

ELASTIC FABRICS OF AMERICA

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January 5, 2016

PUBLIC VERSION

Mr. Joshua Teitebaum
Chairman, Committee for the Implementation of Textile Agreements
United States Department of Commerce
14th & Constitution Ave., NW
Room 30003
Washington DC 20230

Subject: Request for Public Comment on a Commercial Availability Request Under the U.S.-Morocco Free Trade Agreement Relating to Certain Printed and Piece-Dyed Warp Knit Fabrics of Polyester or Nylon Fibers

Dear Mr. Teitebaum:

I write on behalf of Elastic Fabrics of America, a domestic U.S. manufacturer of warp knit fabrics, to oppose the request of November 16, 2015 from Swimsuit Commission Corporation ("SCC") to initiate consultations with the Government of Morocco under Article 4.3.3 of the United States-Morocco Free Trade Agreement. SCC requests that the United States and Morocco consider revising the rules of origin for certain women's and girls' swimwear to address availability, in the territories of the Parties, of certain printed and piece-dyed warp knit fabrics of polyester or nylon fibers classified under Harmonized Tariff Schedule of the United States, subheading 6004.10 containing between three percent and forty-one percent elastomeric yarns, in which the elastomeric yarns were engineered for chlorine resistance.

Elastic Fabrics of America (EFA) is a domestic U.S. manufacturer of warp knit fabrics, the subject of this request. We are currently producing the subject fabric for use in swimwear production in our free trade partner nations. Stefan Enterprises is a printer of warp knit stretch fabric for the swimwear trade with plenty of available capacity.

At no time has EFA been approached with an attempt to source the subject fabric from the U.S. In fact, the entire request appears to be justified solely on the basis that such fabrics are on the Trans-Pacific Partnership ("TPP") short supply list. As you know, the TPP short supply list was the result of negotiated compromises, not the result of a short supply procedure, such as in some other agreements that required a canvassing of the domestic U.S. industry for suppliers before an item could be added to the list. Had such a canvassing been done, EFA would have been identified as able and willing to supply the fabric.

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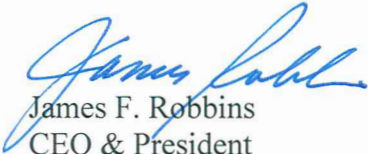
EFA strongly objects to this request for the following reasons:

1. EFA is able and willing to supply the subject fabric, and
2. It is a misuse of the negotiated TPP to suggest, as this request does, that the mere appearance of an article on the TPP short supply list is compelling evidence for the article being short supply under the terms of another agreement.

EFA is filing this summary objection now to meet the January 6, 2016 deadline. As you can well imagine, this is not the optimal time of year to be responding to the serious threat to our business. It is our understanding, pursuant to an email, dated December 17, 2015, from Maria D'Andrea of the Office of Textiles and Apparel to our consultant, David Trumbull of Agathon Associates, that should we wish to submit supplementary information you will accept it up to a week after this deadline. We appreciate your generosity in understanding our difficulties in filing over the Christmas to New Year's break.

If you have any questions about our opposition you may contact me at 336-378-2628.

Yours sincerely,



James F. Robbins
CEO & President
January 5, 2016

/bam

email: Joshua.Teitebaum@trade.gov
Maria.D'Andrea@trade.gov
cc: David Trumbull - Agathon Associates