermines relief intended by Congress. And in
7 that case, it is being used as a loophole.

8 The President should adopt programs to
9 assist downstream users of fine denier. We
10 recognize that we are all in this together.

11 Those programs that we are recommending have been
12 used in some instances by the textile industry in
13 the past and we recommend they be applied here.

14 Such programs may include establishment of a
15 distribution program based on TRQ revenue to
16 downstream users that purchase domestic fine
17 denier and also potential tax inducements to
18 encourage domestic purchases.

19 The President may also consider
20 establishing a process to evaluate product
21 exclusions on a case-by-case basis, to be
22 implemented after the TRQ and quota are put in

1 place. There is no justification for exclusion
2 of any type of fine denier from the remedy at
3 this point. The Commission has examined all the
4 claims of non-production made by the foreign
5 producers here and rejected them. The Commission
6 has found that all the times that the foreign
7 producers have said the U.S. industry doesn't
8 produce it, have been incorrect. Not only does
9 the industry produce the products claimed not to
10 be produced here, but they produce them in
11 greater quantities than the respondents have
12 produced themselves or imports have produced. To
13 carve out the imports claimed to be not producing
14 in the remedy now it will undermine the domestic
15 industry's ability to benefit from relief and
16 would severely undermine the effectiveness of the
17 trade restraints that we are urging.

18 The imposition of the recommended
19 remedy will allow the domestic industry to regain
20 its footing via increased market share,
21 production, employment, and financial
22 performance. It will also allow sufficient time

1 and cash flow to invest in capital improvements,
2 capacity expansions, and research and
3 development. These improvements in industry
4 performance will not dramatically increase prices
5 for fine denier in the U.S. market, and will not
6 lead to supply shortages of this important
7 feedstock material.

8 Contrary to arguments by certain
9 commenters here, the ITC found that the domestic
10 industry had ample capacity to supply the market
11 and to replace imports, even after Darling Fibers
12 shut down in 2022.

13 Specifically, and this is very
14 important because you are going to hear language
15 to the contrary from respondents, but
16 specifically, the ITC found that the domestic
17 industry had 182.5 million pounds of excess
18 capacity in 2023, which is more than sufficient
19 to produce the entire 156.2 million-pound decline
20 in imports that the ITC's model projects will
21 occur in response to Commissioner Kearns's
22 proposed remedy.

1 Notably, the excess domestic capacity
2 shown in the staff report does not even include
3 the capacity that Darling Fibers, which was
4 forced to suspend operations in 2022 and which
5 plans to come on-stream, if it gets the remedy
6 we're talking about. Darling is committed to
7 restarting and making additional adjustments,
8 bringing that company's lost capacity, and then
9 some, back to the domestic industry.

10 If the domestic industry's proposed
11 remedy, which mirrors that of Commissioner Kearns
12 but also subjects Korea to the TRQ, is adopted,
13 the decline in imports would not be significantly
14 greater and there would still be ample domestic
15 capacity to cover that volume.

16 Importantly, the benefit of preventing
17 circumvention by including Korea in all aspects
18 of the remedy would be substantial, and existing
19 domestic capacity is more than enough to account
20 for the import decline under either scenario.

21 Further mitigating any concerns of
22 supply shortage is the ongoing availability of

1 imports not subject to this requested remedy.
2 There were fine denier imports from multiple
3 countries under the FTAs with the United States
4 over the past five years, including Canada, the
5 Dominican Republic, Honduras, Israel, Mexico, and
6 Singapore.

7 As I noted at the outset, the domestic
8 industry does not oppose establishment of a
9 process to exclude covered imports in the covered
10 TRQ remedy if there really is a demonstrated lack
11 of U.S. production of a particularized fine
12 denier product. But there is no justification in
13 excluding any products at this point as the ITC
14 recognized the domestic industry's ability to
15 produce all the specialty types of fine denier.
16 The establishment of an exclusion process should
17 allay concerns regarding supply of certain niche
18 fine denier products. And we're happy to address
19 in questions some of the concerns that have been
20 expressed by the delegate from the EU today about
21 the exclusion processes.

22 The increase in prices in response to

1 the imposition of the proposed remedy will also
2 not prove a major hardship to users of this
3 product. According to the ITC's model the
4 predominant impact of the requested remedy will
5 be an expansion in U.S. output rather than an
6 increase in prices. In fact, the ITC's model
7 indicates that Commissioner Kearns' proposed
8 remedy will have a relatively large positive
9 impact on the shipments and production of the
10 domestic industry, but an impact on U.S. prices
11 for fine denier of just 21 percent in the first
12 year of the remedy, declining to 18 percent by
13 the fourth year.

14 While insufficient to make up fully
15 for the significant degree of underselling by
16 imports that the ITC has found, this increase
17 will significantly narrow the gap between
18 imported domestic industry pricing that has
19 severely eroded the domestic industry's market
20 position.

21 The prices increases forecast by the
22 ITC's model should not lead to any meaningful

1 decline in U.S. consumption given that a
2 substantial increase in fine denier prices from
3 '20 to '22 coincided with an expansion of U.S.
4 consumption of 24 percent.

5 Furthermore, as I mentioned, the
6 ongoing presence of imports from countries that
7 are not subject to the remedy will act to limit
8 the degree to which prices increase in the U.S.
9 market in the wake of the imposition of the
10 remedy, which is something that the ITC's model
11 did not take into account. And you'll hear more
12 about that from Mr. Sparkman.

13 The modest price increase should not
14 place the domestic purchasers of fine denier at
15 any meaningful disadvantage in relation to
16 products of downstream, woven, non-woven, or knit
17 products in foreign countries. Indeed, Chair
18 Karpel and Commissioners Johanson and Schmidlein
19 have recommended the President consider programs
20 to assist downstream users of fine denier and
21 mitigate the potential impact of the remedy.

22 And as I mentioned, there are several

1 examples of similar programs such as the Pima
2 Agriculture Cotton Trust Fund, the Wool Apparel
3 Manufacturers Trust Fund, and the Cotton and Wool
4 Apparel Program. Commissioner Kearns has also
5 recommended that the President submit a
6 legislative proposal to Congress to distribute
7 TRQ remedy -- revenue generated via the imposed
8 remedy to downstream users of fine denier to the
9 extent needed to reduce impact. The domestic
10 industry strongly supports these proposals which
11 offer a win/win for producers and purchasers,
12 some of whom make use of the programs already.

13 If a robust remedy is not provided
14 here, employment in the industry, which is
15 declined substantially, will continue to drop
16 causing short and long-term negative effects on
17 workers, their families, and their communities.
18 Darling Fibers will not be able to reopen,
19 closing the door forever on the jobs that the
20 company very much wants to fill and spent a
21 couple hundred million dollars to create in the
22 first instance.

1 The small towns in which the domestic
2 fine denier facilities are located, like
3 Darlington, Lake City, and Richburg, South
4 Carolina, will be decimated by the loss of those
5 jobs. Nor are the jobs in the domestic industry
6 the only ones at risk as positions in supplier
7 and supporting industries will also be adversely
8 affected.

9 The need for a strong remedy is
10 urgent. The ITC recognized the precarious
11 position the domestic industry is in today. That
12 condition did not materialize overnight but has
13 been building for years as TIB imports prevented
14 U.S. producers from benefiting from antidumping
15 and countervailing duty relief and then as
16 imports from other countries flooded the market.
17 There's no reason for delay which would only
18 cause further harm. The continued loss of sales
19 and profits due to imports will likely result in
20 cessation of production of fine denier in the
21 United States altogether and the President should
22 impose a robust remedy now.

1 Before I turn to Mr. Sparkman, I want
2 to add one other thing. This administration has
3 been very, very strong in support for domestic
4 manufacturing and it's been very, very strong
5 when it comes to its commitment to restoring the
6 supply chains in the United States that have been
7 lost to imports over the years. Ambassador Tai
8 has been very emphatic about the need to maintain
9 a domestic textile industry and a domestic supply
10 chain. And I got to watch her speak yesterday on
11 the CBS talk show Face the Nation about the
12 importance of manufacturing and supply chains.

13 We are not talking here about across-
14 the-board tariffs. We're talking about a very
15 specific and narrow industry and very narrow
16 application industry on behalf of an industry
17 that has gone through all of the proper channels
18 to be entitled to relief. They filed antidumping
19 and countervailing duty cases. They filed this
20 201 case. And they're asking for and they
21 deserve a remedy so that their segment of the
22 U.S. manufacturing industry, this part of the

1 domestic textile supply chain can remain robust.

2 You're going to hear from witnesses
3 late today that -- I understand their position.
4 Everyone wants to compete. Everyone needs to
5 compete. Some of them have been the staunchest
6 advocates for domestic manufacturing, the
7 staunchest advocates for buy America in the
8 United States. Why they don't want to have buy
9 America for fine denier, you can ask them about,
10 but this -- we cannot let this important supply
11 chain, this important link in the supply chain go
12 awry because some people want to depend on the
13 cheapest imports from low-priced sources in Asia
14 who are already betting -- benefiting by low
15 energy prices due in part to the Russia
16 sanctions.

17 With that, I'm going to turn this over
18 to Mr. Sparkman.

19 CHAIR BUFFO: Excuse me, before --
20 just to clarify for the audience -- so for this
21 panel they have asked their time to be combined,
22 so we will not be using the red lights in case

1 you were wondering why we're going a little bit
2 over. Thank you.

3 Please proceed, Mr. Sparkman.

4 And I'll go ahead and introduce the
5 rest of the panel as well while I'm here. Mr.
6 Sparkman is the Senior Business Manager for Nan
7 Ya Plastics Corporation, also joined by Don
8 Bockoven, President/CEO Fiber Industries, Darling
9 Fibers, and Catherine Fang, Vice President of
10 Sales from Sun Fiber, LLC. Thank you very much.

11 MR. SPARKMAN: Thank you. Good
12 morning. My name is Michael Sparkman and I am
13 the Senior Business Manager for Nan Ya Plastics,
14 Corporation America. Thank you for the
15 opportunity to explain why Section 201 relief is
16 so critical to my company and our fine denier
17 polyester staple fiber business.

18 Nan Ya's been manufacturing polyester
19 staple fiber products in Lake City, South
20 Carolina since 1992. In addition to the hundreds
21 of workers that depend on our fine denier
22 business we are proud to employ a total of about

1 800 employees across our entire plant. Those
2 jobs are critical in a city of less than 10,000
3 persons.

4 As you know, the ITC concluded that my
5 company and others in our industry have suffered
6 serious injury due to surging low-priced fine
7 denier imports from numerous countries. I would
8 like to emphasize today that our business would
9 have looked much different over the past several
10 years if were it not for that growing import
11 competition. In 2022 we completed a long-planned
12 expansion to add 40 million pounds of fine denier
13 capacity in response to the success of earlier
14 antidumping and countervailing duty cases. We
15 invested in other capital projects to further
16 improve our facility and equipment, committed
17 resources to innovation and efficiency, and also
18 began looking at ways to expand our capacity even
19 further.

20 We are a reliable partner and
21 constantly strive to meet our customers' needs.
22 Our fine denier products are high-quality. Our

1 business should have been growing, but low-priced
2 import competition stopped us in our tracks.
3 Instead of expanding we lost sales and revenue
4 and are running with substantially unused
5 capacity. Instead of seeing a return on
6 investment already made, we are in a terrible
7 financial condition.

8 Unfortunately, the low-priced import
9 problem was not remedied by the AD and CVD relief
10 we obtained in 2018. This is because imports
11 from India and also Taiwan avoided those duties
12 altogether by using the Temporary Importation
13 Under Bond provision as a loophole. We spent
14 years battling low-priced fine denier from those
15 countries, in addition to China and Korea, only
16 for those importers to find a way around the
17 remedy we were finally granted.

18 The TIB loophole effectively wiped out
19 the benefits we were -- we expected to get from
20 the orders as customers continued to have
21 unfettered access to dumped and subsidized
22 imports. To make matters worse, while the TIB

1 imports grew in significant volumes, other
2 imports not subject to the trade remedy orders,
3 including those from a major producers in Korea,
4 also began to flood the U.S. market.

5 Despite our current dire situation I
6 am confident that a strong safeguards remedy will
7 provide the breathing room we need to grow our
8 sales, continue to invest in our business, and be
9 a significant and trusted supplier to the U.S.
10 markets that we have been known for, for over 30
11 years.

12 In response to those that say that we
13 have not -- we do not have sufficient capacity to
14 supply the market, we have over 70 million pounds
15 of available capacity today. And I would be more
16 than happy to talk about -- talk with them about
17 how we can meet their needs at the conclusion of
18 this hearing.

19 Additionally, given a strong remedy we
20 are ready to proceed with the expansion of our
21 fine denier capacity by an additional 70 million
22 pounds per year by converting an existing line.

1 We will invest over \$4 million to complete this
2 conversion with the additional capacity coming
3 online within six to eight months. We are also
4 willing and able to convert another line to make
5 more fine denier fiber, an additional 50 million
6 pounds of capacity, if needed by U.S. market
7 demand. A strong remedy will put us in a
8 position to use our existing available capacity
9 and produce even more fine denier for our
10 customers.

11 To give an example, as a direct result
12 of bringing this Section 201 case we have had the
13 opportunity to fully engage with a partner to
14 produce biodegradable fine denier. We began
15 manufacturing that product in July of this year
16 at an initial rate of 1.4 million pounds per
17 month using a polyester stable fiber line that
18 has not been running due to sales lost to import.
19 While we were required to make some engineering
20 modifications to that line, I am proud to say
21 that we were able to accomplish that and began
22 production within just five weeks' time.

1 As another example, we had a customer
2 increase its purchasing volume from Nan Ya by 30
3 percent since June in anticipating of potential
4 Section 201 remedy. I want to point out that
5 this particular customer was motivated by this
6 case to quickly and successfully qualify Nan Ya's
7 fine denier for virtually all of its end uses.
8 We had been pushing for and cooperating with
9 qualification efforts for several years, but it
10 took this case to finally make that happen.

11 I understand that some parties
12 submitting comments have claimed that it will
13 take a very long time to qualify domestic fiber
14 for their applications. Qualification can be as
15 fast or as slow as the customer wants. When
16 qualification is used as a barrier by customers
17 who are currently benefiting from low-priced
18 imports they effectively become gatekeepers
19 preventing entry into the market by domestic
20 suppliers. A remedy would be the impetus for
21 customers to expedite their qualification
22 processes.

1 I also want to make clear that Nan Ya
2 already supplies or can supply an extremely wide
3 array of fine denier products. We already sell
4 fiber for high-tech fabrics to support our
5 military and protect sensitive equipment.

6 Contrary to some comments, we sell fine denier
7 for non-woven materials that go into hygiene
8 products like masks, gowns, hospital sheets, and
9 divider curtains, all essential to public health.

10 A steady supply of domestic fine denier is
11 critical for our nation and public health
12 security but is being put at risk by low-priced
13 import competition.

14 Nan Ya sells biodegradable fibers, FDA
15 fibers, siliconized fiberfill, and 22 millimeter
16 cut fibers. We have the ability today to produce
17 low antimony fine denier. We also produced
18 trilobal fiber in the past and can produce those
19 products again. We also sell what has been
20 referred to as high coefficient of friction fiber
21 in a list of products requested to be excluded.
22 Now that may sound like a highly specialized

1 fiber, but in fact it's just a standard product
2 that we supply to many of our spunlace customers.
3 If there are customers that are not buying these
4 products from us now, it is because they have
5 chosen to buy imports instead of giving us an
6 opportunity, not because we don't or can't make
7 them.

8 There is no reason for these products
9 to be excluded from the remedy even though some
10 downstream customers have asked for just that.
11 Doing so would undermine the very relief we are
12 seeking just as the TIB loophole seriously
13 diminished the benefit we should have gotten from
14 the unfair trade orders.

15 With a robust Section 201 remedy that
16 gives us the opportunity to invest in new
17 products, to expand production, and even just
18 qualify with existing and new customers, I am
19 certain that my company will be able to succeed.
20 On behalf of Nan Ya and our coworkers
21 representing Florence and Williamsburg Counties
22 in northeaster South Carolina, I respectfully ask

1 the President to impose the strongest remedy
2 recommended by the ITC, with the inclusion of
3 Korea, as we have urged in our comments.

4 And before I conclude, I would like to
5 add just one more point: I understand that there
6 are some concerns that the price for fiber will
7 increase as a result of the remedy and that the
8 final downstream customer will see a negative
9 impact by those price increases. I would like to
10 illustrate how modest in fact the impact of the
11 anticipated price increases would be.

12 And to that point, I've brought two
13 examples. The first one is a shirt, a very
14 beautiful shirt I might add, made of 100 percent
15 polyester. The weight of this shirt is
16 approximately one-third of a pound. Based on the
17 end tariff quota rates that have been proposed we
18 would be looking at approximately a \$0.05
19 increase in a \$10 shirt based on the increase in
20 polyester. Many of these shirts are made with 50
21 percent cotton/50 percent polyester. That would
22 be a \$0.02« cent increase.

1 The other thing I'd like to show you
2 is -- and having two kids, we've just finished
3 using these, but these are Pamper wipes. I think
4 most people are familiar with this product. The
5 polyester inside of this wipe -- now this feels
6 very heavy, but you've got to realize there's
7 liquid in there and the packaging. When you take
8 the polyester and you dry it out, there's
9 approximately in this package one-fifth of a
10 pound of polyester in this package. That's \$0.03
11 that we're looking at as a price increase for
12 this product. Thank you very much.

13 CHAIR BUFFO: Thank you, Mr. Sparkman.

14 Ms. Fang, do you have testimony?

15 Bockoven? Oh, sorry. Mr. Bockoven?

16 MR. BOCKOVEN: Good morning. My name
17 is Don Bockoven and I'm the CEO of Fiber
18 Industries doing business as Darling Fibers. I'm
19 here today to discuss the importance of a strong
20 safeguard remedy to my conversation in
21 Darlington, South Carolina.

22 After investing several hundred

1 million dollars since 2018 to refurbish,
2 modernize, and restart fine denier staple fiber
3 production in Darlington, we began supplying
4 customers with a quality product in 2020 and
5 continued to invest in the expansion of capacity
6 into 2022. However, by the end of 2022 the
7 unsurmountable competition from low-priced fine
8 denier imports led to our very difficult decision
9 to temporarily idle our production facilities and
10 lay off nearly 340 hardworking employees that
11 relied on this storied plant to support their
12 families.

13 The decision to idle this facility was
14 devastating to our company, our employees, and
15 our small community in Darlington County. We had
16 been a top seven employer in this county of less
17 than 65,000 people. We provided high-quality,
18 well-paid jobs that made a difference for the
19 families.

20 The ITC recognized the harm that
21 imports caused Darling Fibers and the rest of the
22 domestic industry and recommended trade

1 restraints. We are finally optimistic that we
2 will get the relief we need to get our plant back
3 up and running. With an appropriate remedy in
4 place I am confident Darling can hire back our
5 workforce to restart operations. In fact, we
6 plan to partner with the Florence-Darlington
7 Technical College, with whom we have a close
8 working relationship, to develop targeted
9 training programs for operations and maintenance
10 technicians. We have also made plans and taken
11 steps to seed potential partnerships for exciting
12 new fine denier product offerings and
13 complementary services in the sustainable
14 textiles space.

15 We can only finalize these potential
16 partnerships and restart production with a strong
17 remedy that gives us the time to get our existing
18 equipment back online, begin production, complete
19 product testing, and reestablish our customer
20 base. Although we do not expect to have any
21 difficulties filling out our workforce, we will
22 need time to rehire and train hundreds of

1 employees. I refer you to our confidential
2 adjustment plan for further details on the timing
3 of our anticipated ramp-up to reopening.

4 The ITC's recommended four-year remedy
5 would provide the time and opportunity we need to
6 get back to business. A tariff rate quota with a
7 very gradual reduction over the remedy period in
8 addition to a prohibition on importers' use of
9 the TIB loophole to evade duties will ensure that
10 we are not faced with large volumes of low-price
11 imports once again while we ramp back up to
12 production.

13 The President should not exclude any
14 types of fine denier from his remedy. Notably,
15 while Respondents have urged the exclusion of
16 products made from recycled fiber or fiber with
17 biodegradable properties, these are products on
18 which we are focused. We are continuing to
19 develop our manufacturing campus called
20 Darlington Green as a sustainability hub for
21 collaboration, research, and innovation in the
22 design, chemistry, and manufacturing of next-

1 generation textiles. We are striving to be a
2 producer of sustainable fibers and believe that
3 this goal is an important element of our ability
4 to adjust to the market competition. Exclusion
5 of recycled or sustainable fiber would both
6 undermine our efforts and create a significant
7 gap in our requested remedy.

8 The President should also not exclude
9 imports from Korea in the safeguard remedy.

10 While we were in operation in 2021 and 2022 we
11 saw increasing volumes of imports from Korea
12 coming into the U.S. market at very low prices,
13 despite antidumping and countervailing duty
14 orders on these imports, and I have no doubt they
15 will continue to do so if excluded from the
16 remedy.

17 There is so much at stake for Darling
18 and our community here. We know the investment
19 required to restart our fine denier polyester
20 staple fiber business will be significant and we
21 are eager to take action on our restart plan, but
22 those steps can only be undertaken if we can get

1 meaningful protection from the onslaught of low-
2 priced imports. The ITC's remedy will provide
3 this protection and give us the confidence to
4 move forward with the next steps in our restart
5 plan. As part of this remedy we also support
6 measures to benefit our customers so that they
7 remain competitive while using more domestic fine
8 denier fiber.

9 We believe in this business and have
10 spent the time and considerable resources to
11 participate in this investigation despite being
12 idled since 2022 because of our commitment to
13 developing sustainable polyester staple fiber
14 manufacturing in South Carolina. We urge the
15 President to impose the remedy recommended by the
16 ITC with the adjustment and help us get back to
17 work. Thank you.

18 CHAIR BUFFO: Thank you, Mr. Bockoven.

19 Now turning to Ms. Fang. Thank you.

20 MS. FANG: Thank you. Good morning.

21 My name is Catherine Fang and I'm Vice President
22 of Sales at Sun Fiber. My company and its

1 workers are very appreciative of the opportunity
2 to appear before you today in support of the
3 imposition of a strong remedy.

4 Sun Fiber is a large employer in the
5 small South Carolina town of Richburg in Chester
6 County. We support a substantial number of
7 workers and the jobs that Sun Fiber provides to
8 the community are very, very important. We are
9 optimistic that a strong safeguard remedy that
10 will allow us to regain sales, rehire workers,
11 and improve our financial condition from the
12 devastating injury that fine denier PSF imports
13 have caused.

14 Sun Fiber entered the U.S. market
15 shortly after the imposition of antidumping and
16 countervailing duty order on China, India, South
17 Korea, and Taiwan hoping for a fair trade market
18 in which to compete. The surge in imports at
19 extremely low prices however caused us
20 significant harm, including forcing us to lay off
21 more than a third of our workforce in 2022.

22 The ITC recognized the severe injury

1 our industry suffered caused by imports and
2 proposed a TRQ and a quota on TIB imports to
3 assist us to recovering and adjusting. The
4 remedy proposed by the ITC will allow us to move
5 forward with the investments that we see as
6 critical for our business to recovery and
7 prosper. The remedy will allow us to invest in
8 our business operations and to implement long-
9 awaited plans that had been canceled or postponed
10 due to imports.

11 Our adjustment plans include
12 investments to modernize and improve our
13 facility, rehire workers, implement cost-reducing
14 measures, increase production, expand our
15 innovative product offerings, and commit more
16 resources to R&D. We are anxious to move forward
17 with these plans as soon as possible. Contrary
18 to some other commenters' claims, I am confident
19 that our proposed remedy will be highly effective
20 and will allow us to become more competitive in
21 the U.S. market.

22 In addition to Sun Fiber's commitment

1 to our workers and the community we also support
2 thousands of indirect jobs through our fine
3 denier operations including our recycled PET
4 suppliers and other vendors located in North
5 Carolina, Florida, and Pennsylvania. These
6 suppliers account for over 4,000 jobs. Those
7 workers too will be negatively affected in the
8 absence of relief.

9 Sun Fiber strongly disagrees with
10 opposing parties' exclusion requests. Fine
11 denier produced from recycled imports, for
12 example, should not be excluded from any remedy.
13 All of Sun Fiber's fine denier production is made
14 from recycled imports. Sustainable fibers are
15 important for our environment and an important
16 part of this market. Exclusion of recycled fiber
17 would be devastating to our company.

18 Sun Fiber also produces other
19 specialized types of fine denier including short-
20 cut fiber and siliconized fiber even though other
21 commenters claim they are not able -- available
22 from domestic producers. Hollingsworth & Vose,

1 for instance, claims that the domestic industry
2 does not produce short-cut, un-crimped fiber
3 shorter than 12 millimeters in length. In fact,
4 as I told the ITC, Sun Fiber can produce short-
5 cut fiber down to five millimeters, as short or -
6 - as short as the customers want.

7 We are willing to invest in the
8 cutting wheels to make even shorter lengths, but
9 have not had the necessary capital to do so
10 because of import competitions. We also have
11 plans to further specialty product development
12 which are detailed in our adjustment plan
13 submitted as an exhibit to our comments. In
14 order to undertake those plans, however, the
15 industry's import problem must be remedied.

16 I would like to conclude by noting
17 that it is important to us that a rigorous
18 monitoring program be set up to ensure that any
19 imports from free trade agreements countries
20 excluded from the remedy do not circumvent or
21 undermine relief. We are concerned that imports
22 from certain FTA countries, even though present

1 in low volumes, will surge to replace other
2 imports and deprive us of from -- of the intended
3 benefits of the remedy. A monitoring program to
4 identify and, as appropriate, address such
5 circumvention as critical. Thank you for your
6 attention.

7 CHAIR BUFFO: Thank you, Ms. Fang.

8 And thank you to all the witnesses for
9 your testimony. We will now turn to the TPSC
10 participants for any questions. Please be as
11 concise as possible in your answers to allow
12 sufficient time for questioning. Thank you.

13 MR. GAGAIN: Thank you. Once again
14 I'm Mike Gagain. I'm from USTR.

15 Mr. Rosenthal, in your testimony --
16 and, Ms. Fang, I think I heard this in your
17 testimony as well -- you mentioned that if FTA
18 partners are excluded that you would propose a
19 monitoring program to ensure that there's no
20 surge or circumvention. I'm just wondering if
21 you could elaborate on that point a bit and just
22 sort of walk us through how you envision

1 something like that working. Thank you.

2 MR. ROSENTHAL: Thank you. Paul
3 Rosenthal for the record. It's not uncommon to
4 have monitoring programs on imports in general.
5 They've been around for time immemorial. My
6 expectation is that it would be a very simple
7 thing to just monitor, as you do now, for let's
8 say the USMCA to see whether -- any surges in
9 imports, to do the same for the FTA countries
10 that might be taking advantage of the opportunity
11 to enter the market under this program. And if
12 there is a surge to perhaps have consultations to
13 make sure that those import surges are not
14 undermining the effectiveness of the relief.

15 MR. GAGAIN: Thank you for that. I
16 have one other question, then I'm going to turn
17 it over to my colleagues.

18 I know where the Petitioners stand on
19 a possible exclusions process given your comments
20 and your testimony, but for clarity of the record
21 before us I just want to ask, given other
22 parties' rebuttal comments in this proceeding I'm

1 wondering whether you open -- whether you are
2 open to any exclusions more immediately, or if
3 your vision is that there would be an exclusions
4 process if the TPSC were to make a recommendation
5 to the President to impose relief. Thanks.

6 MR. ROSENTHAL: Again, Paul Rosenthal
7 for the record. We are open to a true -- if
8 there were a product that is not being made in
9 the U.S. and that is not capable being made and
10 desired to be made, we're totally open. And
11 there have been some conversations with some
12 people in the back of the room.

13 The problem is that we have not
14 identified a product that is not made in the U.S.
15 that they're talking about. And so, look, we
16 don't want to impose any burden on any product
17 that isn't being made or that can't make, but I
18 will tell you that every product that has been
19 mentioned today or in the testimony is either
20 being made or capable of being made if prices are
21 right and there's an economic incentive to do so.
22 But if someone can point out to any of us --

1 these are customers of the industry -- they can
2 point that there is no interest or -- in making
3 this product here and they want to bring it in,
4 we're fine with that.

5 Our problem is we've now been three
6 hearings at the ITC where the Respondents have
7 come and said you don't make this product. And
8 of course when the ITC has gathered this
9 information, it turns out that the domestic
10 industry does in fact make this product. And in
11 fact in some instances it makes it in greater
12 quantities than the imports that are coming in.
13 So there isn't a factual basis. All you have so
14 far is assertions by the other side without any
15 actual evidence.

16 So the answer, to summarize, is we're
17 open. We don't want to keep product out. That's
18 unnecessary. I want work with the customers to
19 bring in product if they need it and we can make
20 it. We're fine with that.

21 By the way, just to adjust the comment
22 by the representative of the EU, my firm and I

1 and my colleagues sitting here have been involved
2 -- we represent the domestic steel industry. We
3 represent the aluminum industry. We've been
4 involved in the exclusion processes there. We
5 represent a lot of companies who were involved in
6 the 301 exclusion process.

7 Yes, those have all been lumpy and
8 imperfect processes, but the agencies have gotten
9 better at managing the exclusion processes,
10 particularly under 232. 301, you're overwhelmed
11 with requests. Here we're talking about a very
12 narrow subset of products that might be
13 potentially part of an exclusion process that can
14 easily be handled without the difficulties you
15 encountered in these other products that have
16 been talked about.

17 MR. GAGAIN: Thank you very much.

18 MR. AMDUR: Hi again. I'm Alexander
19 Amdur from Customs and Border Protection. I have
20 a question for all the witnesses on the panel.

21 The government of Korea asserted on
22 page 5 of its request to testify that no Korean

1 imports of fine denier polyester staple fiber
2 were imported under the TIB Program through 2023
3 and it has not been used otherwise to import
4 increasing volumes of fine denier polyester
5 stable fiber from Korea.

6 How would you respond to this
7 assertion and how likely is this to change, and
8 why?

9 MS. RINGEL: Mr. Amdur, Brooke Ringel,
10 Kelley Drye, counsel on behalf of Petitioners.

11 As a factual matter that is what the
12 ITC's record shows, that Korean imports had not
13 used -- been entered under TIB through the period
14 of investigation, but there's -- as Commissioner
15 Kearns actually noted in the ITC report, there's
16 nothing preventing Korea from doing that in the
17 future. And in fact, that is specifically why
18 the Commission recommended that Korea be included
19 as covered by the recommended quota on TIB
20 imports.

21 We, as you heard the witnesses testify
22 -- Mr. Rosenthal explained -- also requests that

1 Korea be included as part of the TRQ remedy. And
2 that's very important because Section 2253(a)(2)
3 requires the President to take into account both
4 the effectiveness of the action to be imposed and
5 the potential for circumvention. And including
6 Korea is both part of the TIB quota and under the
7 TRQ remedy is imperative to ensure both of those
8 factors are taken into account into the remedy
9 that's imposed.

10 And that's for a number of reasons
11 that are apparent on the record including that
12 the Korean imports increased over the period
13 including -- and that they increased over 42 --
14 over 40 percent in the first half of 2024 alone.
15 They captured market share over the period of
16 investigation through underselling and that Korea
17 is the second largest global exporter of fine
18 denier. So in order to ensure the effectiveness
19 of the remedy and to avoid circumvention it's
20 imperative that Korea be covered by both aspects
21 of the remedy. Thank you.

22 MR. AMDUR: Okay. And to follow up --

1 MS. CANNON: Kathy Cannon, Mr. Amdur,
2 could I also supplement that? Kathy Cannon for
3 the record. One of the reasons we have urged
4 that Korea be included is because the TIB Program
5 is a program used by importers. So an importer
6 has a set up to use temporary importation under
7 bond. It can select any country. And so far, as
8 we mentioned, the record shows that India and
9 Taiwan have been sources that the importer have
10 used for this program.

11 But if Korea were excluded, it would
12 be a red light to the importer -- a green light
13 to the importer, I'm sorry, to say here's an
14 opportunity to source from this country; continue
15 to use the TIB Program, but there's no
16 prohibition. And that's the real concern here in
17 addition to what Ms. Ringel mentioned about
18 Korea's capacity and exports in general.

19 MR. AMDUR: Okay. Thank you. I don't
20 have any additional questions.

21 MS. JOHNSON: All right. Good
22 morning. Kayla Johnson, U.S. Department of

1 Commerce. This question is directed towards all
2 witnesses, and I also recognize that Mr. Sparkman
3 addressed this subject in his remarks as well.

4 In your view does the P&G proposed
5 exclusion for low-antimony fine denier PSF
6 approximately define the product? Is it over-
7 broad? If so, why? Do you believe that semi-
8 dull luster should be included in the definition?
9 Thank you.

10 MR. SPARKMAN: Can you repeat the
11 question? I'm not sure that I quite understood
12 exactly what you were asking.

13 MS. JOHNSON: Absolutely. Yeah, this
14 is in reference to the low-antimony fine denier
15 PSF. The question was in your view does the P&G
16 proposed exclusion for low-antimony fine denier
17 PSF approximately define that product? Is it
18 over-broad? If so, why? Do you believe that the
19 semi-dull luster should be included in the
20 definition?

21 MR. SPARKMAN: Okay. I'm going to try
22 here. I think I understand what you're asking

1 here.

2 So the product that they currently
3 buying is an antimony-free polyester. Antimony
4 is a catalyst that can be used in making
5 polyester stable fiber, but there are other
6 catalysts, a little bit more expensive. That's
7 why we use antimony. But there are other
8 catalysts that can be used to make the staple
9 fiber. The product that they are buying is semi-
10 dull, however, we could make an optically bright
11 fiber as well. When you refer to semi-dull it
12 means that there is no optical brightener added
13 to the fiber. But we could produce either of
14 those.

15 The one thing that -- for me that's
16 important in this is that for this antimony-free
17 product -- this is a product that Nan Ya has
18 wanted to produce for some time, but as I alluded
19 to in my testimony, Procter & Gamble has
20 basically acted as the gatekeeper. They've not
21 allowed us to qualify this product with them,
22 therefore we can't sell this product, therefore I

1 cannot -- I can't make a product that I don't
2 have a downstream customer for.

3 So this remedy would effectively allow
4 us to open the door, as it did in the
5 biodegradable fiber that we made earlier this
6 year. That door was opened as well because of
7 Section 201.

8 MR. ROSENTHAL: I just want to
9 summarize. Based on what we've been told, you
10 can make this product. And if you have the
11 opportunity to qualify it, you will make this
12 product. Is that a fair summary?

13 MR. SPARKMAN: I'm ready to make it
14 today. We could make this in October for this
15 customer. We would be happy to do so.

16 MR. ROSENTHAL: One of the problems
17 you have with exclusions -- and I've lived
18 through this for quotas going back decades -- if
19 you grant the exclusion, it destroys the
20 incentive of the customer to then work with the
21 supplier to develop the product and qualify the
22 product. And that's why we've said don't grant

1 the exclusion now because then the customer is
2 going to say we're not going to bother dealing
3 with them. We'll wait until the exclusion is
4 expired and then maybe we'll talk to them.
5 That's the problem.

6 If you don't grant the exclusion now,
7 then there's a greater likelihood that Mr.
8 Sparkman and the P&G customers will get together
9 and work something out. And I will promise you
10 this, because this is an honest person here, if
11 he says I can make this product, after working
12 with P&G, he will tell you and he'll tell P&G.

13 MS. JOHNSON: Thank you.

14 MS. LIN: Songhua Lin from Department
15 of Labor. I have a couple questions for all the
16 witness.

17 My first question --

18 PARTICIPANT: May you please turn on
19 your mic?

20 MS. LIN: If remedy provide remedy to
21 domestic producers, will this kind of relief
22 translated to higher earnings for your workers?

1 MR. ROSENTHAL: Let me restate that
2 and make sure we heard this. Will this --

3 PARTICIPANT: Excuse me, Mr.
4 Rosenthal. May you please repeat your question?

5 MS. LIN: -- translate to higher
6 earnings to your workers?

7 MR. ROSENTHAL: Will this relief
8 translate into higher earnings for workers? I
9 will say this at the outset, and I'll let the
10 other -- right now it will turn into in gross
11 terms higher earnings for workers because Darling
12 Fibers will be able to hire back 340 people
13 who've been laid off, who are not earning
14 anything at Darling Fibers at this point. And
15 other of the members of the industry will be able
16 to hire back more workers. At what levels, I'll
17 leave to them to respond.

18 MR. BOCKOVEN: Don Bockoven for the
19 record. Great question. When we laid off our
20 folks many of them got jobs in other places.
21 Most of those were at lower wages than we were
22 paying, so yes, they will get increased wages

1 when they come back to work.

2 MR. SPARKMAN: Michael Sparkman for
3 the record. Yeah, we have actually been
4 increasing our wages over the last couple years.
5 We want to be competitive; we want to keep our
6 employees there. We also are under-employed
7 today. We have the capacity at our facility to
8 employ 940 people. As I testified, we're at 800.
9 So that would be 140 more people that could come
10 in with a high-paying job where they very likely
11 are earning much less, or nothing at all today.

12 MS. FANG: Yes, so Catherine Fang, Sun
13 Fiber. For us the adjustment plan we already
14 submitted previously would add at least 150 or
15 280 jobs in our area and because all the new
16 development we are talking about. So all of
17 those workers will be highly trained. We already
18 have programs with local colleges in place. So
19 all of those -- all trained skill-based jobs will
20 definitely higher paid than normal front line
21 operators. Thank you.

22 MS. LIN: Okay. Thank you. My next

1 is going to move to short-cut fibers of PSF. So
2 are domestic producers capable producing short-
3 cut fibers of PSF?

4 MS. FANG: Right. Like I made in my
5 previous statements and today as well -- so think
6 Michael Sparkman touched based on that top as
7 well. So the cut lengths of the fiber is really
8 not a very technical term here for the fiber
9 producers. Of course that will bring little bit
10 difficulties in all the other processes, but
11 really the most important aspect here is the
12 cutting wheel. So your investment in certain
13 specific cutting wheels are really the additional
14 investment we need to do, which is not a lot
15 considering the vast investment into the fiber
16 production equipment.

17 MS. LIN: Okay. Following that I have
18 another question. Given certain interest
19 parties' estimate that it can take anywhere from
20 18 months to 3 years to qualify as a producer of
21 this type of fiber and the remedy is imposed,
22 what do you anticipate that the downstream

1 industry will do satisfy demand and how will
2 these actions impact your operations in the
3 meantime?

4 MR. ROSENTHAL: Let me just add that -
5 - answer that at the beginning. I'll let the
6 members in industry expand.

7 When it comes to short-cut fibers, Sun
8 already makes a lot of short-cut fibers now, down
9 to -- is it five?

10 MS. FANG: Five.

11 MR. ROSENTHAL: So contrary to what
12 you may have heard that the industry cannot
13 produce short-cut fibers down to that level, they
14 can. And it's just a matter of buying cutting
15 wheels. Ms. Fang said the other day if they had
16 a customer who wanted a different dimension, they
17 could buy a cutting wheel that weighs about 200
18 pounds. They could send it over on first class,
19 relatively inexpensively, and produce that fiber.

20 So going back to your question, how
21 long does it take? It doesn't take -- if you're
22 motivated, if you're a customer and you want to

1 buy this product, it doesn't take you 15 months
2 to qualify. You can qualify a lot faster. Mr.
3 Sparkman just mentioned qualifying on a product
4 in five weeks and producing the product in five
5 weeks.

6 So it depends on the motivation of the
7 customer. If they want to buy a U.S. product,
8 they can work quickly to qualify. If they'd
9 rather drag their feet, if they're not that
10 interested -- and a lot times; and I've seen this
11 in a lot of industries, the desire to qualify
12 depends a lot on the price. If they don't think
13 they're going to get a good price, they're not
14 going to be in a hurry. And I'll stop there and
15 I'll let the domestic industry folks expand.

16 MR. SPARKMAN: I'm also aware that
17 there are certain industries that have talked
18 about the length of their qualification process.
19 and I'm sure that their qualification process is
20 very robust and very thorough. But as Paul had
21 stated, we've also seen out there in the industry
22 that other companies that also have very robust

1 and very thorough processing -- qualification
2 processes can make those much shorter -- much
3 quicker when a product is not available. They
4 are not going to shut down a baby wipe because
5 they're going to have to wait two years to
6 qualify a product. These processes can go much
7 quicker. And again, we've seen it with other
8 industries.

9 MS. LIN: I would like to be more
10 specific on the dimensions. I have one more
11 question particularly for -- to Ms. Fang.

12 On page 7 of European Man-made Fibres
13 Association's comments they propose an exclusion
14 for importers based on -- first category is the
15 length of the short-fiber, 2 millimeter to 15
16 millimeter. Second, physical characteristics of
17 the fiber, un-crimped. And the third is intended
18 use of the fiber for wet-laid applications.

19 So they assert that neither Sun Fiber
20 or the other Petitioners advertise on their
21 website that they manufactured this kind of
22 product defined as a standard product. So how

1 would you response this assertion?

2 MS. FANG: I'm going to answer the
3 part I still remember. So the short-cut part
4 I've just touch base on it. That really depend
5 on the cutting wheel availability, which Sun
6 Fiber is willing to make investment and expedite
7 the process.

8 And as far as the wet-laid goes, one
9 of your colleague companies, Palmetto Synthetics,
10 makes that particular fiber already.

11 What's your third? The third?

12 MS. LIN: The third is the intended
13 use of fiber for wet-laid application.

14 MS. FANG: Yes, so the wet-laid is
15 covered by Palmetto company. And I think the
16 other one you mentioned, it's the un-crimped. So
17 that's one of the process in the finishing of the
18 fibers. We have crimpers on the process, so to
19 make crimps. Then also we can make the fabric go
20 through the crimper with different process
21 setting to, quote/unquote, un-crimped. So that
22 answers your question.

1 MS. LIN: Okay. Thank you.

2 MR. MROCZKA: I guess it's my turn
3 now. Victor Mroczka from USTR.

4 This is a question for everybody. In
5 the adjustment plans that you all --

6 PARTICIPANT: Excuse me. Is your
7 microphone on?

8 MR. MROCZKA: Closer? Is that better?

9 PARTICIPANT: That's better.

10 MR. MROCZKA: All right.

11 PARTICIPANT: Thank you. Thank you.

12 MR. MROCZKA: First time I've been
13 told I can't be heard.

14 So I'll start at the beginning. In
15 the adjustment plans that you all submitted to
16 the U.S. ITC you state that among other things
17 one of the activities that will be undertaken if
18 relief is provided is updating production lines
19 and increases in capacity. Does this include
20 modernization of increased automation of
21 equipment?

22 MR. BOCKOVEN: Yeah, Don Bockoven,

1 Darling Fibers. The simple answer is yes.
2 Obviously there's a lot of complications in that
3 in terms --

4 MR. MROCZKA: There's a series. This
5 is like a --

6 MR. BOCKOVEN: -- in terms of what
7 automation is, where you automate, and how you do
8 that. So obviously for us with a restart, yes,
9 we'd be looking at a lot more automation than we
10 had when we first restarted, and investing a
11 significant amount of money in that.

12 MR. MROCZKA: So what impact will
13 those -- will such measures have on employment in
14 your respective facilities? What I'm really
15 looking for there is, is it possible for you to
16 give us a rough estimate of what percentage of
17 any increased employment will be dedicated to
18 production as compared to sales or administrative
19 staff? And I say a rough estimate because I
20 understand that some of that may be confidential.

21 MR. BOCKOVEN: So let me make sure I
22 understand the question. You're asking the

1 impact of the investment on automation?

2 (Off-microphone comment.)

3 MR. BOCKOVEN: Okay. Yeah.

4 Obviously, we do it for an impact, right? So
5 productivity, reliability, quality, all those
6 three major components of a good business would
7 be impacted by investment. And I'm not going to
8 give you the exact percentages because that's
9 confidential, so.

10 MR. SPARKMAN: So with Nan Ya Plastics
11 we're already very automated and our line are
12 fairly modernized. We could definitely update
13 those lines with newer equipment that would be
14 more efficient. As far as the -- our warehouses
15 are already automated in that.

16 The fiber will -- once the fiber comes
17 off the line it isn't touched again by a human
18 until the forklift takes it back out of the
19 warehouse. So the fiber will come in. It gets
20 stored in by robots. It gets pulled out by
21 robots. And the last thing that happens is a
22 forklift picks it up off of the conveyor line and

1 puts it onto the truck.

2 So we already have a lot of automation
3 in there. But with regards to jobs, what we
4 don't have is we don't have our lines running
5 full right now. And despite the best automation
6 that you're going to have, you still have to have
7 people to run that automation, right. And if we
8 could get our lines to run full, we could add
9 additional jobs.

10 MR. ROSENTHAL: Mr. Mroczka, this is
11 the point I was going to make: If you look at
12 the market share and the capacity utilization of
13 the industry over the last couple of years,
14 because of the imports both of those have been
15 terrible. If you're able to make more sales and
16 make investments in some of the new technologies,
17 recycled, biodegradable, you'll be able to
18 increase your sales, increase the amount of
19 employees who will be able to produce those
20 volumes.

21 And that's really the intent here, to
22 be able to do so in a more competitive basis,

1 because at the end of the day what matters is
2 that when relief is over, they've got to be able
3 to compete against other countries. So to be
4 able to have more people working. The more
5 throughput you have, the lower cost per unit you
6 have, the more competitive you are. That's
7 crucial here. And that's going to happen if
8 they're allowed to invest as they have in their
9 plans. And not just invest in better or more
10 modern, but -- capacity, but in products that are
11 not being made now, the more eco-friendly
12 products that a lot of consumers are looking for
13 right now.

14 MR. SPARKMAN: I would just add that -
15 - you had asked about modernization of our
16 facility. And in my testimony I'll refer back to
17 the fact that we did actually just started or put
18 into effect two years ago a brand new line with
19 up-to-date modern state-of-the-art equipment as
20 well.

21 MR. ROSENTHAL: I'll just add one more
22 thing. This is from the ITC factual record. And

1 it's a matter of public record that Mr.
2 Bockoven's company invested about \$200 million in
3 restarting the Darling plant. They had another
4 investment of \$30 million to expand capacity
5 there and they were encouraged by Frontier, which
6 was a company they were dealing with, to add this
7 additional capacity and the \$30 million
8 investment.

9 And then they -- Frontier was bought
10 by Gildan. And shortly thereafter Gildan said to
11 Darling thank you very much, but we are going to
12 be using the TIB Program and we're going to be
13 importing from another source now. We do not
14 need you to be supplying that product. And that
15 \$30 million investment was shelved.

16 Am I summarizing this correctly?

17 MR. BOCKOVEN: Yes, we spent about
18 half of that amount and have equipment ready to
19 be installed. So we're ready to go.

20 MR. MROCZKA: I don't have any further
21 questions. Thank you.

22 CHAIR BUFFO: Thank you again to our

1 witnesses for those responses as well as for your
2 testimony.

3 We will take about a five-minute break
4 while we compose the next panel. Thank you
5 again.

6 (Whereupon, the above-entitled matter
7 went off the record at 11:00 a.m. and resumed at
8 11:08 a.m.)

9 CHAIR BUFFO: I am pleased to
10 introduce our next panel.

11 Next we will hear from Engineered
12 Fiber Solutions in person, and remotely from SASA
13 Polyester San Turkiye, and CIRFS: The European
14 Man-made Fibres Association.

15 Our TPS participants will be Stu
16 Huffman, from the Department of State; Songhua
17 Lin, of the Department of Labor; Tyler Van
18 Patten, of the U.S. Department of Treasury; Kayla
19 Johnson, the U.S. Department of Commerce; and
20 Andrea Boron and Rachel Hasandras, of USTR.

21 We will now hear testimony from Tolga
22 Gorgun, Sales and Marketing Manager, Engineered

1 Fiber Solutions, followed by Mr. Omer Cetin,
2 Sales and Marketing Manager of SASA Polyester San
3 Turkiye; and, Brian Petter, head of Economics and
4 Trade Department from CIRFS: The European Man-
5 made Fibres Association.

6 Mr. Gorgun, you may now begin your
7 testimony, and then we will proceed in order.

8 Thank you.

9 PARTICIPANT: Could you please turn on
10 your microphone?

11 MR. GORGUN: Once again, good morning
12 valued members of the committee.

13 My name is Tolga Gorgun, thank you for
14 providing us the opportunity to make comments and
15 provide relevant information regarding the fine
16 denier polyester staple fiber investigation.

17 I'm representing Engineered Fiber
18 Solutions, a German industrial company.
19 Engineered Fiber Solutions, or EFS in short, is a
20 mid-sized German industrial company.

21 PARTICIPANT: Will you please pull
22 your microphone a little closer?

1 MR. GORGUN: Closer?

2 EFS is a mid-sized German industrial
3 company with 50 employees, engaged in production
4 and sale of specialty polyester short-cut fibers,
5 primarily within Europe and in the USA, for the
6 past three decades.

7 Our fibers are produced in the same
8 industrial park established by DuPont back in
9 1968, which was the first DuPont polyester plant
10 outside of the U.S. at that time.

11 Our product portfolio consists of
12 short-cut fibers specifically designed to be
13 concealed in wetlaid production mills, which is a
14 process similar to paper making.

15 These fibers are distinct from those
16 used in customary textile or filling
17 applications, which constitute the majority of
18 global PSF production.

19 Therefore, contrary to standard
20 polyester fibers, the fibers we offer are cut
21 between 3 millimeters up to 18, and have no crimp
22 on them.

1 They should be extremely homogenous
2 and carry a special surface treatment to allow
3 dispersion in water during downstream production
4 phases.

5 Moreover, these short-cut fibers are
6 packed with around 10-12 percent moisture
7 content, which also helps with further handling
8 during consumption.

9 These physical characteristics make
10 our fibers unsuitable for general textile or
11 filling applications, but only allows further
12 processing in a relatively small wetlaid
13 industry.

14 The sales prices of short-cut fibers
15 are significantly higher, sometimes two to three
16 times higher than those of standard polyester
17 fibers due to the high technical effort required
18 in production.

19 This price differential reflects the
20 specialized demand within the U.S. industry.
21 Such high prices are only justifiable for the
22 U.S. wetlaid industry, only if they provide

1 additional value for specialized applications and
2 not available in required specifications from the
3 domestic producers.

4 Under realistic economic principles, a
5 higher overseas product price would not be
6 justified if a domestic alternative with the same
7 properties were readily available.

8 All fibers supplied to the U.S.
9 industry have undergone extensive qualification
10 procedures over the past 30 years, and possess
11 specific technical characteristics that make them
12 valuable for downstream industries, including
13 automotive and aviation.

14 For example, filtration is part of
15 this business units.

16 This supports the U.S. downstream
17 value chain at multiple levels with fine-tuned
18 interim materials from participating mills, each
19 contributing to the production of high quality
20 final products.

21 To the best of our knowledge and also
22 publicly available information from the websites

1 of the three petitioners for the investigation,
2 their product portfolios which constitutes the
3 basis for the investigation and our fiber
4 offerings, are completely different.

5 Moreover, although there are also
6 producers of short-cut fibers within the USA, the
7 total production volumes are not sufficient to
8 fulfill U.S. domestic need for these kind of
9 short-cut fibers.

10 Consequently, we are not creating
11 unjust competition for the U.S. industry; rather,
12 we are providing essential raw materials that
13 enable many U.S. companies to maintain their
14 regular supply and production.

15 The global fiber production capacity
16 is estimated to be around 63 million metric tons.
17 Whereas the global short-cut fiber production
18 capacity is estimated to be merely around 80,000
19 metric tons.

20 This translates to 0.13 percent of
21 standard ASF capacity. Given such small
22 production volumes and higher price levels,

1 short-cut fibers do not pose any unjust
2 competition risk to the industry.

3 Therefore, we strongly believe that
4 specialty short-cut fibers should qualify for
5 exemption from any trade safeguard measures.

6 Following the initial phase of
7 comments and replies, the focus for our segment
8 was formulated under three base subjects, which I
9 would like to summarize here once again.

10 Specialty short-cut fiber production
11 within U.S. Petitioners offer various staple
12 fibers, primarily for textile, drylaid nonwovens,
13 and filling industries, which is evident by the
14 public information available on their websites.

15 None of the companies have listed
16 wetlaid suitable short fibers, short-cut fibers,
17 sorry, with cut lengths starting from 3
18 millimeters up to 18.

19 They might well be able to, sorry,
20 they might well be capable of cutting short-cut
21 fibers if and when they purchase through to
22 cutting operations.

1 But the cut length alone is not
2 sufficient to provide the final technical
3 parameters the end users need.

4 Short cut fibers for the wetlaid
5 consumption has gone through years of technical
6 developments, and carries special surface
7 treatments which allow the fibers to disburse in
8 water tanks for final processing at end users.

9 This is not a process which could be
10 supported only by cutting and delivering the
11 fibers originally designed for not wetlaid
12 applications.

13 Can produce virtually any fiber is
14 perhaps a very broad statement. None of the
15 petitioners have the short-cut fibers as an
16 offering on their web pages.

17 And, even if they are capable of
18 cutting a short length, it does not mean that the
19 downstream industry could immediately use these
20 fibers without full technical parameters covering
21 their exact needs.

22 Necessity for qualification and

1 precise technical parameters. The fibers
2 delivered to U.S. companies have gone a very long
3 qualification process, and fine-tuned to meet
4 each customer's requirements ensuring smooth
5 processing at many U.S. mills.

6 The qualification process could take
7 1-2 years to complete, and there might even be
8 longer delays if the fibers do not meet the exact
9 technical parameters required by the consuming
10 mills.

11 Therefore, an immediate remedy on
12 short-cut fiber imports would cut off essential
13 fibers supplied to the mills, which have been
14 purchasing these fibers for many decades.

15 Fiber price undercutting. We respect
16 all comments referring to low import fiber
17 pricing as the main decision making component for
18 import fibers, and consequently creating unfair
19 competition from outside U.S.

20 Whereas EFS does not deliver specialty
21 short-cut fibers with prices undercutting the
22 U.S. domestic producers prices, U.S. import

1 statistics could verify this fact easily when
2 fiber imports from Germany into U.S. will be
3 controlled.

4 Due to the very high technical effort
5 invested in production of short-cut specialty
6 fibers, the sales prices of these fibers are not
7 low or undercutting the existing U.S. producers'
8 prices.

9 Thank you for listening.

10 CHAIR BUFFO: Thank you very much.
11 We'll turn online. Mr. Cetin, thank you.

12 MR. CETIN: Yes, I am here. Are you
13 able to hear me?

14 CHAIR BUFFO: Yes, we are, thank you.

15 MR. CETIN: Okay, dear participants
16 out there, commenter, thanks for your attention
17 and thanks a lot for giving me this opportunity.

18 This is Omer Cetin, I'm working for
19 almost 14 years and I'm responsible for the
20 process of SASA.

21 First of all, SASA Polyester is
22 located in Turkiye, and established in 1966, and

1 currently has polyester production around 4,000
2 pounds a day, including fiber, damask, and
3 Petersham. And almost SASA has 5,000 employees
4 in them.

5 According to the statistics, Turkiye's
6 volume on USA import of fine denier in last five
7 years is respectively 0.97 percent, 6.12 percent,
8 3.24 percent, 5.97 percent, and 4.03 percent.

9 From this data, it could be seen that
10 Turkiye covers maximum 6 percent of total
11 imports. As a result of this, SASA considers
12 that via this import proportion, it is not
13 possible to cause adverse effect on domestic
14 producers.

15 It could be observed that the volume
16 of imports of the product concerned from Turkiye
17 into United States has increased since 2019.

18 However, these volumes remain
19 comparatively limited when assessed against the
20 collective import volumes from countries like
21 Thailand, India, Taiwan, and Indonesia, and this
22 collectively accounts for almost 80 percent of

1 total imports.

2 According to trade map data, once more
3 evaluation of fine denier polyester staple fiber
4 imports have been increased in last 5 years
5 almost 45 percent in United States.

6 Imports from main supplier countries
7 like Thailand, India, Taiwan, and Indonesia,
8 which cause 80 percent of proper imports, have
9 increased substantially also except one country
10 also during these periods.

11 It has to be kept in mind that anti-
12 dumping and countervailing duty started to be
13 implemented for some of these countries. However
14 seems that these applications have not been able
15 to become sufficient.

16 Although there are great trade
17 remedies against some of these major fine denier
18 exporters from Asian countries, current import
19 balance reflects that these remedies are not
20 adequate. Rather than focusing on these
21 countries, decision of safeguard against all
22 countries would not be fair approach for both

1 fine denier exporters and fine denier consumers
2 for USA.

3 In addition to this, when average
4 importing prices have been compared for last
5 three years, it could be observed that Turkiye's
6 average unit price is greatly expensive than
7 average price of total imports, and also it is
8 expensive than the major exporter countries'
9 average prices.

10 To illustrate, in the year 2023 while
11 average import price was 1.50 USD per kg,
12 Turkiye's average price was 1.69 USD per kg.
13 Also in 2022, while the average was 1.69 USD per
14 kg, Turkiye's average export price to USA was
15 2.03 USD per kg. These figures shows that once
16 more that Turkiye is not effecting negatively
17 domestic producers with these average prices.

18 What is more, basic polyester fiber
19 cost structure arises from raw material costs
20 plus conversion costs plus fixed costs. As
21 nature of business, raw material costs covers
22 almost 83 to 88 percent of total production

1 costs.

2 In addition to this, as known main raw
3 materials of polyester are PTA, means purified
4 terephthalic acid, and MEG, monoethylene glycol,
5 basic formulation for production of polyester
6 polymer is equal to 86 percent of PTA plus 35
7 percent of MEG. In other words, for production
8 of 100 kilograms of polyester polymer, almost 86
9 kilograms of PTA and 35 kilograms of MEG is
10 needed.

11 When we focus on production of PTA, it
12 would be observed that raw material of PTA is
13 para-xylene, and for 100 kilograms of PTA,
14 includes 66 kilograms of para-xylene, which has
15 been derived from naphtha.

16 Another cost item is conversion cost
17 which covers almost 11 to 13 percent of total
18 cost, is mainly related to production technology,
19 which is used by producer and labor productivity.

20 This long explanation is made in order
21 to explain how raw material prices effects
22 polyester prices, and at the end of the day, as

1 demonstrated, main final cost derivative relies
2 on oil prices.

3 Oil/naphtha prices does not differ
4 greatly according to geographical properties,
5 which means difference on import prices between
6 exporter countries could not be explained by raw
7 material prices.

8 To sum up, in a industry like
9 polyester on which almost 85 percent of the final
10 cost derives from raw materials, such different
11 prices should be explained by dumping, profit
12 level of seeking of some producers more than the
13 industry average, or forwarding of producers the
14 cost of old technology and inefficient labor
15 productivity to market, implying safeguard means
16 punishing countries or companies which make
17 dumping and which do not. Also it could give a
18 path to maximize profit level of companies which
19 do not renew their technology and increase its
20 efficiency.

21 SASA would like to touch end use of
22 fine denier polyester fibers. The major two

1 subindustries on which it is used are hygiene and
2 spinning. Spinning is, briefly, convert of fiber
3 to filament, which would serve garment at the end
4 of the day. Hygiene industry consists of
5 production of wet wipes, baby diaper, baby wipes,
6 medical fabrics, et cetera. On these industries,
7 hygiene has extreme qualification expectations,
8 which could not be covered by all producers.

9 Hygiene type of fabric producers which
10 are first step on the chain after fiber
11 producers, have very deep and challenging
12 parameters about which they may audit their
13 suppliers regularly.

14 These quality parameters based on
15 having hygiene standards about production,
16 storing, and loading. In worldwide, there are few
17 producers which are able to fully cover these
18 demands.

19 Thus, as supported by some fiber
20 consumers in USA, USA-based fine denier fiber
21 producers are not able to cover all of this
22 expectations of the markets in terms of quality.

1 That's why SASA, as SASA, we kindly
2 request to evaluate this possible safeguard
3 implementation from this point of view.

4 According to SASA, any trade remedy
5 will have two great consequences. First, since
6 these goods could not be supplied from domestic
7 market fully, consumers will continue to import
8 via paying remedy and as a result of that, these
9 remedies will be reflected to final price of
10 goods by producers. Because of that, final
11 consumers will pay more than deserved for final
12 goods.

13 Secondly, due to high cost of
14 polyester fiber in the USA market, while import
15 of fine denier fiber are declining, import of
16 products like nonwoven fabrics, garments, which
17 is being produced by fine denier fiber, will
18 increase drastically. In other words, market
19 would prefer importing intermediate goods from
20 other sources, rather than importing fine denier
21 fibers.

22 Under the facts mentioned above, SASA

1 considers that the fairest settlement of this
2 investigation could be support of domestic
3 producers via state. In order to support the
4 industry, possible government incentives would be
5 satisfying all parties of the industry via that
6 on one hand, final consumers would not pay high
7 prices for final goods, on the other hand,
8 domestic producers will get opportunity for
9 taking deep breath against its competitors.

10 Finally, if the commission recommends
11 import restrictions, the most appropriate form
12 would be the tariff quota. SASA would like to
13 reiterate that a country-specific volume-based
14 measure, such as a tariff rate quota would be the
15 most appropriate on this case. The TRQ should be
16 set via some criteria which would be decided by a
17 commission. On these criteria, countries which
18 makes fairly trade and which not should
19 distinguished, and fairly trade making countries
20 should have supremacy against which are not
21 making fairly trade.

22 Thanks for your attention.

1 CHAIR BUFFO: Thank you, Mr. Cetin.

2 Please proceed, Mr. Petter.

3 MR. PETTER: Thank you very much. Can
4 you hear me?

5 CHAIR BUFFO: Yes, we can.

6 MR. PETTER: Thank you so much.

7 Good morning, and thank you very much
8 for giving us the opportunity to contribute to
9 this hearing.

10 My name is Brian Petter, and I serve
11 as the head of the Economic Central Department at
12 CIRFS, which represents Europe's \$12 billion man-
13 made fibers industry.

14 Now, would like to begin by
15 emphasizing that imports of fine denier polyester
16 staple fiber from the European Union and Turkiye
17 into the United States, have not significantly
18 increased, nor are they likely to cause or
19 threaten to cause serious injury to the domestic
20 industry as they must trade debt in our written
21 submission, import prices from both the EU and
22 Turkiye, exceed the average import prices into

1 the U.S., of the product concern.

2 And furthermore, the EU prices are
3 even notably higher than the U.S. export prices
4 for the domestic in question, product in
5 question.

6 In light of this, it is evident that
7 imports from the EU and Turkiye are not causing
8 serious injury to the domestic industry. This
9 should be carefully considered when determining
10 any potential remedies.

11 Now, CIRFS would like to draw your
12 attention to the preamble of the WTO agreement on
13 safeguards, which emphasizes that it is, it is
14 its objective to enhance and rather than restrict
15 competition in international markets.

16 Should USTR conclude that a remedy is
17 warranted, the most appropriate course of action
18 to support the domestic industry and its
19 workforce, would be to provide trade adjustment
20 assistance, alongside programs aimed at aiding
21 domestic spinners and other end users through
22 targeted tax incentives during the duration of

1 the remedy.

2 CIRFS also supports the petitioner's
3 proposal to renegotiate trade agreements to
4 incorporate a fiber for rule of origin, as a
5 standard. This rule in fact, should be regarded
6 as the goal centered in all preferential trade
7 agreements globally.

8 Now, if USTR recommends import
9 restrictions, the most appropriate form would be
10 a country-specific trade tariff trade quota.

11 In the context it is important to
12 emphasize that a safeguard measure may only be
13 applied when a product is being imported in
14 increased quantities. The root cause of this
15 issue is therefore, the increased volume of
16 import.

17 Secondly, according to Article 5.1 of
18 the WTO agreement on safeguards, a member shall
19 apply safe measures only to the extent necessary
20 to prevent a remedy -- to prevent or remedy
21 serious injury, and to facilitate adjustment.

22 Now, CIRFS believes that a volume-

1 based measure would be the most appropriate in
2 this case.

3 This should be implemented through a
4 country-specific tariff rate quota where measures
5 would only apply above the average import levels
6 of the last 3 years, established by Turkiye and
7 the member states of the European Union.

8 A tariff should be only applied if the
9 import of those volumes from the specific origin
10 exceed the respective annual quota level.

11 Type of a measure targets the root
12 cause of the problem, while preserving historical
13 trade flows. By doing so, this measures would
14 avoid unduly penalizing fairly traded imports,
15 which have not significantly increased in recent
16 years, benefitting also domestic consumers and
17 competition in the U.S. market.

18 This is particularly pertinent since
19 the U.S. in the domestic industry total capacity,
20 to our knowledge, it's insufficient to meet the
21 total market demand. Lastly, we would like to
22 respectfully request to consider these specific

1 exemptions from the introspective measure.

2 First, an exemption for fine, fine
3 denier polyester staple fibers, and second, for
4 below-antimony polyester staple fibers with
5 antimony levels less than or equal to 10 BPM.

6 Exempting specialty products that are
7 neither supplied by the domestic industry, nor
8 available in sufficient quantities from
9 alternative sources, is consistent with the
10 principle of proportionality in the application
11 of remedies.

12 To all of our best of our knowledge,
13 exemptions granted can be reviewed 2 years after
14 their imposition, if the circumstances for those
15 measures have changed.

16 So, thank you very much for your
17 attention and consideration.

18 CHAIR BUFFO: Thank you, Mr. Petter,
19 and thank you to all the witnesses for your
20 testimony. We will now turn to our TPSC
21 participants for questions.

22 MR. AMDUR: Okay, good morning, this

1 is Alexander Amdur, from Customs and Border
2 Protection.

3 Mr. Petter, I have a question for you
4 but it's also if any of the other witnesses want
5 to comment as well.

6 So, if the person were to impose
7 safeguard relief but include product exclusion
8 process, are there particular aspects of an
9 exclusion process the industry would find helpful
10 or conversely, burdensome?

11 And then also, how can an excluding
12 process be structured that is enforceable and not
13 burdensome on both importers and Customs and
14 Border Protection, which is the agency
15 responsible for enforcing trade measures on
16 important goods?

17 And then, what key data or information
18 elements would be important?

19 MR. PETTER: Thank you very much for
20 the question. I think the other representatives
21 may answer as well, but from our point of view of
22 course, the product needs to be, or the exception

1 needs to be clearly, clearly defined with
2 technical parameters.

3 Of course, there might be some
4 circumstances where technical parameters will
5 have some limits, but at least we will have a
6 basis for that. I think one way to manage it,
7 and that's what something that we pointed out in
8 our statement, is that a possibility to manage
9 this kind of exemptions is through granting end-
10 use authorizations.

11 That for example, give customs
12 authorities the opportunity to survey the full
13 use of the products within the processes of the
14 holders of the authorization, until the products
15 have been processed.

16 I think that guarantees enough
17 security for all parties. It isn't, as from our
18 point of view, it isn't very burdensome. It is
19 the way it is handled in the U.S. for some cases.

20 So in any case, it would be acceptable
21 to all for example, for an importer in the U.S.
22 to request an authorization, which applies for

1 the whole period of the remedy. And then,
2 customs authorities would have the opportunity to
3 control and to see, and to verify whether the
4 goods that are being imported, are really being
5 used for the purpose explicitly stated in
6 authorization.

7 I hope that helps to clarify your
8 question.

9 MR. AMDUR: Yes, thank you. Are there
10 any other comments from the other witnesses?

11 MR. GORGUN: I might probably add in
12 addition to the technical parameters of the
13 fibers, the cut length, the crimp, and other
14 technical parameters, perhaps the intended end
15 use could be a defining parameter here.

16 Wet laid for example, is completely
17 different from textile applications, or nonwoven
18 applications, or filling applications.

19 The mills or the industries using
20 short-cut fibers in the wetlaid, could be exempt
21 from remedies or any special area.

22 MR. AMDUR: Okay, thank you.

1 MR. VAN PATTEN: All right, thank you.

2 Mr. Gorgun, this next question is for
3 you, as well.

4 And, it refers to a statement you made
5 on page 1 of your comments, and then again
6 verbally today. You asserted that there are
7 producers of a similar short-cut fiber in the
8 United States, but that total production volume
9 is not sufficient to fulfil U.S. domestic needs
10 for those kinds of short-cut fiber. So, I have
11 two questions for you as that statement relates
12 to the U.S. ITC's report.

13 First, on page 40 of the ITC's report,
14 they assert that U.S. shipments of fine denier
15 PSF specialty products, generally exceeded U.S.
16 importers' U.S. shipments of imports for fine
17 denier PSF specialty products, including short-
18 cut fine denier PSF.

19 And secondly, the ITC report asserts
20 on page 43 that the domestic industry had ample
21 excess practical capacity throughout the period
22 of investigation with which it could have

1 increased production and U.S. shipments of fine
2 denier PSF to U.S. markets.

3 If you could kindly respond to those
4 two statements from the ITC?

5 MR. GORGUN: Certainly. Of course, we
6 respect all those comments and have no doubt
7 about the truthfulness.

8 But sometimes the required products
9 are in small technical parameters, differentiated
10 from another. And in some cases, the end users
11 requires a specific characteristics on the
12 product, which is not easily available from the
13 U.S. suppliers although they can manufacture
14 these fibers, of course, and perhaps also
15 exporting outside of USA.

16 This provides us the opportunity to
17 make a niche polyester fiber and fulfil the
18 demands of the industry within U.S.

19 MR. VAN PATTEN: Thank you.

20 MS. HASANDRAS: Thank you. Rachel
21 Hasandras, USTR. This question is for Mr. Omer
22 Cetin, from SASA Polyester.

1 On page 6 of your comment, you assert
2 that without an exclusion, U.S. domestic
3 producers of hygiene and spinning products will
4 be unable to access fine denier PSF, as few
5 producers are able to meet the quality parameters
6 necessary for production.

7 Please respond to the ITC report's
8 assertion that one, domestically produced fine
9 denier PSF is like imported fine denier PSF, and
10 both are used in nonwoven hygiene and spinning
11 applications.

12 And two, the majority of responding
13 purchasers reported that domestically produced
14 fine denier PSF is comparable to imports of fine
15 denier PSF with respect to 17 out of 20 purchase,
16 purchase factors, and differences other than
17 price were only sometimes or never significant.

18 MR. CETIN: Yes, first of all, let me
19 combine answer for both questions.

20 Initially, the hygiene industry, the
21 fiber which is being used by the hygiene
22 industry, could be seen similar and also similar

1 to what is being used for the spinning industry
2 in terms of technical deficits.

3 However, the issue here which I'll try
4 to mention that the, there are some quality
5 requirements of this hygiene consumers not only
6 about the production technical issues, physical
7 technical parameters of the production, other
8 than the operation of production plants,
9 warehouses, and loading shipments.

10 As I mentioned, I'm working for 14
11 years and we have been obviously many, many times
12 with this hygiene type of non-moving producers
13 not only from Europe, but also from other parts
14 of Europe.

15 That require that pro -- very handle
16 their expectations and products they make based
17 off of our consumers located also in USA, that
18 are not able to cover this quality parameters
19 from the domestic markets. As a result of that,
20 they are making imports into their plants in the
21 United States. That's what I try to underline on
22 this articles.

1 MS. HASANDRAS: Thank you. No further
2 questions.

3 CHAIR BUFFO: Are there any other
4 questions from the TPSC participants?

5 Thank you very much. Thank you for
6 your responses, and thank you again to the
7 witnesses for your testimony.

8 We are running a little bit ahead of
9 time, so we will close now for a one hour lunch
10 break to resume at 12:45.

11 (Whereupon, the above-entitled matter
12 went off the record at 11:40 a.m. and resumed at
13 12:50 p.m.)

14 CHAIR BUFFO: Good afternoon and
15 welcome back everyone. I am pleased to introduce
16 our next panel.

17 Next we will hear from Sandler
18 Nonwoven Corporation; INDA, the Association of
19 Nonwoven Fabrics Industry; Milliken & Company;
20 and, Gildan.

21 Our TPSC participants will be Alex
22 Amdur of CBP; Songhua Lin of the U.S. Department

1 of Labor; Tyler Van Patten, of the U.S.
2 Department of Treasury; Marin Weaver of the U.S.
3 Department of Commerce; and, from the USTR,
4 Andrea Boron, David Salkeld, and Mike Gagain.

5 We will now hear testimony from Tobias
6 Baumgaertel, as Sales Director, Sandler Nonwoven
7 Corporation; Wes Fisher, Director of Government
8 Affairs, INDA; Matthew Holt, Sourcing Director
9 from Milliken & Company; Mark Doyon, Vice
10 President of Commodities for Gildan; as well as
11 John Maness, Senior Vice President of Yarn
12 Spinning at Gildan.

13 Mister, did I say it right?

14 MR. BAUMGAERTEL: Baumgaertel.

15 CHAIR BUFFO: Baumgaertel, please
16 proceed.

17 MR. BAUMGAERTEL: Thank you very much.
18 Good afternoon members of the committee, and good
19 afternoon to everybody in the room, but also
20 being online.

21 My name is Tobias Baumgaertel. I am a
22 Sales Director of Sandler Nonwoven Corporation,

1 and I appreciate the opportunity today to
2 express, to express strong opposition to the
3 commissioner's recommendations of a 4-year period
4 of relief and tariff quota, to be imposed on
5 imports of fine denier polyester staple fibers.

6 Sandler Nonwoven Corporation is a
7 wholly owned and operated subsidiary of Sandler
8 AG, a German firm. Being in business for 145
9 years.

10 Sandler started its operations in
11 Perry, Georgia, in 2015, with staff of 30 people
12 and one production line.

13 Today, the company is operating two
14 production lines and employs 105 people in the
15 U.S.

16 Sandler has made a significant
17 investment over the past years at our location in
18 Perry, Georgia. With the two production lines,
19 we invested almost 100 million U.S. dollars in
20 Perry, Georgia. It's quite significant for
21 Sandler, and was a big milestone in the history
22 of our company.

1 Sandler manufactures nonwoven textiles
2 that are used in the production of person hygiene
3 products. Manufacturing these products requires
4 the use of imported polyester stable fibers,
5 including those that are subject to this
6 investigation.

7 Despite all our efforts, we have not
8 been able to find U.S. producers for these fine
9 denier polyester stable fibers meeting our high
10 requirements respect of our U.S. customers'
11 stringent specifications for the manufacture of
12 products for sensitive personal hygiene
13 applications, such as baby care, feminine
14 hygiene, or adult incontinence.

15 Domestic producers have been unwilling
16 or unable so far, to produce and offer the fibers
17 we need. According to our customer standards,
18 the production of nonwovens for hygiene
19 applications requires the use of virgin fine
20 denier polyester stable fibers, to prevent any
21 contamination.

22 One important criterion we have to

1 fulfil for example, is the absence of antimony in
2 nonwoven for baby wipes, which requires the use
3 of antimony-free fibers. By the way, antimony is
4 a common catalyst in the production process of
5 polyester stable fibers.

6 To the best of our knowledge, there is
7 currently no U.S. producer able to fulfill this
8 requirement. In regard to the domestic non-
9 availability of virgin and antimony-free fibers,
10 please let me refer to the individual petitioners
11 as following.

12 Nan Ya is first. Nan Ya promotes
13 polyester stable fibers for textile applications.
14 Nan Ya uses antimony in its production of fine
15 denier polyester stable fibers.

16 For Nan Ya to produce antimony-free
17 fibers, its polymerization unit would have to be
18 refitted or replaced by a new polymerization unit
19 dedicated to using an alternative catalyst to
20 antimony.

21 Second is Sun Fiber. All of the
22 company's finding new polyester stable fiber is

1 made from recycled inputs.

2 These recycled inputs are made from
3 plastic bottles and other materials, which
4 contain antimony. Thus, their fibers also
5 contain antimony and can subsequently, not used
6 in our production process.

7 Last is Darling Fibers, which I
8 understood is currently closed. Darling Fibers
9 produced polyester stable fiber for the fabric,
10 garment, and fashion industries, and used
11 recycling input.

12 To our knowledge, they could not
13 produce virgin antimony-free fibers, or would
14 have to limit their production capacities of
15 specialized fibers by yarn.

16 Besides the petitioners, there are, to
17 our knowledge, no other domestic producers that
18 could provide virgin and antimony-free fibers.

19 Hence, any anti-dumping or
20 countervailing measures against foreign fine
21 denier polyester stable fiber, would put our
22 enterprises at a massive competitive disadvantage

1 while the U.S. market could not satisfy our
2 needs.

3 Let me express in the context that
4 Sandler always has been committed to buy American
5 where possible. And, has been covering also its
6 fiber requirements on the U.S. market where
7 available. There is even a proven record that
8 Sandler transferred successfully fiber sourcing
9 from Europe to the U.S.

10 So, we are committed if fibers are
11 available. But the conditions are not given to
12 fine denier polyester stable fibers for hygiene
13 applications.

14 Hence, there is no justification for
15 imposing a remedy on products the domestic
16 industry does not currently make. If U.S.
17 involving producers can no longer offer
18 domestically produced nonwovens competitively,
19 customers will cover their needs with nonwoven
20 manufacturers from abroad, especially Asia, which
21 we also see today already.

22 This will lead to a considerable

1 weakening of the U.S. economy. In worst case,
2 the out of quota tariff rate for fine denier
3 polyester stable fibers would be 45 percent,
4 while there is zero percent applicable duty rate
5 on finished nonwovens of heading 5603. And even
6 China Section 301 tariff of 25 percent would
7 leave finished nonwoven of heading 5603 is still
8 a far more competitive than domestically produced
9 nonwoven.

10 But Sandler is committed to maintain
11 and expand the U.S. presence, and is prepared to
12 manage, through a cyclical, and normal business
13 uncertainties.

14 Deliberate measures that target key
15 components of our supply chain present a jeopardy
16 to our existing production, and could terminate
17 any future investments in the United States, and
18 would also put at risk the investments we already
19 made, and the trust we created in our hometown,
20 Perry, Georgia.

21 I hope this will not be the case, of
22 course. We are committed citizen to our

1 community in Georgia, and have looked forward to
2 fostering its long-term development.

3 In short, subjecting the fine denier
4 polyester stable fibers to the proposed measures,
5 would impose significant economic harm on many
6 U.S. companies, including Sandler. With this in
7 mind, Sandler Nonwoven Corporation respectfully
8 requests the planned measures to be waived, or at
9 least exclusions for the use and the production
10 of person hygiene products to be granted.

11 Before I close my testimony today, I
12 would like to respond to the, to some of the
13 arguments of the petition's panel this morning,
14 if you will allow me.

15 The first one is quality. Now, the
16 petitioner's panel tried to narrow down
17 everything to cost this morning. One important
18 topic was not mentioned so far, and this is
19 quality.

20 The hygiene industry has specific
21 quality requirements to not only meet, but to
22 exceed customers' expectations, and also

1 consumers' expectations.

2 Contaminant-free materials are key to
3 making all the materials for hygiene by its
4 application. Contaminant-free products is not
5 the benchmark, but the expected standard from
6 Sandler's customers. Contaminants in fibers can
7 result by mix of fiber grades due to complex
8 manufacturing and cleaning process, or other
9 impact throughout the fiber manufacturing
10 process.

11 To Sandler's knowledge, none of the
12 petitioners to fulfil the high quality standards
13 to provide fibers for hygiene nonwoven
14 manufacturing. One example is antimony-free fine
15 polyester fiber.

16 The second topic, and the second
17 strong argument from the petitioner panels this
18 morning, was qualification time. The
19 qualification process, and, therefore, time, in
20 the hygiene and fibers industry is critical.
21 Qualification of a new product is a process being
22 conducted in multiple steps throughout the

1 qualification. The process and qualification
2 time is not only about fiber manufacturing, but
3 most importantly about nonwoven manufacturing and
4 converting within tens of testing and
5 specification were included. This will ensure
6 superior quality of the end product, and the
7 positive consumer experience.

8 Just to give you one example, the EPA
9 registration process -- and this is only EPA --
10 for institutional and industrial wiping
11 application such as hospital disinfecting wipes,
12 will take 12-18 months.

13 EPA standards and regulations are
14 important for the environment, and individual
15 health. There is no way, there is no way to take
16 shortcuts to these standards and regulations to
17 complete a qualification in just five weeks.
18 It's impossible.

19 I really would like to thank you very
20 much to give me the opportunity today to express
21 strong opposition to tariffs. It's vital for us
22 to source globally, but again, I would really

1 like to underline that because this is also a
2 topic made this morning.

3 Buy American is just one argument we
4 have as nonwoven manufacturers. That's what we
5 do, and that's important for us. But if the
6 industry cannot fulfil our standards, we need to
7 go somewhere else.

8 Thank you.

9 CHAIR BUFFO: Thank you for your
10 testimony. You may proceed, Mr. Fisher.

11 MR. FISHER: Thank you.

12 Good afternoon, my name is Wes Fisher,
13 I'm the Director of Government Affairs for INDA,
14 the Association of the Nonwoven Fabrics Industry.

15 INDA was founded in 1968 and is
16 headquartered in Cary, North Carolina, and our
17 member companies represent the entire nonwovens
18 value chain, including raw materials and rolled
19 goods producers, machinery manufacturers,
20 converters, and brand owners.

21 On behalf of INDA, we thank you for
22 the opportunity to provide testimony regarding

1 potential actions concerning fine denier
2 polyester staple fiber.

3 INDA would like to reiterate its
4 written comments previously submitted to both
5 U.S. ITC and USTR, and urges the president to
6 consider the significant negative impacts on the
7 nonwovens industry that additional duties on fine
8 denier PSF would bring.

9 U.S. based nonwovens rolled goods
10 producers are strongly opposed to potential
11 actions regarding fine denier PSF, and generally
12 feel that the nonwovens industry would be harmed
13 to a greater extent than issues being experienced
14 by the petitioner, if such actions were
15 implemented.

16 As a trade association representing
17 the global nonwovens value chain, our primary
18 goal here today is to echo the concerns of
19 nonwovens producers, and other companies
20 participating in the nonwoven supply chain,
21 several of whom are in attendance today, and echo
22 the concerns they have expressed throughout this

1 process.

2 Direct nonwovens manufacturing is an
3 approximately \$20 billion industry in North
4 America, with nonwovens contributing to nearly
5 \$100 billion in sales to end users.

6 INDA members include the manufacturers
7 of thousands of durable and disposable products
8 such as personal care items, hygiene products,
9 PPE, medical equipment and construction
10 materials, automotive fixtures, and many other
11 durable and disposable end uses.

12 In the United States, there are
13 approximately 15,000 employees working at
14 nonwoven fabric mills, and many thousands of
15 additional employees throughout the U.S. nonwoven
16 supply chain, such as converters of nonwovens
17 rolled goods into wipes or other types of
18 products.

19 The hundreds of companies employing
20 these workers are located in small towns
21 throughout the United States, including
22 throughout the Southeast, such as the Carolinas

1 and Georgia, and in the upper Midwest.

2 Staple fibers are a significant input
3 in North American drylaid, wetlaid, and airlaid
4 short fiber nonwovens production. Total staple
5 fiber consumption, so fine denier and all other
6 types of staple fiber, was 3.226 million metric
7 tons in 2023.

8 And polyester is the largest staple
9 fiber category, representing 38 percent of staple
10 fiber consumption in North America in nonwovens
11 in 2023. Or, roughly 1.225 million metric tons.

12 It's also worth noting that while
13 these numbers represent the entirety of North
14 America, the United States was responsible for 88
15 percent of North American nonwovens production.

16 Those figures are derived from the
17 Census Bureau's annual survey of manufacturers,
18 and INDA's most recent industry outlook and
19 industry supply reports.

20 In collecting feedback regarding the
21 safeguard petition, INDA received feedback from
22 members representing a diverse array of nonwovens

1 rolled good producers who utilize polyester
2 staple fiber, and specifically, fine denier
3 polyester staple fiber for a variety of
4 processes.

5 And found that in general, nonwovens
6 producers are strongly opposed to measures that
7 would inhibit imports of fine denier PSF, citing
8 the potential for such actions to significantly
9 harm the industry, and result in significant
10 production and job loss in nonwoven production.

11 Reasons cited included perceived lack
12 of sufficient supply of U.S. polyester staple
13 fiber to satisfy current demand in the domestic
14 manufacturing sector and the potential for raw
15 materials to be produced into rolled goods, or
16 finished goods overseas and imported at lower
17 duty rates.

18 In addition to the immediate tangible
19 benefits of a loss of nonwovens production in the
20 United States, we urge the president to further
21 consider the future consequences of decreased
22 capacity to make nonwovens in the U.S. with a

1 recent example being the COVID pandemic, which
2 taught a valuable lesson regarding the need to
3 have the capacity to make critically important
4 materials such as PPE, here in the United States.

5 As was also mentioned by several
6 commenters, there are several types of specialty
7 polyester staple fibers specifically engineered
8 and best needed for a variety of applications in
9 nonwovens and other processes, such as low
10 antimony PSF, which are used to produce baby
11 wipes and other types of products, that are not
12 produced domestically, or not widely available
13 domestically.

14 We urge the president to offer
15 exclusions for such products when weighing final
16 actions in this matter. We've also specifically
17 received significant feedback from our members
18 stating they rely on Korea for specialty PSF
19 imports, and urge the president to consider that,
20 as well.

21 In closing, INDA encourages the
22 president to explore a holistic approach to

1 addressing anti-competitive trade practices, as
2 it has been widely expressed by the U.S.
3 Nonwovens Industry that many different rolled
4 goods and finished products are arriving in the
5 United States at well below market rates, in some
6 cases possibly due to foreign subsidies that
7 create non-market conditions.

8 The potential imposition of additional
9 duties on polyester staple fiber and other
10 actions, would likely unintentionally exacerbate
11 this issue by incentivizing fiber to be
12 manufactured into nonwovens overseas, and
13 imported into the United States.

14 Thank you for the opportunity to
15 provide input on this matter. I'd be happy to
16 answer any questions. Would also be happy to
17 forward any specific technical questions about
18 the nonwovens process for the industry, to our
19 technical staff in North Carolina.

20 Thank you.

21 CHAIR BUFFO: Thank you very much.

22 You may proceed, Mr. Holt.

1 MR. HOLT: Thank you.

2 Milliken and Company is the largest
3 domestic textile manufacturer in the United
4 States. A diversified manufacturer, we also
5 produce specialty chemicals, floor coverings, and
6 healthcare products.

7 We're headquartered in Spartanburg,
8 South Carolina, and operate in 13 states. We
9 proudly employ approximately 7,000 associates in
10 the USA.

11 At Milliken we use PSF as a key raw
12 material in our wovens business, which goes into
13 products like protective gear and uniforms for
14 the military, flame-resistant apparel for first
15 responders and hazard occupations, industrial
16 fabrics, and more.

17 Each year we buy around 25 million
18 pounds of PSF, all of it high tenacity, a
19 specialty product. Of that amount, we purchase
20 roughly half from the sole domestic supplier,
21 with the remainder being imported.

22 If remedies, including tariff rate

1 quotas, are imposed, our textile business and
2 workforce would suffer substantial harm.

3 First, the higher prices compelled by
4 the U.S. ITC recommended remedies would cause us
5 to lose business. We purchase PSF on a formula:
6 the raw materials, being PTA and MEG, plus a
7 conversion cost, or the manufacturing cost plus
8 margin for the producer.

9 While it's too early to know how the
10 final remedy would increase our costs, I can say
11 that after the 2017 PSF antidumping case, Nan Ya
12 increased the conversion portion of their costs
13 by an average of 65 percent between 2017 and
14 2023. We cannot absorb another increase like
15 that.

16 The domestic textile industry is in a
17 recession. Our volumes are down 25 percent-plus,
18 our workforce has been reduced, and we've had to
19 close facilities. Remedies that further strain
20 us would jeopardize the thousands of textile jobs
21 downstream in the PSF producers.

22 Second, the higher prices compelled by

1 the remedies would harm the entire industry and
2 cause us to lose business to imported products,
3 especially to our CAFTA-DR partners.

4 Our free trade agreements are based on
5 yarn-forward rules of origin. So, the yarn,
6 fabric, and apparel must be made in a free trade
7 country.

8 However, that doesn't include fiber,
9 meaning PSF can be imported from low cost
10 suppliers -- China, India, et cetera -- into
11 CAFTA-DR, made into fabric or apparel, and
12 shipped back to the U.S. to compete with our
13 products duty free.

14 Some U.S.-produced products could be
15 30 percent more expensive than other textile
16 products made even in the Western Hemisphere.

17 Additionally, the CAFTA-DR reality
18 means that manufacturers will face tremendous
19 pressure to offshore jobs and operations if
20 trade-based remedies are imposed.

21 Finally, we are concerned that
22 remedies that force us into purchasing from the

1 sole domestic supplier would jeopardize our
2 operations. Domestically, only Nan Ya
3 manufacturers the high tenacity polyester staple
4 fiber we need, despite our best efforts to
5 qualify others. They don't have the practical
6 capacity to meet the demand of all the specialty
7 PSF they offer.

8 Necessary gaps between product runs
9 and competing demand for specialty products would
10 impact our ability to purchase high tenacity. We
11 saw this firsthand in 2022.

12 I hope that I have demonstrated how
13 devastating the U.S. ITC remedies would be for
14 the domestic textile manufacturers who buy PSF
15 and would now face higher prices, increased
16 competition from Central America, and supply
17 constraints.

18 I would also note that any tariff-
19 based remedy would ultimately hurt the entire
20 domestic textile industry, including the
21 Petitioners. While they would see some initial
22 benefit from the remedies in the short term, it

1 won't last, as we and other domestic producers
2 will be buying less for a shrinking business
3 moving forward.

4 Some actions we think the Trade Policy
5 Staff Committee could take that would help the
6 Petitioners remain competitive and also lift the
7 entire industry include trade adjustment
8 assistance, tax or other financial incentives for
9 the PSF producers, investment incentives
10 including capital investment for the entire
11 industry so the domestic PSF industry can have
12 better throughput, more specialty products, and
13 more competitive prices.

14 If the committee chooses to move ahead
15 with the tariff rate quota or additional tariffs,
16 we would request that high tenacity be excluded
17 from any remedies. If not, or a transparent
18 exclusion process where we can advocate for
19 relief. And end quota imports should have no
20 added duty, as this is the precedence in most
21 other instances of a TRQ.

22 However, and I cannot stress this

1 enough, we implore the committee to think about
2 the entire domestic textile industry. We're at a
3 precarious point right now. Any trade-based
4 remedies could be the difference between
5 continuing to exist or being forced to close
6 facilities and pursue offshore manufacturing.

7 Thank you so much for your time and
8 consideration today. And I look forward to any
9 questions you may have.

10 CHAIR BUFFO: Thank you, Mr. Holt.

11 You may proceed, Mr. Doyon.

12 MR. DOYON: Good afternoon. Thank you
13 for the opportunity to testify regarding the
14 impact of the proposed action on fine denier
15 polyester staple fibers, commonly referred to as
16 PSF.

17 On behalf of Gildan Activewear, I'm
18 Mark Doyon, Vice President for Commodities,
19 Customs, and Trade.

20 Gildan is a leading manufacturer of
21 active wear, underwear, socks, and legwear.
22 Gildan sells and distributes product worldwide to

1 consumers, retailers, and distributors. We own
2 and operate vertically integrated, large scale
3 facilities manufacturing all steps, from yarn
4 spinning in the United States, to garment
5 manufacturing in Central America, Dominican
6 Republic, and Haiti.

7 In fact, I am confident we are the
8 largest apparel manufacturer in the Western
9 Hemisphere. We employ nearly 3,000 people in the
10 United States, and 35,000 in the CAFTA-DR
11 Caribbean region.

12 I testified to the ITC along with my
13 two colleagues during the injury and remedy
14 phases of this investigation. I am back here to
15 testify today along with my colleague John
16 Maness, Senior Vice President of Yarn Spinning,
17 because this is a critical issue that would
18 determine the competitiveness and continued
19 existence of much of the remaining yarn spinning
20 in the United States.

21 Just in the last year alone, 11 yarn
22 spinning plants closed due almost entirely to

1 intense international competition from low cost
2 Asian suppliers, including the surge of shipments
3 entering under Section 321 de minimis.

4 Gildan purchases around 40 to 50
5 percent of all U.S.-grown cotton consumed
6 domestically. Gildan spins yarn from cotton and
7 PSF in our seven facilities in North Carolina,
8 where we employ nearly 2,000 U.S. manufacturing
9 workers.

10 We export U.S.-made yarn to knit into
11 fabric and sew into garments chiefly in Central
12 America, the Dominican Republic, and Haiti, from
13 where finished garments are sent to the United
14 States, with about 20 percent of our finished
15 apparel exported to Europe, Canada, and
16 elsewhere.

17 While we understand the challenges
18 facing the U.S. fiber industry, Gildan strongly
19 believes that the recommended tariffs and quotas
20 on imports of PSF are not in the best interests
21 of the U.S. economy. It would simply transfer
22 the injury to their customers, the broader

1 textile industry, and the communities that depend
2 on this vital supply chain.

3 An innocent victim of such action
4 would be U.S. cotton growers if even more yarn
5 spinning moves offshore, as would happen. Any
6 benefit of the recommended safeguards would be
7 outweighed by the substantial economic and social
8 costs.

9 One of the key issues we face is the
10 limited capacity and reliability of the U.S.
11 fiber industry.

12 Only four domestic producers of PSF
13 remain, with a combined practical capacity of
14 approximately 300 million pounds, compared to 545
15 million pounds of PSF consumption in 2022,
16 leaving a shortage of 245 million pounds.

17 The ITC tariff rate quota, or TRQ
18 recommendations, are based on 2023 demand which
19 numerous companies have explained was abnormally
20 low compared to previous years. The ITC's
21 recommendations on TRQs, one as low as 110
22 million pounds, would severely constrain the yarn

1 spinning industry from future growth, while
2 forcing yarn spinners to pay punitive tariffs on
3 almost half of their PSF consumption, rendering
4 them and other downstream manufacturers
5 uncompetitive.

6 And unrealistically low TRQ would
7 eventually result in a sharp contraction of the
8 domestic yarn industry and the loss of thousands
9 of U.S. jobs.

10 Additionally, there is agreement that
11 the U.S. demand will grow far more than the 2
12 percent used in the ITC projections, with some
13 stakeholders stating that they expect growth of
14 over 6 percent through 2030. Any quantitative or
15 tariff-based restrictions must still allow
16 imports to bridge the gap between what domestic
17 PSF producers realistically can deliver today and
18 what U.S. purchasers of a range of distinct types
19 of PSF must have for continuity of their U.S.
20 operations.

21 Further, despite our efforts to
22 increase our domestic sourcing, none of the U.S.

1 PSF suppliers have been able to supply the
2 quantity or quality we require for spinning.
3 Yarn spinning for apparel depends on fibers from
4 the same production lot, from a single supplier,
5 to ensure consistency, especially for dyeing.
6 Unfortunately, the domestic producers have
7 repeatedly to fail -- repeatedly failed to meet
8 these critical requirements, with no single fiber
9 producer being able to meet our substantial
10 needs.

11 We are not alone in this experience,
12 with other commenters confirming not only the
13 shortfall of domestic fiber, but the fact that
14 only one of the four existing supplies is even
15 capable of providing fibers of the appropriate,
16 appropriate length and tenacity for use in
17 apparel spun yarns.

18 Such an inequity in fiber production
19 introduces the risk of catastrophic failure of
20 the industry. And a policy forcing U.S.
21 manufacturers to rely on such single source
22 production is inconsistent with our supply chain

1 resilience objectives.

2 The U.S. yarn spinning industry is
3 already under intense pressure from low cost
4 international competition, particularly from
5 CAFTA-DR countries where yarn spinners do not
6 face tariffs or quotas on PSF imports. These
7 countries have become increasingly competitive in
8 recent years, with CAFTA-DR imports of PSF
9 reaching 85 million in 2022, roughly 17 percent
10 of total U.S. consumption.

11 Much of this PSF comes from China and
12 is subject to prohibitive duties when imported
13 directly into the U.S. If the administration
14 imposes additional tariffs and/or quotas on PSF
15 imports, U.S. yarn spinners like Gildan will find
16 it even more difficult to compete with producers
17 in CAFTA-DR countries where raw material costs
18 are lower and access to PSF is unrestricted.

19 Petitioners claiming that domestic
20 purchasers of PSF will not experience hardship
21 over, in their own words, modest price increases
22 of up to 22 percent, are surely going to be

1 proven wrong. China and other countries' textile
2 industries and PSF supplies will benefit,
3 especially in low margin segments of the apparel
4 market.

5 In the end, the recommended actions
6 would drive more U.S. production, yarn product,
7 offshore, leading to job losses and further
8 eroding the domestic yarn spinning industry.

9 Once production shifts offshore it
10 will be nearly impossible to bring it back,
11 leaving the U.S. textile industry even more
12 vulnerable to foreign competition.

13 As I mentioned earlier, one of the
14 consequences of offshoring the U.S. yarn spinning
15 industry would be a decline in purchases from
16 U.S. cotton growers. Reducing yarn production in
17 the U.S. due to increased costs and lack of
18 availability of PSF would lead to a corresponding
19 decline in our demand for U.S. cotton, further
20 weakening this vital agricultural sector.

21 The interconnectedness of the U.S.
22 textile supply chain means that any disruption to

1 one part of the system, such as yarn spinning,
2 will have a cascading effect on other sectors,
3 including cotton farming. The proposed remedies
4 will not only harm U.S. yarn spinners and other
5 downstream PSF-consuming industries, it will also
6 have a detrimental impact on U.S. cotton growers.

7 The ITC's recommended remedies are
8 based on the assumption that U.S. fiber producers
9 will be able to adjust and improve their
10 competitiveness if given more protection, and
11 that it would not negligibly affect PSF users in
12 the United States.

13 The Petitioners' adjustment plan,
14 which calls for increased investment in research
15 and development, operational upgrades, and
16 product expansion, is based on the flawed
17 assumption that additional protection will lead
18 to increased sales and profits which they can
19 reinvest in the business.

20 The reality is that the domestic fiber
21 industry has not shown the ability to make these
22 adjustments, even with the protection they've

1 enjoyed for nearly 20 years. Additional
2 protection will not address the underlying issues
3 of scale, reliability and quality in the U.S.
4 fiber industry. Instead, it will raise costs for
5 downstream manufacturers and push more production
6 offshore.

7 At Gildan we are committed to
8 sustainability. And a key part of our
9 sustainability strategy is the use of spinnable,
10 post-consumer, recycled PCR PSF in our spinning
11 operations.

12 PCR fiber is an essential component of
13 our efforts to reduce plastic waste, decrease
14 reliance on fossil fuels, and support a circular
15 economy. However, there are currently no
16 domestic producers of spinnable PCR PSF that meet
17 the requirement for apparel production.

18 Nan Ya, the largest U.S. producer of
19 fine denier PSF, does not produce any PCR fiber.

20 Sun Fiber, another domestic producer,
21 manufactures recycled PSF, but their product is
22 too course for use in yarn spinning and is

1 primarily used in home furnishing applications.

2 Given that there is no domestic
3 supplier of spinnable PCR PSF, we urge the
4 immediate exclusion of this product from any
5 trade remedies based -- imposed on PCF imports.
6 Our ability to continue using spinnable PCR is
7 critical to meet our sustainability goals and
8 maintain a competitive yarn -- maintaining
9 competitive yarn spinning operations in the U.S.

10 Any restriction on our ability to
11 source PCR fiber would undermine our
12 sustainability initiatives and force us to seek
13 alternative, less environmentally friendly
14 products and materials.

15 Gildan is actively consuming hundreds
16 of thousands of pounds of PCR fiber per week. I
17 am ready to buy domestic PCR fiber when it
18 exists, but today it is not available.
19 Petitioners admitted as much in a prior hearing.
20 It must be excluded from any remedy.

21 There has been discussion around
22 fibers with other sustainable characteristics,

1 such as recycled textile waste, or fibers with
2 biodegradable features.

3 While these technologies may have some
4 future place among the growing list of potential
5 sustainable fiber options, they are in no way a
6 substitute for 100 percent post-consumer recycled
7 fiber.

8 PCF production removes plastic bottles
9 from the world's rivers and oceans, and is
10 considered part of a circular supply chain. In
11 fact, it was quite stunning to read in the ITC's
12 report that Nan Ya produces a spinnable
13 biodegradable fiber which is competitive with
14 PCR. This is simply wrong. At this time it is
15 not even clear if this particular product,
16 introduced in July of this year, can be legally
17 labeled as biodegradable in certain
18 jurisdictions.

19 As many companies are finding out the
20 hard way, sustainability claims are highly
21 regulated, and the penalties associated with
22 greenwashing are substantial. We think it's

1 highly inappropriate and, frankly, dangerous for
2 the ITC or suppliers to dictate what can and
3 cannot safely satisfy our sustainability goals
4 and to disregard the distinct characteristics and
5 clear environmental benefits of PCR PSF.

6 The ITC has also recommended an
7 effective ban on PCF imports under the Temporary
8 Importation under Bond program. This allows --
9 which allows U.S. manufacturers to import goods
10 without duties if they are used for manufacturing
11 and then exported. At Gildan we believe this
12 recommendation is both inappropriate and
13 counterproductive.

14 The TIB program is a critical tool for
15 U.S. manufacturers like Gildan, as it allows us
16 to import raw material such as PSF for use in our
17 U.S. yarn spinning operations, and then export
18 the finished product to international markets.
19 This program supports U.S. manufacturing and
20 exports, which is aligned with the Biden
21 administration's goal of strengthening domestic
22 manufacturing and promoting exports.

1 Banning PSF imports under TIB would
2 harm U.S. yarn spinners, reduce U.S. exports, and
3 incentivize the import of finished goods from
4 foreign manufacturers, undermining the
5 administration's trade policy objectives.

6 At Gildan we believe there are more
7 effective ways to support the U.S. fiber industry
8 without harming downstream manufacturers. If the
9 administration adopts any of the ITC's
10 recommendations, the administration should:

11 Not impose remedies that interfere
12 with the independent statutory provisions for
13 TIB;

14 Ensure that any TRQ is sufficiently
15 large to allow U.S. downstream manufacturers'
16 access to the distinct varieties of PSF that they
17 need;

18 Refrain from end quota tariffs, and
19 significantly reduce out-of-quota tariffs;

20 Exclude unavailable products,
21 including spinnable PCR PSF now;

22 And provide for an effective tax-based

1 exclusion process for subsequent exclusion from
2 remedies of products unavailable from domestic
3 producers at the time of the demand.

4 In conclusion, Gildan understands the
5 challenges facing the U.S. fiber industry. We
6 believe the recommended tariffs and quotas on PSF
7 imports would do more harm than good.

8 These remedies will undermine the U.S.
9 yarn spinning industry, push more production
10 offshore, and threaten thousands of jobs across
11 the U.S. textile supply chain.

12 We urge the U.S. Government to
13 reconsider the -- to consider the experience of
14 Gildan and other U.S. companies, exercise
15 restraint in adopting any trade-restricting
16 remedies, and consider alternative solutions that
17 support the fiber industry without harming the
18 larger downstream manufacturing industries that
19 depend on PSF.

20 Thank you for your time. And my
21 colleague and I look forward to taking your
22 questions.

1 CHAIR BUFFO: Thank you very much.

2 Thank you to all the witnesses for
3 your testimony.

4 I will now turn to our TPSC
5 participants for questions.

6 MS. WEAVER: So, most of you have
7 touched on impact at some level in your opening
8 statements, but could you please articulate any
9 impacts that imposing the U.S. ITC's
10 recommendation would have specifically on your
11 businesses?

12 And for companies with international
13 operations, could you please focus on your
14 domestic production?

15 MR. MANESS: I'm not sure we heard the
16 entire question.

17 MS. WEAVER: Sorry about that.

18 So, most of you mentioned impact at
19 some level in your opening statement. But could
20 you articulate any impacts that opposing --
21 imposing the U.S. ITC's recommendation,
22 recommended remedy would have on your businesses?

1 And for companies with international
2 operations, could you please focus on your U.S.
3 production?

4 MR. DOYON: Yes. So, just for the
5 record, I'm Marc Doyon with Gildan.

6 Yeah, I mean, specifically for us,
7 we're a big, large consumer of PSF. The remedy
8 itself would force us to pay up to 22 percent, I
9 guess, on the end-quota tariff for a product, the
10 recycled polyester that is not made domestically,
11 which seems very counterproductive, and very
12 expensive for us. And then limit our ability to
13 compete globally.

14 Apparel manufacturing, and these guys
15 could talk about their business specifically, but
16 the difference between us getting a program at
17 Walmart and all is pennies. It's an extremely
18 competitive marketplace. So this is really a
19 lack of competitiveness. And it would force us
20 to reconsider whether yarn spinning should remain
21 in the United States.

22 MR. MANESS: And if I could just add

1 relative to the -- I'm sorry, this is John Maness
2 with Gildan -- relative to PCR in particular, the
3 contention that these suppliers could just start
4 making it is not a light statement. That would
5 involve millions of dollars of investment on
6 their part, and securing a supply chain of
7 bottles for recycling and things like that.

8 I mean, it's almost like us saying we
9 could make blue jeans. I mean, maybe we could
10 but it would take years before we'd be in a
11 position to do that. It's a completely different
12 operation.

13 MR. HOLT: Matt Holt with Milliken.

14 I would just like to add, in my
15 testimony I mentioned our volumes are down 25-
16 plus percent. And a significant amount of that
17 is because of the increased activity in Central
18 America. It is taking advantage of low cost
19 polyester using, using countries like China,
20 India, et cetera.

21 I'd also note that -- trying to think
22 how to answer this -- I'd also note that the de

1 minimis has been a huge impact for us as well:
2 more imports coming in.

3 Today my competitors are no longer
4 across the street. Almost all of my competitors
5 are in Southeast Asia or CAFTA. And it's a fight
6 that we have been against for quite some time
7 that's ramped up lately. And any additional
8 costs would just do nothing but speed up
9 qualifications down south.

10 And we've found that once programs
11 move out of the United States there's very low
12 likelihood that they ever return.

13 MR. FISHER: Just briefly, speaking as
14 a trade association, we don't have direct
15 business impacts, but echoing the concerns of
16 many, many folks within our membership, it's a
17 very competitive industry with very, very steep
18 competition from all over the world.

19 And the volume that's run is very,
20 very high volume. So pennies per kilogram, per
21 however you want to measure it, do make a huge
22 difference when deciding when, where to open and

1 close lines. And that certainly could lead to
2 lines being closed in the United States.

3 MR. BAUMGAERTEL: I fully agree. What
4 I would like to add is that keep in mind that 70
5 percent of our cost is coming from raw materials,
6 from fibers. And that's huge. So, whenever
7 there will be tariffs on the imported fibers we
8 use today, it will have a direct impact on our,
9 on our cost scenario.

10 So, we can't absorb that. As a
11 consequence, we have to pass that into the entire
12 value chain. At the end of the day costs will go
13 up for everybody. And at the end of the day I
14 feel also costs for end consumers.

15 MS. WEAVER: Thank you.

16 MR. AMDUR: So, I have a question
17 similar to a question I asked the previous panel.

18 So, if the president were to impose
19 safeguard relief but include a product exclusion
20 process, are there particular aspects in the
21 exclusion process that the industry would find
22 helpful or, conversely, burdensome?

1 And, also, how can an exclusion
2 process be structured that is enforceable and not
3 burdensome on both importers and Customs and
4 Border Protection which is responsible for
5 enforcing the trade requirements on imported
6 goods?

7 And what key data or information
8 elements would be important?

9 MR. HOLT: Matt Holt with Milliken.

10 So, for me it is description-based.
11 I'm asking for high tenacity fiber to be excluded
12 from any trade-based remedies.

13 And tenacity is a strength
14 characteristic of a fiber. My woven fabrics that
15 I produce, if you think of a military garment,
16 requires extreme strength. And there is only one
17 producer here that can make high tenacity fiber.

18 So, when it comes to a remedy, we
19 would like to have a clear carve-out for the
20 tenacity range that falls within high tenacity
21 fiber to be excluded.

22 MR. MANESS: John Maness with Gildan.

1 I am not entirely sure what that
2 exclusion process should look like, but I
3 certainly think it should start by excluding any
4 products that are not available in the United
5 States, specifically in our case, post-consumer
6 recycled polyester staple fiber in a spinnable
7 quality.

8 That is not available in the United
9 States, that we are aware of. No one has
10 attempted to sell us that product. And it would
11 not be something that could be brought online in
12 any short period of time.

13 And to the extent that it is not
14 available, it would seem, as Marc said earlier,
15 totally counterproductive to green initiatives
16 that are being undertaken by companies like us to
17 use recycled polyester to be -- to put a tariff
18 on a product that we don't have any ability to
19 buy in the United States.

20 MR. DOYON: And just to clarify, I
21 know that this isn't specifically your question,
22 but actually we don't want an exclusion program

1 for PCR, we want it excluded from the remedies
2 entirely, because it's just not made.

3 We've been in this room three times in
4 the last six months with, supposedly, the company
5 that makes it. And we're a public company. We
6 have a stated goal with 30 percent recycled
7 polyester in our supply chain. And that company
8 has not approached us to sell the product.

9 So, if they don't -- we published as
10 well in the ITC's hearing, post-hearing, our spec
11 sheet. So, it's out there in the public domain
12 if anyone wants to look at it. But nobody makes
13 a spinnable fiber, so the characteristics would
14 be very transparent with those specs. Nobody
15 makes it, nobody's trying to sell it to us.
16 We're here. They know where we are and it hasn't
17 happened. So, we think it needs to be excluded.

18 Now, I guess I won't comment too much
19 on -- for us, I don't think there's anything we
20 would really need excluded beyond that. That's
21 more for the guys in the front row.

22 MR. FISHER: The only thing I'd like

1 to add -- this is Wes Fisher with INDA -- that
2 any exclusion process we would hope would have a
3 robust public comment and participation period,
4 and take the views of the nonwovens industry and
5 all participants in the supply chain into
6 account, as well as take into account any sort of
7 existing environmental standards, broader goals,
8 as well as state, state and local regulations
9 around that drive the demand for certain, certain
10 products.

11 MR. AMDUR: So, if I may give you an
12 example. What I was trying to get at is that
13 Customs and Border Protection manages a lot of
14 exclusions for many different type of trade
15 remedies and trade measures. And we often find
16 that many importers cannot, basically, support --
17 they claim the exclusion, they cannot support
18 that their products meet the specifications of
19 exclusion. Sometimes they just admit that they
20 made mistakes.

21 And then also can be that, depending
22 on the type of product, it can be very -- it's

1 not a matter of a harmonized tariff
2 classification, it's usually at a much more
3 detailed level.

4 So, I guess that's what we're asking
5 about, like what key data or information elements
6 would be important, that could be basically
7 verifiable for Customs and Border Protection for
8 determining whether goods meet an exclusion?

9 MR. FISHER: Well, I defer to the
10 folks here and some on the next panel that are
11 intimately involved in the, in the industry. But
12 I imagine there's several test methods around
13 things like tenacity and other characteristics
14 that, that could be pointed to.

15 MR. DOYON: I'll just add, I think
16 this is why it's a challenging topic because how
17 -- it's very difficult. I think you'd have an
18 argument on the other side that they could make
19 it, what's substitutable, what's appropriate, you
20 know, what's an appropriate competing product.

21 I think that's why we would recommend,
22 and I think other people, respondents, have also

1 asked for rather than going down the very tricky-
2 to-administer exclusion process, that we carve
3 out appropriate product from remedies in advance.
4 And then that will limit that -- those challenges
5 with the exclusion processes going forward.

6 MR. AMDUR: Okay, thank you.

7 MS. LIN: Songhua Lin from Department
8 of Labor. And I have two questions for all the
9 witnesses.

10 The first one is if action is taken to
11 limit the flow of fine denier PSF to the United
12 States, how does it impact the production of
13 domestic users of imported PSF? And will there
14 be any impact on the operation that could
15 adversely affect their employees?

16 And I'm aware you already mentioned
17 some informations here today, but could you be
18 more specific like what kind of production line
19 and how it affects the production and also
20 employee. And specific examples should be more
21 helpful. Thank you.

22 MR. DOYON: Yes. So, in terms of

1 specific impact, I mean, the remedy, you can talk
2 about the end tariff quotas first. I mean,
3 there's range, but 20 percent, that's going to
4 raise our cost on our fiber by 20 percent.

5 And as I've sort of said in an earlier
6 answer, it's a highly competitive business on the
7 apparel side. And just to lay out a
8 hypothetical, I mean, we're working -- we would
9 be potentially one day looking at a program to
10 sell to a big mass market retailer or a wholesale
11 distributor.

12 And the difference in getting that
13 program or not is razor-thin margins. And if we
14 cannot sell our capacity that, we cannot run it.
15 And that means plants close, or they consolidate,
16 or potentially look for places where we can
17 compete. That would be, logically, for us, in
18 Central America.

19 But -- and speaking about just
20 hypothetical industry, I mean, just because a
21 plant moves from the U.S. doesn't mean it stayed
22 in CAFTA. It could -- there's cheaper places in

1 the world to manufacture. So, it really
2 threatens the jobs that go with those plants.

3 It's that simple. It's just it's an
4 uncompetitive -- it's inherently making the
5 domestic industry less competitive. And because
6 we compete on a global -- in a global
7 marketplace. It's not a U.S. closed market.

8 MR. MANESS: And to some extent just
9 within the CAFTA region, where we participate
10 heavily, it puts us at a disadvantage to other
11 members within the region in that they are able
12 to use whatever polyester they choose. And we
13 would be essentially moved into a fiber-forward
14 type rule de facto by this change. Where CAFTA-
15 DR was written a yarn-forward rule, this puts it
16 into essentially a fiber-forward rule.

17 There's also significant expense if we
18 are forced to make a change. I mean, there's an
19 expensive and long qualification period just to
20 validate that the product, the new product can
21 perform in our spinning mills, in our knitting
22 mills, the dye's the same shade.

1 I mean, I know it seems probably like
2 a knock-back to complex of a business, but we
3 make hundreds and hundreds of different colors of
4 T-shirts, and sweatshirts, and things like that.
5 And when you change polyester every one of those
6 shades has to be redeveloped through our
7 laboratories.

8 And there's also risk of performance.
9 Two or three percent loss in spinning performance
10 in my plants takes me from meeting budget to not
11 meeting budget.

12 And everybody in the business world
13 understands that that's how manufacturing
14 operations run is that you build standards based
15 on an expectation of performance. You build cost
16 sheets based on that expectation. And you quote
17 business based on those expectations.

18 So, there is performance risk. And
19 there's also risk of service being dedicated. In
20 our case and in the case of Milliken, too, I
21 think there's only, there's only one supplier
22 that makes what we use here. And there are zero

1 supplies that make the PCR portion.

2 MR. HOLT: Matt Holt, Milliken. Two
3 things I'd like to touch on. The first one goes
4 back to price. Milliken is a 150-year-old
5 company. We're known for our quality and our
6 reliability. The programs that we're losing is
7 completely due to price.

8 So, to give an example, on the lower
9 end of the recommendation, the end quota tariff,
10 on 100 percent polyester good for me this is an 8
11 to 12 percent cost increase.

12 On the higher end, that's a 35 to 40
13 percent cost increase. I'm losing business today
14 without this penalty. These programs don't come
15 back once they're gone. So, I just want to
16 stress the urgency there that pennies matter,
17 especially 8 to 12 percent.

18 The second part I'd like to call out
19 is the sole source aspect. It's not good
20 practice in any supply chain anywhere to be
21 completely reliant on one supplier. And it's not
22 good practice to even be reliant on multiple

1 suppliers in one small geographical area.

2 If we cut off Asian supply chains and
3 there's ever a hiccup, it's 8 to -- it's actually
4 12 to 16 weeks to get those back started, flowing
5 in again. So, that would be catastrophic for us,
6 any event of any sort of interruption at all.

7 MR. BAUMGAERTEL: You were also asking
8 about the impact on our business. Worst case
9 really would be to shut down the plant that we
10 have. It would be catastrophic for us.

11 Of course, we can't. And if we have
12 to, we probably will consider, again,
13 catastrophic impact on the region of the mid-
14 Georgia area, on customers, on everybody. We can
15 transfer our equipment back to Germany where it
16 came from, but that is not our plan. Our plan is
17 to be here, to stay and to grow here.

18 The tariffs probably coming into
19 place, and worst case would be 45 percent, we are
20 no longer competitive. And the others already
21 said we have, we are in a very highly competitive
22 business environment in the nonwovens industry.

1 But on the other hand we would like to provide
2 the quality, the service to our customers here in
3 the U.S.

4 And with our new home base here in the
5 U.S. we feel we have made the right decision.

6 But to be here, and that happened really over the
7 last I would say 8 to 9 years since we are here,
8 there are more and more obstacles coming up. And
9 that's not good. That's not good for our
10 industry. That's not good for any company here.

11 And when you were asking for inclusion
12 or exclusion of certain products, to narrow that
13 down, to maybe specify that, I think we need to
14 go a step back and say, okay, I have the entire
15 value chain here.

16 But the biggest problem is really
17 imports of finished goods into the U.S. coming,
18 coming from offshore. And maybe the focus needs
19 to shift to such product to really protect the
20 entire value chain of these products here in the
21 U.S.

22 MR. FISHER: And just to underline

1 what Tobias just said, in the nonwoven industry
2 we see a lot of companies like, like Sandler
3 Nonwovens there, have a global presence and have
4 assets in the U.S. And if they're forced to make
5 the hard decision to close down a line in the
6 United States and shift assets to one of their
7 existing assets elsewhere in the world, they
8 certainly might have to consider that.

9 MS. LIN: Okay. Thank you.

10 My second question is if relief is
11 granted, do we know how will this impact U.S.
12 households who purchase consumer items that
13 contain PSF as an input?

14 MR. DOYON: Yeah. I would probably
15 keep it, my comments, just confined to the jobs.
16 And I think this is worth pointing out again.

17 We, the downstream industry, yarn
18 spinning, nonwovens, represent around 20,000
19 jobs. I think the number on the other side's
20 significantly lower, although I kind of lost
21 track of where it is.

22 So that's where our focus is, on

1 keeping our people employed in the U.S. I think
2 that's the main point.

3 MR. HOLT: Matt Holt, Milliken. I'd
4 echo that. The impact we'd see is the lost jobs.
5 The programs will leave the United States and be
6 made elsewhere. So, I'm not sure what the
7 customer impact will be at the point of purchase,
8 but there will certainly be thousands of jobs at
9 risk if this is put in place.

10 MR. FISHER: Yeah, just to echo, in my
11 comments the Census Bureau's annual survey of
12 manufacturers puts around 15,000 directly of
13 companies that report under the NAICS Code for
14 nonwoven fabrics mills. I can off the top of my
15 head think of five or six other converters that
16 probably represent another 5,000 or so of jobs.

17 So, it's a significant number of jobs
18 in the nonwoven industry. And this is a
19 significant portion of it when we look at fine
20 denier PSF and the types of products that it
21 supplies to, that things like wipes are something
22 like 20 percent of the nonwovens sector in North

1 America.

2 MS. LIN: Thank you.

3 MR. SALKELD: Okay, thank you. This
4 question is to Mr. Baumgaertel of Sandler
5 Nonwoven.

6 In your testimony today you've spoken
7 a number of times about some of the challenges
8 that your company faces in planning alternative
9 sourcing, and especially the importance of
10 specifications and other characteristics of it,
11 and, in particular, for the application that the
12 fibers will go into and into the product.

13 So, just a couple of points that we'd
14 like to clarify with you in regard to the ITC
15 report.

16 So, on page one of your request to
17 testify you talk about the difficulties of
18 finding alternative producers in the U.S. Can
19 you respond to the ITC's observation that all
20 U.S. importers of fine denier PSF reported to at
21 least be able to sometimes find interchangeable
22 product with the imported fine denier PSF? And

1 in other cases they're sometimes, always, or
2 frequently interchangeable for other U.S.
3 producers?

4 MR. BAUMGAERTEL: I would say it
5 always sounds very simple and easy in theory.
6 However, if you look into the details, and coming
7 back to the quality and qualification time, it is
8 not so easy.

9 We do need to do really long due
10 diligence up front even if we can take fibers or
11 bring fibers in for test runs. These are really
12 just to check the basic boxes concerning
13 qualities, concerning quality standards at the
14 fiber manufacturers.

15 Hygiene is a big topic for us as
16 hygiene manufacturer. It also may require an
17 audit process involved as well.

18 So, it is complex. And to interchange
19 fibers from A to B is also sometimes not
20 possible, it's even not allowed because of your
21 customer specification. Once you qualify the
22 product, fibers are set, they are not cast in

1 stone. Maybe there are backups allowed to use as
2 well.

3 But to change these fibers we need to
4 go back to square one and start the qualification
5 process all over again together with our
6 customer. And the customer at the end of the
7 day, he makes the call.

8 Of course we can demonstrate that
9 there are alternative fibers available. But,
10 again, it's a long and complex process.

11 MR. SALKELD: Okay, thank you.

12 MR. BAUMGAERTEL: What I would like to
13 add also is, and that was also a point in my
14 testimony, we successfully demonstrated that we
15 could make it happen. We even can transfer
16 fibers being sourced offshore to the U.S. We
17 can. And it works. It's great to do that
18 because that makes our life also a little bit
19 easier as far as, for example, supply chain terms
20 are concerned. And then they will be above.

21 But you need to work together with
22 your customer to make that happen. And

1 specifications is a big, big hurdle.

2 MS. BORON: Great. My next question
3 is for Milliken and others, as appropriate.

4 In your request to testify, and in
5 your remarks here this morning, you noted that
6 the higher --

7 PARTICIPANT: May you pull your mike a
8 little closer.

9 MS. BORON: Sure. I'll start again.

10 In your request to testify, Milliken
11 noted that higher prices compelled by the remedy
12 would harm the entire domestic textile industry
13 and cause you to lose business, especially to the
14 CAFTA-DR partners. Could you please expand on
15 this point and explain how a potential remedy
16 would impact downstream yarn spinners in the
17 United States?

18 I believe that Gildan as well got into
19 this into your testimony. Thanks.

20 MR. HOLT: Yes. Thank you for the
21 question.

22 So, I mentioned the yarn-forward rules

1 of origin. We would essentially be blocking off
2 all imports in the United States if we move
3 forward with this remedy, making our raw material
4 the highest of anyone in the country -- in the
5 world, excuse me.

6 CAFTA would now have access to Chinese
7 fiber that is under antidumping, 201 tariffs, and
8 other tariffs, similar to India. Any low-cost
9 producer in the world is able to send fiber into
10 CAFTA to compete with us. So, they have a huge
11 leg up before they even start.

12 And that is an enormous burden for us
13 if we are unable to take advantage of any import
14 fiber whatsoever.

15 MR. DOYON: Yeah, I'll just add, I
16 mean, we talked a lot about how competitive the
17 industry is. So, there's really no ability to
18 just pass these costs on to our customers.

19 We try to pass this cost on to our --
20 these additional costs or tariffs, or other
21 restrictions, we just lose the business. Our
22 customer tells us, sorry, I can go get this from,

1 from Asia much cheaper. But it's just that
2 simple.

3 We've got to find somewhere else to
4 sell. And if we can't, then the capacity closes.
5 It's just there's no pricing power because of the
6 competitive nature of our markets.

7 MR. HOLT: And Matt Holt, Milliken.
8 I'd just like to add, if I can, I think long term
9 the domestic textile industry, Nan Ya, Darling,
10 Sun, they need growth. They need their customers
11 to have more demand for polyester staple fiber so
12 they are able to continue to sell for the next
13 ten years, not the next four.

14 And I think the recommendations put
15 forth do quite the opposite. It will certainly
16 cause less demand for U.S. polyester if these
17 remedies are put in place.

18 MS. BORON: Thank you.

19 MR. GAGAIN: Good afternoon. Once
20 again, I'm Mike Gagain from USTR. As you know,
21 the Commission recommended a quantitative
22 restriction regarding imports of PSF under the

1 Temporary Importation under Bond program.

2 If the TPSC were to recommend that the
3 president impose safeguard relief, to include
4 imposing a quantitative restriction on imports
5 under the TIB program, do you all have any views
6 on how much volume allowance it would take for
7 the PSF-consuming industry to be able to
8 transition operations away from that program, or
9 how long it would take the industry to transition
10 away from that? Thanks.

11 MR. DOYON: So, the question is can we
12 transition away from it and how long?

13 MR. GAGAIN: Yes. Or, and/or how much
14 -- yeah, they recommended a quota. And I guess
15 what I'm wondering is if you all have any views
16 on if the TPSC were to recommend the president
17 take that as part of any safeguard action what,
18 what an allowance would be and/or how long it
19 would take the industry to transition away from
20 using the TIB program?

21 MR. DOYON: Yeah. I guess, first of
22 all, the way we see it it's not a quota, it's a

1 ban. Zero quota strikes us as effectively
2 banning TIB rather than. So, that's just the
3 first point.

4 I mean, transitioning away, I think
5 just on the TIB topic, we utilize TIB on all our
6 imports because we're a vertical manufacturer and
7 all our products are re-exported. So, we're
8 using TIB for the very reason it was designed,
9 which is to keep manufacturing in the United
10 States, to keep us competitive on intermediate
11 products that are for re-export.

12 So, the way we see it, if it's a ban
13 on TIB, TIB goes away immediately. We can't use
14 it. And as far -- there isn't really a timeline,
15 I guess, it's just a matter of, there would be an
16 impact. It's very disruptive to our business
17 specifically.

18 It would be ideal, if it was
19 implemented, that there was a period of time,
20 probably six months or so to flush through all of
21 those entries that need to be done. But -- and
22 the longer the better.

1 Because it is a very long supply chain
2 today with long transit times. And you're going
3 to have a port strike tomorrow, so it's a very
4 challenging environment to manage these supply
5 chains. So, the more notice, the better.

6 MR. GAGAIN: Thank you very much.

7 MR. VAN PATTEN: Thank you, Mr. Doyon.
8 This next question is for you as well.

9 On page 6 of your request to testify
10 you claim that Petitioners would not be able to
11 generate the capital needed from guaranteed
12 increase in sales resulting from the potential
13 imposition of a 201 remedy.

14 And if you could kindly respond to the
15 U.S. ITC's report where they say that the
16 domestic industry have ample excess capacity
17 throughout the period of investigation with which
18 it could have increased production of fine denier
19 PSF. Thank you.

20 MR. DOYON: Yes. So, we have -- I
21 guess there's various adjustment plans out there.
22 There's not just one Petitioner here. But -- and

1 it's my understanding that there's been sort of
2 close to 20 years now of various protections for
3 the domestic PSF industry. And it hasn't been
4 apparent that the positive adjustments can be
5 made.

6 And the history of why polyester
7 imports surged when they did is hotly contested
8 on why. But we would tell you that we were
9 buying a lot of polyester in 2019 from a domestic
10 supplier who went out of business within a couple
11 years. And we were forced to import.

12 And an interesting fact is that that
13 supplier who is no longer in business actually
14 started importing for us so that they could keep
15 the supply available. So, I think this is the
16 history here.

17 I think that it's been a -- we just
18 have our doubts around the ability to make those
19 positive adjustments and, in the specific case of
20 Darling, we wish them the best, but it's hard to
21 see how they could have that plant restarted.

22 They testified today that those

1 employees have gone on to other employment, that
2 the plant hasn't run. It's going on three years,
3 I guess, soon. So we're just a little skeptical
4 of the ability to make those adjustments given
5 there's been other protections that -- over that
6 time period.

7 Sorry, there was a second part of the
8 question. Could you --

9 MR. VAN PATTEN: No. No, you covered
10 it. Thank you.

11 CHAIR BUFFO: Thank you very much for
12 your responses and, again, for your testimony.
13 We will now take a five-minute break while we
14 compose the next and final panel of the day.
15 Thank you.

16 (Whereupon, the above-entitled matter
17 went off the record at 2:03 p.m. and resumed at
18 2:12 p.m.)

19 CHAIR BUFFO: Good afternoon and
20 welcome back. I am pleased to introduce our next
21 panel. Next, we will hear from BMT Fibers,
22 Proctor & Gamble, and Fibertex Nonwoven.

1 Our TPSC participants will be Alex
2 Amdur, CBP; Songhua Lin of the U.S. Department of
3 Labor; Marin Weaver, the U.S. Department of
4 Commerce; and Mike Gagain, David Salkeld, and
5 Victor Mroczka of USTR.

6 We will hear testimony from John
7 Price, President and Chief Operating Officer, BMT
8 Fibers; Mark Thornton, Vice President, Baby Care
9 North America, Proctor & Gamble; Nirosha
10 Wimalasena, Senior Director, Research and
11 Development, Baby Care Global Material
12 Development and Supply, Proctor & Gamble; and
13 Alexander Brent, Supply Chain Manager, Fibertex
14 Nonwovens, accompanied by Carlos Benatto,
15 President, North America, Fibertex Nonwovens; and
16 Mary Simons, Operations Director of Fibertex
17 Nonwovens.

18 Please begin your testimony, Mr.
19 Price.

20 MR. PRICE: Ladies and gentlemen,
21 thank you for the opportunity to appear. And I
22 want to thank you for your service to the

1 American people.

2 I'm John Price, I'm President and
3 Chief Operating Officer of BMT Fibers. I've been
4 working in the textile industry in the USA for
5 about 30 years. We're a 100-year-old American
6 textile merchant.

7 We supply polyester staple fiber to
8 the broad range of American textile companies
9 that depend on us for raw materials that they
10 need to run their factories, including some of
11 the largest U.S. spinning mills in the country,
12 legendary spinning mills that have been around a
13 long time.

14 Our customers need our fiber to make
15 sure that they're competitive in a global
16 marketplace. They need to count on us to have a
17 secure supply chain that's not going to go away.
18 I stress global marketplace because today,
19 Commerce and industry in the textile trade is
20 really dominated by major retail.

21 It's not like the old days. There is
22 no more Woolworths, Sears Roebuck, Montgomery

1 Wards. There are very few large retail brands
2 that count on this trade. And the problem is
3 that our American textile companies are fighting
4 it out every day against global textile companies
5 in developing countries that have very low costs
6 of production.

7 So when Walmart or Costco or Target is
8 putting down a bid for 10 million t-shirts, they
9 don't care where they're coming from. They're
10 going for price. And if our textile mills cannot
11 compete in that marketplace, those orders are
12 going to Bangladesh or they're going to another
13 market around the world.

14 And those people are going to get
15 those jobs, and those people are going to work in
16 those mills and support those economies. And not
17 ours. And that's the problem that we're dealing
18 with here.

19 So I think our entire industry has
20 been suffering for the past couple of years ever
21 since COVID, and I'm going to explain why.
22 Everybody was over-inventoried during COVID.

1 Supply chains were expanded from maybe two months
2 to four and a half months, 4.6 months. My
3 company measured 4.6 months from the time we
4 passed the PO to an overseas producer of
5 polyester fiber to the time that fiber was
6 delivered here in the USA to a textile mill was
7 4.6 months.

8 Why is that important? It's important
9 because everybody in the United States industry
10 stocked up to make sure that their supply chains
11 were full. I'm talking about finished goods.

12 So all the products that you see in
13 the stores that are made with fiber, everything
14 from apparel to home furnishings to upholstered
15 furniture to filters to nonwoven textiles,
16 everything. There wasn't enough and the supply
17 chains were so slow and so mismanaged that people
18 had to be safe to make sure there was a product
19 on the store shelves.

20 And so what happened was there was a
21 huge problem of over-buying and over-production.
22 And I'm talking about top down. That's why there

1 was a shortage of warehousing during COVID,
2 because the warehouses across the United States
3 were packed full of finished goods that had been
4 produced.

5 And so American industry did not
6 overproduce by four months or six months to be
7 safe. They overproduced by 12 to 18 months. And
8 so when COVID went away, the entire textile
9 industry fell into a slump. And it hit some
10 segments of our trade much worse than others.

11 We're a fiber merchant, so we supply
12 to all of the trades, from spinning to nonwovens
13 to home furnishings to decorative pillows to
14 people that make sofas, people that make carpets.
15 So we get to see all of those industry segments
16 as a fiber merchant. A fiber merchant is like a
17 cotton merchant, but instead of moving cotton, we
18 move polyester fiber.

19 And so the industry has been on its
20 knees for the past couple of years. That's why
21 the U.S. fiber producers are in trouble. They're
22 in trouble because fiber demand has been

1 dramatically reduced over the past 18 to 24
2 months.

3 In fact, it's been, from where we sit,
4 we supply fiber to all of these factories. From
5 where we sit, the actual factory consumption of
6 polyester staple fiber across the USA has been
7 down 30, 35 percent from pre-COVID, normal
8 levels.

9 So what does that mean? It means the
10 factories that are making the products out of
11 polyester fiber -- and if you've never seen
12 polyester fiber, if you open up one of the
13 decorative pillows at home on your sofa and you
14 pull out that white fiber inside, that's what
15 we're talking about here. Looks like cotton. A
16 basic raw material.

17 It's used in everything. You're
18 wearing it right now. It's in the carpet, it's
19 in the furniture. Basic raw material. And so
20 the problem that we've experienced is that these
21 factories across the U.S., in almost every
22 segment, some industries were hit worse than

1 others.

2 Check the statistics on the United
3 States furniture industry right now or the United
4 States home furnishings industry, which makes
5 decorative pillows and bedding, sleeping pillows.
6 They've all been -- they were sitting around
7 waiting for purchase orders from major retail,
8 and those orders never came.

9 And the reason they never came is
10 because everybody had stocked up on all of this
11 COVID inventory and warehouses were bloated
12 across the land. And so that's the problem for
13 the past two years in this industry, it's the
14 fallout since COVID. And that's why these, the
15 fiber makers, whom we respect, have had a really
16 tough time. Just like most people in our trade.

17 So I wanted to make that clear. I
18 mean, that's a big deal. Some industries were
19 impacted worse than others. Check how many
20 bankruptcies there have been in the past 18
21 months across the United States furniture
22 industry and the United States home furnishings

1 industry.

2 Apparel was hit hard, too, but less
3 hard. Nonwovens was hit hard as well, but less
4 hard. But everybody was hit. And so it's been a
5 real tough time.

6 We've lost a lot of names in our
7 American textile industry and as well in our
8 American retail trade. And you could read the
9 stories about Big Lots, all kinds of retailers,
10 Bed Bath & Beyond. That's why this all happened.

11 So I wanted to set the stage with that
12 so everybody could understand what's going on
13 here. Now, from where we sit, so we've got this
14 record contraction, let's say, in demand that
15 took place during this period of time. And it's
16 been tough for everybody.

17 But the good news is that the U.S.
18 industry that consumes fiber, all industries
19 combined, we're looking at an expected growth
20 rate of about 6.2 percent, which is supposed to
21 happen from 2024 through 2030. So we've dealt
22 with this COVID situation, which was a disaster.

1 The market was on its knees. It's
2 still on its knees. It's getting ready to
3 recover, it wants to recover. But now we're
4 dealing with issues with ocean freight, which is
5 -- and port strikes, which is another disruption.
6 Market wants to recover, and we're about to enter
7 a period of expansion in the U.S. trade, which is
8 very important.

9 So, these consumption numbers from
10 last year and the year before, they were
11 depressed for everybody. It wasn't because of
12 cheap imports, it was because of depressed demand
13 for Made In USA products. So I think that's
14 critical to point out.

15 We here in the U.S., we've got a
16 growth rate in front of us that's looking pretty
17 good. So right now, we as a country, we command
18 a pretty important spot in these industries that
19 consume polyester fiber as a raw material. And
20 that's driven in large part -- we've got a super
21 strong automotive industry.

22 We've got a super strong textile

1 industry with some of the most legendary names in
2 the business. These names that you've heard from
3 today, these are legendary textile companies.
4 They represent America, and the best of America.

5 And so polyester fiber is the
6 critical, well, together with cotton, cotton and
7 polyester fiber, and some viscose for that
8 matter, rayon, those are the products that they
9 depend on as their oxygen supply to make their
10 products.

11 And so what we're doing right now is
12 we're starting to -- we're starting to mess with
13 polyester. And I'm going to tell you why that's
14 going to be a problem, in our opinion, for the
15 team. And when I say a team, I'm talking about
16 the country.

17 Why do we use polyester? Polyester is
18 used for durability. It's very flexible as a raw
19 material. It lasts long, you can wash it, it
20 doesn't wear out. A lot of great things about
21 polyester.

22 Polyester, now we have technologies

1 that make it biodegradable, which means it hits
2 the landfill at its end of life and it's going to
3 be biomass in three to five years. That's
4 amazing.

5 The other great thing about polyester
6 is that when you wash your clothes in the washer
7 and the dryer, and the microfibers come off --
8 you've all changed the lint in your dryer.
9 Well, a lot that's cotton and a lot of it's
10 polyester. That polyester will live in the
11 environment for a long time. But with
12 biodegradable polyester, it's going to be gone in
13 three to five years. It's revolutionary.

14 So we've got all these applications
15 that are using polyester staple fiber that are
16 totally dependent on that product. Clothing,
17 home furnishings, industrial products. And we're
18 a market leader in innovating these products.

19 Why? Because we have this amazing
20 textile industry. And the innovation, it doesn't
21 come from over there, it comes from right here.
22 We're responsible for that. And so we have to

1 consider this. We're playing this leading role,
2 we're shaping the polyester landscape as a
3 country. And that makes us strong.

4 Now, why is that important? Well,
5 right now, everybody's in trouble. Not
6 everybody, but the majority of the textile trade
7 has been really weakened. So we need to recover
8 from that and benefit from this growth that's in
9 front of us.

10 This is not the time to hit these
11 struggling factories with this massive limitation
12 on the most, one of the most important raw
13 materials that they consume. Because you're
14 going to stagger them.

15 The safeguard remedies are
16 extraordinary. The one, these remedies that are
17 recommended by the ITC on all fine denier from
18 all global origins, everybody in the world is
19 going to be cut off from shipping polyester
20 staple fiber to this country. What that's going
21 to do is that's going to cut the legs out from
22 under our American textile manufacturers.

1 Remember, we're competing against the
2 rest of the world. This is a global, this is
3 truly a global marketplace. It is our team
4 against those teams.

5 And if you eliminate the ability of
6 these players to compete against low-cost
7 countries in Asia, our textile industry is going
8 to evaporate. And it just will, because it's
9 profit-driven and it's very, very low margin.

10 So I'm going to tell you why. Number
11 one, you take away the polyester staple fiber.
12 Now you've eliminated this raw material, right.
13 What's going to happen if we do that? This is
14 our opinion, but I've talked to a lot of people
15 across the trade. Let me tell what our crystal
16 ball is telling us.

17 First of all, what's left of our
18 American textile industry is going to be
19 weakened. They're going to -- these big spinning
20 mills that we're hearing from and others, they've
21 already got spinning mill operations down in
22 Central America because of CAFTA.

1 What are they going to do? They're
2 going to pick up these spinning mills up here
3 that are consuming their polyester and they're
4 going to move them down there. And they're going
5 to take their spinning mills here in the USA, and
6 they're going to use those spinning mills to
7 process cotton, American cotton.

8 So, there will be no polyester
9 spinning here in the USA anymore. It's going to
10 go away. So we're going to just execute another
11 transfer of wealth from here to Central America.
12 We're going to execute another transfer of
13 industry expertise from here to Central America.

14 We're going to empower Honduras, and
15 we're going to close down these mills here that
16 are going to impact American towns and jobs. And
17 we're basically going to lose -- not lose, but
18 we're going to erode what's left of our American
19 textile strength.

20 And that's the reality of what's going
21 to happen with something like this. This is
22 really extraordinary. So it's going to cost

1 American consumers. These companies are going to
2 lose business. They're going to become less
3 competitive. They're going to need fewer
4 workers. Where are the people going to work, as
5 a country, if we lose manufacturing, you know?

6 We've lost our ability to project
7 strength around the world, period. Nobody's
8 going to work in services, that's not going to
9 save us. It's manufacturing that we need. We
10 need to provide jobs for the masses so they can
11 provide for their families, and we can build a
12 strong economy.

13 So it's going to increase costs for
14 everybody. It's going to force these guys to go
15 away. They're going to shut down plants.

16 We're talking about a situation where
17 we want to save a few hundred jobs in one
18 particular industry segment, but the net cost of
19 that is going to be a few thousand jobs for
20 companies that are going to just say sorry, we
21 can't compete up here anymore, we're going to go
22 down to Central America, where there are no

1 limitations on raw materials imports.

2 And, guess what? They're going to be
3 buying from China. Isn't that great? Now we're
4 going to make China stronger because now we're
5 going to buy Chinese fiber instead of buying
6 fiber from our strategic allies in southeast
7 Asia. I mean, it doesn't really make a lot of
8 sense, does it?

9 So I think that the net result on all
10 this is going to be the loss of more American
11 working class jobs. Now let's step back and go
12 to 30,000 feet. What does it mean for America?

13 You're talking about, we've been
14 struggling as a country to compete in the textile
15 industry around the world. And we have lost --
16 we've lost 70 percent of our American textile
17 industry. We've lost it. It's gone.

18 MR. GAGAIN: Mr. Price --

19 MR. PRICE: These companies that
20 you're hearing from today --

21 MR. GAGAIN: Mr. Price, I'm cognizant
22 that you're over your time.

1 MR. PRICE: I'm sorry?

2 MR. GAGAIN: You're -- you've reached
3 your allocated time for testimony.

4 MR. PRICE: Okay.

5 MR. GAGAIN: But we will have
6 questions.

7 MR. PRICE: I'm wrapping it up anyway.
8 So that's conclusion on this thing. And I just
9 want you all to realize that it's a macro
10 economic decision we're making here, and we're
11 strongly opposed to it.

12 MR. GAGAIN: Thanks, Mr. Price.

13 MR. PRICE: Thank you.

14 CHAIR BUFFO: Thank you. Next we will
15 have testimony from Mr. Thornton. You want to go
16 next? Brent, Mr. Brent, please proceed.

17 MR. BRENT: If it's okay, Fibertex
18 would like to go next.

19 Good afternoon, my name is Alexander
20 Brent, I'm the Supply Chain Manager for Fibertex
21 Nonwovens.

22 Fibertex Nonwovens is a global

1 manufacturer of high performance nonwovens,
2 supporting multiple industries, including
3 personal care, automotive, industrial, and
4 construction markets.

5 Fibertex North America employs 230
6 people between our South Carolina and Illinois
7 locations. During the COVID pandemic, our
8 manufacturing plants produced essential
9 sanitation products. Our access to globally
10 competitive fine denier polyester is critical to
11 our ability to service American consumers.

12 Having been a critical part of
13 America's response to the pandemic, it is
14 extremely disappointing to us to have such a
15 threat to our business potentially imposed on us
16 by the U.S. Government. We'd like to comment on
17 the three possible remedies.

18 The first two are tariffs and quotas.
19 These two remedies deliver the same impact to
20 users of fine denier polyester. These remedies
21 would negatively impact all U.S. domestic
22 nonwovens converters by limiting available

1 sources of competitive supply and reducing global
2 competition and restricting purchase options to
3 USMCA and other U.S. free trade agreement
4 countries.

5 Meanwhile, offshore nonwoven
6 converters can continue to buy fibers on an
7 unrestricted global basis. In effect, this
8 safeguard will make our company and the many
9 other U.S. nonwoven companies uncompetitive, thus
10 promoting great exports of higher value products.
11 Any such action would simply shift the problem to
12 a larger pool of U.S. manufacturers of nonwovens
13 textiles and finished consumer products.

14 This will force more companies to
15 consider offshore textiles and manufacturing and
16 purchasing. It is worth noting that the
17 nonwovens industry employs over 15,000 people.
18 Nan Ya, the primary beneficiary of this
19 safeguard, employ only a few hundred.
20 Unfortunately, tariffs and quotas here would be a
21 case of sacrificing the many for the few.

22 China and Turkiye would be the primary

1 beneficiary of safeguard as they flood the U.S.
2 with nonwoven rolled goods, knowing this
3 potential action makes U.S. manufacturers
4 uncompetitive. It is also worth noting that this
5 domino effect eventually comes back to Nan Ya.
6 When they have no customers left, as they'll be
7 out of business or manufacturing offshore, they
8 too will suffer greatly.

9 The long-term effect of tariff quotas
10 will be hugely detrimental to the Petitioners and
11 downstream consumers alike. China especially
12 must be absolutely thrilled at this prospect.

13 Secondarily, Fibertex currently buys
14 fine denier polyester from the Petitioner
15 companies. Thus we have experience to know that
16 products do not perform in all applications.
17 With tariffs or quotas on high quality foreign
18 fiber pricing will be impacted, resulting in
19 higher prices for us and ultimately the end
20 consumer.

21 Additionally, U.S. domestic fine
22 denier polyester manufacturers cannot supply the

1 entire market. This has been independently
2 verified by Wood Mackenzie and it's their
3 nonpolitical group. This is just Nan Ya's word
4 or our word.

5 The third party -- the third possible
6 remedy is subsidies. Domestic PSF manufacturers,
7 due to geopolitical events beyond their control,
8 do have higher raw material costs than their
9 aging competitors. Some subsidies to help U.S.
10 PSF manufacturers combat this pricing gap may be
11 warranted until the raw material pricing
12 differential narrows.

13 This remedy would provide a virtuous
14 cycle of growth as opposed to the proposed
15 destruction of U.S. manufacturing.

16 A lot of discussion has gone into
17 exclusion on products. Nan Ya wants no
18 exclusions from safeguards, not just on products
19 they currently make, but absurdly also on
20 products they do not currently make. It is 100
21 percent necessary to exclude products that
22 Petitioners do not currently make.

1 In fact, just recently I requested a
2 sample from the Petitioners on antimony-free, and
3 was told they don't have it. Even if they could
4 theoretically make these new products at some
5 point in time, it would take years to qualify in
6 our lines and with our customers. It is akin to
7 asking a car supplier to change from a making Kia
8 to a Mercedes in no time and expect everything to
9 go smoothly.

10 Finally, our products go into hygiene
11 markets. Without doing due diligence on new
12 supply, we'd risk the health of our citizens, not
13 least in the case of antimony-free, babies.

14 In conclusion, Fibertex respectfully
15 request no Section 201 tariffs or quotas to be
16 imposed. If a tariff right quota system is
17 imposed, no in-quota tariff should be imposed,
18 because that only punishes downstream users of
19 PSF that require imports to bridge supply gaps.
20 The quota threshold must be significantly higher
21 to account for total annual U.S. demand to avoid
22 chaotic supply chain shortages in the latter half

1 of the year.

2 If a tariff is imposed, there needs to
3 be an equivalent tariff on imported finished
4 nonwovens, which incorporate the raw materials
5 subject to the tariffs to avoid severe negative
6 economic effects of a tariff inversion.

7 We do not object to subsidies or any
8 other kind of nontrade restricting assistance for
9 the Petitioners. Tariffs and/or quotas on the
10 Section 201 case will decimate the U.S. nonwovens
11 industry and the companies and consumers they
12 support, killing a substantially greater number
13 of American jobs in the nonwovens industry than
14 would initially be saved in PSF production.

15 Thank you for your time.

16 CHAIR BUFFO: Thank you. Now, Mr.
17 Thornton?

18 MR. THORNTON: Sounds like a plan.

19 Good afternoon. Thank you for the
20 opportunity to appear today before the Trade
21 Policy Staff Committee. I am Mark Thornton, Vice
22 President, Baby Care North America, for the

1 Proctor & Gamble Company, or P&G.

2 I've been with P&G for 27 years in
3 various leadership roles in Baby Care. In my
4 current position, I oversee P&G's production and
5 sales of baby care products in North America,
6 including baby wipes produced in Dover, Delaware.

7 I am joined here today by Niro
8 Wimalasena, P&G's Senior Director of Research and
9 Development, Baby Care Global Material
10 Development and Supply Organization North
11 America; and our external legal counsel, Matt
12 Nicely and Julie Eppard with Akin, who are
13 available to answer any questions from the
14 committee.

15 P&G takes a very simple position in
16 this case. As a U.S. manufacturer that locally
17 sources spunlace nonwovens from other domestic
18 manufacturers, we respectfully request an
19 immediate exclusion from any safeguard action of
20 a specialty product we refer to as low-antimony
21 PSF, as specifically defined in P&G's written
22 comments to the committee.

1 For more than 185 years, P&G has been
2 a trusted global manufacturer of consumer goods
3 that put safety, quality, and performance first.
4 As you can imagine, baby wipes are no exception.

5 As explained in P&G comments to the
6 TPSC and before the U.S. International Trade
7 Commission, P&G requires spunlace nonwoven
8 substrates made from low-antimony PSF to comply
9 with state regulations for juvenile products,
10 including its baby wipes produced here in
11 America. These state requirements have informed
12 P&G's decision to adopt strict internal controls
13 against the use of antimony as a catalyst in the
14 production of the PET-based PSF.

15 The denier staple fiber length and low
16 foam finish specified in our exclusion request
17 are essential to the spunlace nonwoven production
18 process. And semi-dull luster ensures that the
19 substrate meets P&G's requirements for overall
20 visual appearance and whiteness.

21 A significant share of our U.S. baby
22 wipes production depends on low-antimony PSF.

1 P&G is committed to sourcing locally. Indeed, we
2 buy other kinds of PSF from domestic suppliers
3 for other applications, including certain
4 homecare products.

5 However, despite P&G's best efforts to
6 find domestic suppliers for low-antimony PSF,
7 this specialty fiber is not produced in the
8 United States, and therefore should be excluded
9 immediately from any safeguard action. This is a
10 low volume product with a very limited end use
11 application.

12 In addition, we have narrowed the
13 definition of our exclusion request specifically
14 to ensure that it will be not used for any other
15 end uses. At such low volumes with no domestic
16 production and with no fear that other buyers
17 will switch to imported low-antimony product,
18 there should be no safeguard action for this
19 product.

20 Imports of this product did not and
21 will not contribute to the industry's serious
22 injury as the domestic industry has never

1 demonstrated any commercial interest in supplying
2 it and won't suffer from its importation in the
3 future while the industry remains unqualified to
4 produce it.

5 I would like to remind the committee
6 that the Petitioners testified repeatedly before
7 the U.S. International Trade Commission that
8 specialty products which are not made in the
9 United States may be immediately excluded from
10 any safeguard action.

11 P&G demonstrated and other witnesses
12 here today, like Fibertex and Sandler, can
13 confirm that low-antimony PSF is not made in the
14 United States. By Petitioner's own standards,
15 this product should be excluded. Not doing so
16 unnecessarily puts workers at our nonwoven
17 substrate suppliers and at P&G's Dover Delaware
18 facility at risk.

19 Without available domestic supply of
20 the PSF product, we may be forced to choose
21 alternative supply chains for the finished
22 spunlace nonwoven substrate, including possibly

1 attaining the substrate from overseas.

2 But note, this means less business and
3 likely fewer jobs for the U.S. manufacturers in
4 South Carolina and Georgia that produce our
5 substrates. This would reverse the important
6 work P&G has done with our substrate suppliers to
7 bring manufacturing to the United States and
8 bring jobs here and the positive economic
9 contributions, an unintended and unfortunate
10 consequence of a safeguard action focused on
11 other segments of the PSF market.

12 Finally, I would like to emphasize
13 that P&G is requesting immediate exclusion of
14 low-antimony PSF and provided additional
15 background on why immediate exclusion is
16 appropriate. It will take at least one year, if
17 not more, for fiber suppliers to rebuild or
18 retrofit their lines for this product and for P&G
19 and its substrate producers to qualify any new
20 suppliers.

21 Even if domestic producers were able
22 to produce this material today, and I wanted to

1 reiterate that increase from our spunlace
2 suppliers have repeatedly demonstrated that they
3 are not able to, the qualification alone takes 12
4 to 18 months, if all goes well.

5 As discussed in our responsive
6 comments filed on September 16, our qualification
7 standards at P&G are high. But the process we
8 follow is no different from what the government
9 and consumers would expect when it comes to
10 ensuring that materials that go into baby care
11 products meet the highest quality and safety
12 standards and validating that the product runs
13 properly on our lines to be able to robustly
14 supply an essential good to American consumers.

15 A lengthy product exclusion process,
16 during which high duties would be incurred, would
17 unfairly increase P&G's costs and limit our
18 ability to source nonwovens containing PSF to our
19 specifications while no domestic alternative
20 exists. Any delay would harm P&G and its U.S.-
21 based substrate manufacturers without any benefit
22 to the domestic PSF industry.

1 As we mentioned in our submission, P&G
2 would accept a limited time exclusion that allows
3 the industry to demonstrate its interest and
4 ability to supply our product. Once a member of
5 the industry has met our qualification process,
6 and assuming we can reach agreements on terms of
7 sale, we'd happily rely on their alternative
8 supply, at which point the safeguard action could
9 be imposed on the product.

10 But until the industry shows they can
11 produce the product, it makes no sense for P&G
12 and its consumers to incur the cost of trade
13 protection.

14 Restrictions on this product would
15 violate the statute's requirement that any
16 safeguard action provide more social and economic
17 benefits than costs. Tariffs would needlessly
18 raise the cost of imported low-antimony PSF and
19 they ultimately would impact the price of baby
20 wipes made in the United States and sold to
21 consumers.

22 In summary, application of a safeguard

1 action to this narrow specialty product would not
2 be in the public's interest. I urge the
3 committee to recommend that the President exclude
4 low-antimony PSF from any safeguard actions. My
5 colleagues and I are happy to answer any
6 questions.

7 Thank you for your time.

8 CHAIR BUFFO: Thank you very much to
9 you and to all the witnesses for your testimony.
10 We will now -- I will now turn to my TPSC
11 colleagues for questions.

12 MR. SALKELD: Thank you. First
13 question is to all the witnesses. I think you've
14 touched on it in your testimony to hear it in the
15 written comments, but tying it back to the ITC's
16 recommended remedy, could you articulate any
17 impacts that imposing the U.S. ITC's recommended
18 remedy would have on your business?

19 And for companies with international
20 operations as well as domestic, could you focus
21 on the U.S. operations? Thank you.

22 MS. SIMON: Yes, I'm Mary Simon, I'm

1 the Director of Operations for Fibertex North
2 America. Again, we are a global company, so my
3 comments will be directed toward North America.

4 If the recommendations are
5 implemented, it's devastating to our five U.S.
6 lines for both needle punch and spunlace from the
7 standpoint of in the market today in wipes,
8 automotive, and other areas, we face daily in the
9 market significant competition from Asian
10 suppliers primarily. We lose market share on a
11 regular basis from Asian competition, and this
12 will only increase should this resolution pass.

13 As stated previously by some of our
14 other textile companies in the market that this
15 basically blocks any other supply of polyester.
16 It creates a monopoly of the polyester in North
17 America for us to only buy from one supplier. And
18 it will basically put most of our business out of
19 business.

20 These lines of nonwovens run much like
21 paper lines. If you don't run them full, you
22 can't run them competitively. The damage here

1 would be substantial in that we would see over a
2 period of time potentially a loss of our entire
3 business of the 280-90 people that we employ
4 across Illinois and South Carolina.

5 MR. THORNTON: And just to build on
6 what Mary said, to dimensionalize, we have
7 majority, can have majority, of our U.S. baby
8 wipes business on a low-antimony PSF product. So
9 without exclusion, this means less business.

10 And it puts jobs at risk in our Dover,
11 Delaware, facility. It puts jobs at risk in our
12 substrate suppliers like Fibertex and in South
13 Carolina and Sandler in Georgia. So the first
14 impact is economic. It's going to be jobs.

15 The second is a price increase. We
16 sell a full portfolio of products that I've got
17 here today of different baby wipes under the
18 Pampers name.

19 Mr. Sparkman mentioned showed a sample
20 this morning of a Pampers aqua wipe. And this is
21 really on the low end of amount of low-antimony
22 PSF that's in the product, where this is our

1 actually our best-selling PET wipe, which has a
2 higher amount of low-antimony PSF. It goes up to
3 80 percent.

4 So on a wipe which goes it up to 80
5 percent PSF, you can imagine it's a substantial
6 amount of increase, which will then be passed
7 from the fiber to the substrate, all the way from
8 us to consumers. And so it does have a major
9 impact on us.

10 MS. SIMON: If I could add one
11 comment, please, that I thought of is Fibertex
12 North America has the two newest spunlace lines
13 in the world. And when you look at North
14 America, we've been a relatively new entry to the
15 North American spunlace market. Last year we
16 opened a plant in South Carolina. It was a \$70
17 million investment that we'd made.

18 We don't target commodity products, we
19 target specialty, highly engineered products. We
20 target customers like Proctor & Gamble who go
21 after the market for irresistibly superior
22 products. We want to be part of that supply

1 chain that is providing things that not just
2 everyone can do.

3 So we would respectfully have you
4 consider that Fibertex is asking for these
5 exclusions because we are investing. We have the
6 newest lines in North America. We have the
7 newest lines in the world as far as spunlace
8 goes. And we've invested to support U.S.
9 manufacturing long-term.

10 MR. AMDUR: So I want to follow up
11 with another variant of the question I'm asking.
12 So how can exclusion process be structured that
13 is enforceable and not burdensome on both
14 importers and Customs/Border Protection? And
15 what key data or information elements would be
16 important for such an exclusion to be
17 enforceable?

18 MR. NICELY: Mr. Amdur, just to
19 clarify, for P&G and I think for the other folks
20 on the panel, an exclusion process that the ITC
21 was considering and that the Petitioners have
22 proposed is really putting things backwards, at

1 least for the products that we're saying that the
2 industry does not produce.

3 So just to clarify, we're seeking an
4 exclusion now, not one later. And the reason for
5 that is because if we have an exclusion process
6 but we have the remedy in place while that
7 exclusion process is going on, P&G is not going
8 to be able to get the product, its substrate
9 suppliers are not going to be able to get the
10 product that it needs in a way that they can
11 remain competitive.

12 And so what's going to happen instead
13 is that they're going to end up probably relying
14 upon imported substrate or imported finished
15 goods themselves. So by the time an exclusion
16 would be granted, and let's just use the solar
17 tool, one case as an example, that took about a
18 year and a half before any exclusions were
19 granted after the first remedy was announced.

20 By that point, we likely wouldn't even
21 be able to start buying from them because it
22 would have gone on to other alternatives.

1 To answer your question, though, in
2 terms of specificity, et cetera, on the
3 exclusion, we feel we've already provided a lot
4 of details on the product and the definition of
5 the product.

6 We've explained, and Niro can go into
7 more detail if we need to, about what those
8 characteristics are and how they could be tested
9 by Customs if in fact there was a question by the
10 -- by Customs and Border Protection about the
11 product and whether it met the criteria of the
12 exclusion definition.

13 Their testing labs are capable of
14 checking those -- all the details that we
15 included in our exclusion request.

16 MS. SIMON: I've been a supply chain
17 professional in textiles for 30 years, and I've
18 heard your question asked to all the panels. And
19 I think that there's not been really a
20 satisfactory answer because it's bureaucracy.
21 There isn't really an efficient way to put those
22 kind of constraint and then in a very efficient

1 way test the products coming in.

2 And I just think that from the
3 standpoint of yes, there are tests that could be
4 done, but you can say end use, you can do
5 physical testing of the properties, but there's -
6 - I don't think there's any silver bullet that
7 anyone could give you out of all of our industry
8 that would tell you there's a very fast and
9 efficient way to test these products is just, in
10 my opinion, the bottom line.

11 MR. PRICE: Yes, sir, and just to add
12 to that, we're talking about exclusions for
13 specialty products. And they've talked about a
14 very important one in the yarn-spinning side of
15 our textile industry. We've talked about the
16 nonwovens in the yarn-spinning side.

17 We also have specialty fibers that
18 we've recommended in our written testimony,
19 exclusions for. Examples. When you go and buy
20 at Dick's Sporting Goods a workout shirt that has
21 that kind of black and red melange look to it,
22 that's made with black polyester staple fiber.

1 It's a special solution dyed, it's also called
2 dope dyed black fiber.

3 Well, there is no reliable supply of
4 that product made in the USA. Companies will say
5 yes, we can make that too, but it's not that
6 simple. And so by restricting all fine denier
7 polyesters without specific exclusions, again,
8 you will literally be shutting down America's
9 ability to produce these products to compete in
10 the global marketplace.

11 The same thing applies to fine denier
12 post-consumer recycled fibers. So everybody
13 wants to be green and they want to use recycled
14 raw materials. And you buy a shirt and it says
15 made with recycled polyester. Well, that's made
16 from bottles just like these, and that's a huge
17 industry.

18 And we don't have a huge supply base
19 of those kinds of products here in the USA. We
20 just don't have the capacity to make those fine
21 denier post-consumer recycled polyester staple
22 fibers. So it's another product that we've

1 recommended for exclusion.

2 In the same way, when you go home and
3 you have a luxury pillow on your sofa that feels
4 like natural down feathers, we make those with
5 fine denier polyester fiber that has a special
6 silicone finish on it to make it feel very
7 luxurious, that's how we do that.

8 Well, we don't make those -- I mean,
9 there's a very limited capacity of those products
10 here in the USA, and they're extremely expensive.
11 And so by shutting that down, we're really
12 shutting down America's ability to compete in
13 those segments. Those are just some examples of
14 specialty fibers that we've recommended for
15 exclusion.

16 MR. AMDUR: Thank you. And also I
17 have one follow-up question on another subject.
18 In both the written and oral testimony from
19 Fibertex Nonwovens and from BMT Fibers, you
20 mention that if there was a quota, then you
21 provide your recommendations on what should --
22 what type of quota that should be.

1 However, you don't really make any --
2 you don't really specify -- there's been
3 proposals in the ITC report for both a quota on
4 TIB imports and non-TIB imports. And I wanted to
5 see if you had any comments on whether if there
6 was a quota that's specific to TIB and non-TIB
7 imports.

8 MS. SIMON: Currently Fibertex does
9 not utilize TIB, so we wouldn't comment on that
10 at this time.

11 MR. AMDUR: Okay, thank you. Mr.
12 Nicely, did you?

13 MR. NICELY: Nothing to add for P&G
14 because we rely upon the spunlace providers.

15 MR. AMDUR: Understood, okay. Okay,
16 thank you.

17 MS. WEAVER: This question is for
18 Fibertex and BMT Fibers. In your view, does the
19 P&G proposed definition appropriately define low-
20 antimony PSF? And if yes, could you also comment
21 on whether the semi-dull luster should be part of
22 that definition?

1 MR. BRENT: Essentially, yes is the
2 answer. And in terms of the luster, from what I
3 understand, it's actually luster translates to
4 opacity. So if the luster is wrong and you do
5 say -- well wrong in P&G's mind -- and you do an
6 optically bright, that actually translates to
7 being transparent.

8 So if you're using a baby wipe that is
9 transparent, you can imagine what that looks
10 like. And what a boon to foreign competitors of
11 P&G that would be to be able to import a non-
12 transparent wipe.

13 PARTICIPANT: Can we have a couple
14 comments on semi-dull?

15 PARTICIPANT: No visuals, please.

16 (Laughter.)

17 (Off-microphone comments.)

18 MR. WIMALASENA: So I think just to
19 build on what was shared there, so all of the
20 characteristics that we have specified are there
21 for a reason, right. And so I wanted to
22 emphasize when we go -- it seems very simple,

1 right. It's a product that you use momentarily.
2 I myself, I have twins, so I am a frequent user
3 of baby wipes.

4 However, the cues that the wipe
5 conveys will really indicate the performance,
6 right. And we have tailored the visual
7 appearance of the product to look a certain way,
8 the mechanical performance, the cleaning
9 efficacy. So there's a lot of science that goes
10 into the development of a baby wipe. And so the
11 characteristics that we have outlined are there
12 for a reason.

13 MR. THORNTON: And one last build is
14 that we've specifically from midway through the
15 process narrowed our definition so that it can
16 only be used as a baby wipe and can be used as
17 other end use applications.

18 MR. WIMALASENA: And I think just to
19 build on Mark's point, so we've very clearly
20 spelled out so in broad terms, right. Nonwoven
21 is a very broad term, distinguishing from
22 textiles. And so literally, not woven materials.

1 We've indicated for the use in this
2 type of fabric we are referencing spunlacing. So
3 we take staple fibers, we comb them into a web.
4 We then bond them mechanically through high
5 pressure water jets. And that's why when we talk
6 this low foam finish, it's super critical to our
7 substrate supplier.

8 So they use recirculated water to do
9 the bonding. If you think about if you had a
10 high -- if you have ever put Dawn in the
11 dishwasher and you see the foam that comes out,
12 right, think of that in a manufacturing process,
13 right.

14 So I think that's, again, each of the
15 pieces, while they may not seem meaningful,
16 right, ultimately through the whole value chain
17 are extremely critical.

18 MR. BRENT: Can I just build on that,
19 moving away from antimony-free. It just goes to
20 show how complicated these products are. I think
21 at the USITC hearing this was this sort of all
22 fibers are created equal thought. And they're

1 not. These are very complicated, difficult
2 products.

3 And simply, you can't just go to Nan
4 Ya or to Sun Fiber and say, oh, we'll just take
5 their fiber and use it. It's not like that. It
6 takes a long, long time to honestly pretty much
7 redesign these fibers to get them to run on your
8 lines.

9 MS. WEAVER: Thank you.

10 MR. GAGAIN: Mike Gagain with USTR.
11 This question is to Mr. Price of BMT Fibers. I
12 promised you I had a question for you.

13 On page 3 of your request to testify,
14 you indicated that the limited domestic
15 manufacturing for specialty fibers would be fully
16 occupied making those fibers to meet the surge in
17 demand, which could potentially lead to a
18 shortage in supply of other specialty fibers.

19 I'm wondering how you reconcile that
20 assertion with the USITC's observations that, A,
21 the Petitioners have domestic -- excess capacity
22 of fine denier PSF. And B, that they currently

1 produce products similar to or competitive with
2 essentially all of the specialty products you
3 listed. Thanks.

4 MR. PRICE: Thank you for that
5 question, it's a good one. In our opinion,
6 serving the industry, the only excess capacity
7 that anybody has at the moment is the result of
8 the past 18 to 24 months of market decline and
9 the dramatic drop in factory demand for polyester
10 staple fibers. It's put a lot of companies out
11 of business. The industry's been really hobbled
12 by this.

13 There is excess capacity at the
14 moment, but that is a direct result of the
15 fallout post-COVID. And that's what the
16 economy's been struggling with, especially in the
17 textile trade. So, pre-COVID, our economy in the
18 textile trade was humming along very well, and
19 domestic producers were also doing very well.

20 And so we believe that as our economy
21 recovers and people go back to the stores and
22 start buying things again and major retail starts

1 requiring more inventory on their shelves, more
2 POs are going to start flowing to these
3 factories. And they're going to need more fiber.
4 And they're going to be calling the domestic
5 producers first, just like they always do.

6 And so we think that economic recovery
7 will be the solution for any excess capacity that
8 existed over the past 18 to 24 months. And we
9 agree, it's been a horrible 18 to 24 months for
10 most segments of our trade. If that answers the
11 first question.

12 Could you please repeat the second
13 question?

14 MR. GAGAIN: Yeah, sure. So it was
15 kind of a two-part question. But there were two
16 observations by the Commission, the second being
17 that the domestic industry currently produces
18 products similar to or competitive with all the
19 specialty products that you -- that you listed.

20 I'm just wondering how you reconcile
21 that with your statement on page 3 of --

22 (Simultaneous speaking.)

1 MR. PRICE: Yeah, it's a good
2 question, thank you. Specialty fibers, the
3 difference is that in order to produce these
4 specialty fibers, it requires sizable production
5 runs. And to make a small production run is
6 very, very expensive. And essentially, factories
7 don't really want to do that.

8 And so what factories in the United
9 States want to do is they want to run those
10 productions line at 90-percent-plus capacity so
11 they can optimize their efficiency. And that's
12 when they become profitable, 85 percent and
13 above. But 90-percent-plus factories are making
14 money.

15 And so they want to run the products
16 that are going -- that are going to be their
17 fundamental bread and butter products and then
18 complement that with specialty. But some of
19 these specialty items, the volumes that are
20 consumed in this country are relatively small.
21 And so, because most of that consumption has gone
22 offshore.

1 And so it's very difficult to get a
2 lot of these specialty products like the
3 polyester black fiber that I was telling you
4 about that's blended with cotton to make the
5 melange color that you used to see in the old
6 gray sweatshirts. That's how we did that.

7 Not a lot of black is consumed here
8 anymore. And so big producers don't really want
9 to -- it's not economically viable for them to
10 make that. And so the same thing with the
11 microdenier siliconized. It's hard to make,
12 there's not much volume. It's not a bread and
13 bones, high volume product.

14 And so more difficult to source
15 locally. Meanwhile, overseas, with these
16 countries that have been shipping to the USA who
17 have been very well-behaved, not dumping, doing a
18 good job, they've empowered us to move away from
19 China. And to work with strategic allies.

20 And if we start cutting them off,
21 we're going to have nobody left to work with in
22 the global marketplace. And this is a big

1 concern for us.

2 MR. GAGAIN: Thank you very much.

3 Mr. Brent, I think I saw you do some
4 hand signals when I asked that question. Is
5 there anything that you wanted to say about my
6 question?

7 MR. BRENT: Yes, thank you. If I had
8 a dime for every time I was told by a fiber
9 salesperson that they could make that, I'd be a
10 rich person. Actually getting product in that
11 really does work and does everything that we need
12 it to do is quite a different thing. And is very
13 difficult and often you don't get there.

14 So I think, frankly, the Petitioners
15 claimed that they can make all these things. And
16 I think the USITC is kind of taking them on their
17 word at that. And I can tell you from ten years
18 of experience in textiles, it's just not that
19 easy. And you often don't get to the end and you
20 don't get -- you can't get it to work. So
21 unfortunately it's not just as simple as that.

22 MR. GAGAIN: Thank you.

1 MR. MROCKA: So our questions for
2 these hearings are written in advance of these
3 hearings, but Mr. Brent, given what you just
4 said, I think you will have something to say on
5 this question.

6 On page 1 of your request to testify,
7 you made a request that there be exclusions for
8 specialty fibers currently not made by the
9 Petitioners.

10 Can you respond, as you have sort of
11 alluded to in your previous answers, to the ITC's
12 assertion on pages 40-43 of its report that
13 domestic production of fine denier specialty
14 products compete with and exceed shipments
15 amounts of imports for all types of fine denier
16 PSF specialty products?

17 And further, fine denier PSF specialty
18 products also accounted for substantial shares of
19 both U.S. producer shipments and U.S. importers'
20 shipments of imports.

21 MS. SIMON: I think Alex's position's
22 been clear as is the -- as the position of

1 Fibertex. And today you've had the top textile
2 countries in America basically say the same thing
3 to the Commission, that the specialty fibers that
4 we use are not available domestically. This is
5 not something that we got together and talked
6 about, this is just the truth.

7 And I think that we work with Nan Ya
8 on other businesses across our portfolio on a
9 daily basis. If these fibers were available, we
10 would be working with them. We have been
11 producing antimony-free rolled goods for several
12 years now. If fibers were available, we love to
13 have second sources, we would be qualifying Nan
14 Ya as a second source.

15 I think you've heard from very
16 reputable, 100-year-old companies today that that
17 is just not the fact.

18 MR. BRENT: I think some, maybe some
19 of the confusion here as well is it depends on
20 the technology that we're using as to whether the
21 fibers are -- can be used. So, for instance, you
22 might be able to use it just fine on a needle

1 punch line, but not on a spunlace line. Same
2 thing. So especially for hygiene.

3 So I think maybe the USITC didn't
4 quite understand the complexities there.

5 MR. THORNTON: And to build on Mary
6 and Alex's point, I mean, today we use Nan Ya
7 fiber in our Swiffer product as a different type
8 of PSF. But of course we can't find low-antimony
9 PSF in the market, we've been trying for years.
10 And so again, it's something that you have to
11 find the right fiber for the right application,
12 and they're not interchangeable.

13 MR. WIMALASENA: Yeah, and I think
14 just to bring to life Mark's point on the
15 difficulty in trying to find a suitable source.
16 So one piece fundamentally if we think about
17 parts per million, right, it doesn't require a
18 lot of residue to transfer from product to
19 product.

20 So typically to source this product,
21 you need a dedicated asset. And as John
22 referenced, when people are making products, they

1 make them at large scale. And so you need an
2 outlet for a low-antimony portfolio beyond niche
3 products to be economically viable for that
4 operation.

5 The next piece is it's, again, as Mary
6 mentioned, when you buy multimillion dollar
7 assets, right, you need to find fibers that work
8 at extremely high speeds and high efficiencies
9 for that capital to be paid off over time.

10 And so finding all of the critical
11 characteristics that come, and you've heard this
12 throughout the testimony today, tenacity, crimp,
13 the finishes that are there. And not necessarily
14 the same fiber will work even on the same -- so
15 Fibertex has multiple assets at their facility
16 that we work with. The same fiber might not work
17 on the same two lines.

18 And so when we go through a
19 qualification process, we qualify by line, right.
20 So by fiber, by line. And that's why there's a
21 lot of time involved, because there's multiple
22 stages. Fiber supplier, not a woven supplier,

1 P&G can bring lines.

2 And so again, it is extremely rare to
3 find sources of this particular application. And
4 like Mary said, if we had a source that was down
5 the street from them, we would love from a supply
6 chain resilience standpoint to be able to have
7 domestic fiber and domestic nonwoven flowing into
8 domestic finished product manufacturing.

9 MR. GAGAIN: Thank you for those, I
10 don't have any follow-up.

11 MS. LIN: Songhua Lin from Department
12 of Labor. So all of you described the challenges
13 around the supply chain from the raw materials to
14 the intermural good and towards the end. So my
15 questions for all the witness, let's think about
16 from consumer perspective.

17 If this remedy is granted, do we know
18 how will this impact U.S. households who purchase
19 consumption items that contains all these PSFs as
20 input? Thank you.

21 MR. THORNTON: Thank you, Ms. Lin, for
22 the question. So today, again, we're making

1 locally in the U.S., and if the remedy, if we
2 were not given an exclusion, what we'd have to
3 look for is alternates. Because some of our
4 competitors are also already importing finished
5 product.

6 So we'd have to look at opportunities
7 across our sourcing strategy to look at should we
8 be importing substrates, should we compete with
9 other companies up here? Or would we -- would we
10 also look at a range of options that would
11 include finished product from overseas.

12 MS. SIMON: Just anecdotally, there is
13 a very, very large baby wipe program that's sold
14 through the Costco chain, arguably one of the
15 largest baby wipe programs in the country, that's
16 sourced throughout the industry, throughout our
17 industry. And when economic winds turn against
18 our favor, whether that's energy cost, labor
19 cost, all of that business goes offshore and our
20 plants are impacted by that.

21 So to me it's just a small bellwether
22 of what's going to happen here. We struggle to

1 maintain some share of that Costco baby wipe
2 program on a regular basis due to stiff
3 competition. If this passes, we will never again
4 make Costco baby wipes.

5 MR. BRENT: I actually saw an example
6 earlier this year of where we decided to give Nan
7 Ya more business, we thought it's the right thing
8 to do, domestic manufacturer supporting American
9 jobs. Pushed our costs up a little bit in the
10 overall mix, of course.

11 We tried to pass that increase onto
12 the customer, and we lost the customer. It's as
13 simple as that. So now nobody has that business,
14 not Nan Ya, not us.

15 MR. THORNTON: So Ms. Lin, baby wipes
16 are also an essential good. Again, they're used
17 daily on babies. And it's really important that
18 it's affordable for families. And so as you ask
19 about the consumer, again, small differences make
20 a huge difference in the outlay of money that a
21 family will spend.

22 And so it's crucial that we keep baby

1 wiper as affordable as possible for families and
2 babies.

3 MS. LIN: Okay, thank you.

4 MR. PRICE: I was just going to add
5 one more point to reiterate what's been said, and
6 that is that all of these American textile
7 companies, those present here and all of the rest
8 that we supply with polyester staple fiber, they
9 want to produce in the USA.

10 They want to -- they're patriotic
11 companies, they want Made In America, they want
12 to create U.S. jobs. They want to support the
13 economy with those jobs because that's what it's
14 all about. And they don't want to go offshore.

15 We would be driving them to go
16 offshore. And that would really be a shame,
17 especially in this particular industry, the U.S.
18 textile industry. Because we're barely hanging
19 on.

20 And if they do go away, the skills,
21 the jobs, the vocational expertise, the know-how,
22 the R&D, all of that development, it's going to

1 be eroded. And it's -- those are the things that
2 are extremely difficult to replace. It doesn't
3 come back once it goes away.

4 And so we have to consider that as
5 well. They really want to produce here. And so
6 this is one reason why we think it would be very
7 bad for America to do this.

8 MR. NICELY: Can I add one thing?
9 Matt Nicely with Akin Gump for P&G. We
10 completely get the fact that if you impose the
11 safeguard. The whole point, frankly, is that
12 prices are going to go up. And so we talk about
13 affordability. Oftentimes that falls on deaf
14 ears in these cases because that's part of the
15 point, raise prices.

16 The point here, though, is that you're
17 pitting manufacturer against manufacturer. And
18 you're dealing with products that, as Mark said,
19 families are relying upon. And they have other
20 alternatives. They have other alternatives that
21 come in directly. That don't have to be made
22 here in the United States.

1 And so ultimately, to bring this back
2 to the statute, something you didn't get in the
3 ITC's recommendation, because it's not their
4 responsibility, is a cost-benefit analysis.
5 That's the President's responsibility, to
6 consider the effects, whether the effects of any
7 remedy that the ITC does recommend to you is
8 actually more beneficial than costly.

9 And in this instance, particularly for
10 our product, for P&G's low-antimony product, it
11 is clearly evident that ultimately imposing those
12 duties are going to cost more than the benefits
13 that they would create. Because ultimately no
14 one's going to get the business if the remedy
15 that they propose is imposed.

16 These folks are not -- Fibertex is not
17 going to be able to, Sandler's not going to be
18 able to produce the product for us. Dover,
19 Delaware, our operations in Dover, Delaware,
20 could reduce employees because we end up having
21 to bring the product in directly.

22 So ultimately it's up to the

1 President, up to you to provide a recommendation
2 to the President where the benefits are greater
3 than the costs. And if the duties are imposed,
4 the opposite would happen.

5 MR. GAGAIN: So one more question.
6 This one's to Fibertex. In your request to
7 testify, you referenced proposed solutions to
8 fine denier PSF imports to help all American
9 manufacturers, not just one. And I think I heard
10 in your testimony earlier that you don't object
11 to non-trade restricting assistance for the
12 Petitioners.

13 I'm wondering if you could elaborate
14 on that a bit and exactly what you're referring
15 to. Thank you. And I guess when you respond,
16 what I'm wondering is what types of non-trade
17 restricting assistance for the Petitioners that
18 the President could do within the confines of the
19 safeguard statute. Thanks.

20 MR. BRENT: I'll say that I'm not a
21 politician and I'm not exactly aware of the
22 President has power to do. And there was a big

1 argument over that in the USITC hearing.

2 But that said, if I could wave my
3 magic wand, I would love for Nan Ya, and if
4 Darling ever started up again, and even Sun Fiber
5 to be able to produce these fibers with higher
6 quality, more specialty products available and to
7 increase their capacity and have more efficient
8 lines so that they were globally competitive so
9 that we could be globally competitive with you.
10 Which, frankly, we are not right now if we're
11 competing against our global customers -- our
12 global competitors.

13 I mentioned, I touched on it, Nan Ya,
14 they do have a legitimate problem in that their
15 raw material costs are too high right now it's
16 not their fault. If they're -- anything to help
17 them bring their raw material costs down so that
18 they're on a level playing field with Asian
19 competitors, great.

20 That would -- that would honestly be
21 amazing for our market to be able to -- I'm sure
22 they'd then pass those cost reductions on. And

1 we'd be able again to compete on a fair playing
2 field. Anything to help them there would be
3 wonderful.

4 MR. GAGAIN: Thank you very much.

5 CHAIR BUFFO: Thank you for your
6 responses and testimony. And I would like to
7 thank all the witnesses across the five panels
8 today. Thank you as well to our interagency
9 colleagues from the TPSC. And also, on behalf of
10 the TPSC, I'd like to thank the USITC for hosting
11 and supporting this hearing today.

12 I would also like to thank my
13 colleagues from the Office of the General
14 Counsel, David, Mike, and Rachel, for all of the
15 work that went into organizing this hearing, as
16 well as the USTR interns, Joanna Griffin and
17 Dexter Woods.

18 Finally, I would like to thank our
19 transcriber. We will be posting a transcript of
20 today's hearing on USTR's website and on
21 regulations.gov. And with that, I conclude
22 today's hearing and get to use this fun gavel.

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(Whereupon, the above-entitled matter
went off the record at 3:18 p.m.)

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This is to certify that the foregoing transcript

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Hearing

Before: USTR

Date: 09-30-24

Place: teleconference

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