



Leo W. Gerard  
International President

May 6, 2009

Ms. Marilyn R. Abbott, Secretary  
United States International Trade Commission  
500 E Street, SW  
Washington, DC 20436

Re: Certain Passenger Vehicle and Light Truck Tires from China,  
Inv. No. TA-421-7

Dear Madame Secretary:

The USW is no stranger to the International Trade Commission's (ITC) procedures that create the framework for parties to participate in the various types of investigations that the Commission is entrusted by law to conduct, including the section 421 China safeguard investigation. The USW has always adhered to the established procedures and, of course, relies on the adherence of all parties to the procedures to ensure U.S. laws in the trade remedy arena are administered as envisioned by Congress. In that regard, the USW requests that the Commission accept this submission pursuant to Commission Rule 201.4(b), 19 C.F.R. § 201.4(b), so that our reaction to the recent efforts by Chinese government officials to interfere with an ongoing Commission investigation may be formally included as part of the public record. It is clear that in the pending investigation on imports of consumer tires from China, those Chinese government officials are disregarding U.S. law in their push to politically influence the outcome of an investigation important to thousands of hard-working American men and women across the country. Our members and all Americans are entitled to an investigation process in which a foreign government doesn't proceed with a cavalier disregard for U.S. law and procedures.

I refer to the *ex parte* April 22 meeting that they requested and obtained with the Commission to discuss in general antidumping/countervailing duty and section 337 investigations, but instead opted to use to argue the merits of the tires investigation. They set the table for their meeting with the ITC by first meeting with Department of Commerce and U.S. Trade Representative officials. However, those officials do not have jurisdiction over the factual investigation of whether market disruption exists in the domestic consumer tire industry because of increased imports from China. Only the ITC conducts that part of the 421 investigation.

So it was not surprising that Chairman Aranoff, and all but one Commissioner and appropriate staff held the meeting with the ten-member Chinese delegation. What is

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shocking is that once they had direct access to the Commissioners and staff, it became obvious that the Chinese delegation's real purpose for the meeting was an ex parte effort to influence the outcome of this investigation. Chinese officials have an opportunity to appear and present their views to the Commission at the hearing now scheduled for June 2 and 3, 2009. Efforts to obtain a political "resolution" are neither proper nor reflective of U.S. law and procedures. The conduct of the Chinese officials in this instance exceeds permissible bounds and was just plain wrong.

I compliment the Commissioners and their Office of General Counsel for the detailed Memorandum that is now included in the public file of this investigation. The Commission and its staff have handled this ex parte contact in the right way. However, I have instructed our counsel to request that this statement be placed in the public record. The USW is alarmed at the extraordinary lengths that the Chinese government is pursuing to prevent working men and women from having the laws of the United States enforced as enacted. We intend to call attention to all such efforts that come to our attention and to reserve our rights under the law to defend the rights of our members to have the 421 investigation handled without improper foreign government interference.

Sincerely,

A handwritten signature in black ink that reads "Leo W. Gerard". The signature is written in a cursive, flowing style with a large initial 'L' and 'G'.

Leo W. Gerard  
International President