



April 13, 2022

Katherine Tai, JD
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508
via email: correspondence@ustr.eop.gov

Dear Ambassador Tai,

The American Herbal Product Association¹ (AHPA), has read with interest the opinion and order of the U.S. Court of International Trade (*In re* Section 301 cases, No. 21-00052-3JP (Ct. Int'l Trade Apr. 1, 2022), “the April 1 order”) instructing the U.S. Trade Representative to reconsider or further explain the inclusion of commodities in the *Notice of Modification of Action Pursuant to Section 301 Action: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 83 Fed. Reg. 47,974 (Sept. 21, 2018) (“List 3”) and *Notice of Modification of Section 301 Action: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 43,304 (Aug. 20, 2019) (“List 4”).

AHPA previously filed timely comments² before your office justifying the exclusion of commodities used in the dietary supplement and herbal products industries from Lists 3 and 4. In light of this court order, AHPA respectfully restates our requests that you consider the substance of our prior comments by removing from the lists those commodity headings that are relevant to companies in the dietary supplement and herbal products industry which manufacture or market their products in the United States.

Lists of the commodity headings of interest to AHPA and its members and relevant details justifying their removal from Lists 3 and 4 are documented in our prior

¹ AHPA is the national trade association and voice of the herbal products industry. AHPA’s members include domestic and foreign companies doing business as growers, collectors, processors, manufacturers, marketers, importers, exporters and distributors of herbs and herbal products as well as other dietary supplement products. AHPA’s members are engaged in the commerce of herbs, herbal products, and other natural products marketed in a variety of sectors, including as foods, dietary supplements, drugs, and cosmetics.

² Comments submitted September 6, 2018 re: *Request for Comments Concerning Proposed Modification of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 83 Fed. Reg. 33,608, 33,608–09 (July 17, 2018) and comments submitted June 17, 2019 re: *Request for Comments Concerning Proposed Modification of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 22,564 (May 17, 2019).

comments. Copies of these and additional information can be provided if needed or otherwise useful to better identify the necessity of relief.

Thank you in advance for your consideration of this request.

Sincerely,



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