

Public comments of Tube Forgings of America Inc.  
As to the Introduction of the  
Markings Harmonization Act of 2002(HR 4128/S.2235)  
107<sup>th</sup> Congress

Background

Tube Forgings of America Inc. (TFA) is a fully integrated manufacturer of carbon steel butt weld fittings. This means that we fulfill substantial transformation of the product by performing both the forging and machining processes from a piece of raw material to obtain the finished fittings. TFA started in 1954 and currently has about 150 employees.

TFA has strongly supported the U.S. unfair trade laws and has supported the efforts of the U.S. trade agencies, including the Department of Treasury and the U.S. Customs Service; the Office of the U.S. Trade Representative; the Department of Commerce and the U.S. International Trade Commission in the administration and enforcement of the trade laws.

Comments on the “Markings Harmonization Act of 2002”

These comments address the “Markings Harmonization Act of 2002(HR 4128/S.2235) which was introduced in April 2002 in the House and Senate and is currently pending in the respective Committees in Congress. TFA is aware of the importance of the existing markings rules and regulations as prescribed by the U.S. Customs Service. The industry has advocated “strict markings definitions” to ensure that the country of origin along with other entry information is obtained when pipe, tube, flange and fitting products enter the U.S.

The provisions included in HR 4128/S.2235 would change the existing markings law as it applies to these products. Specifically, as described in the bill, the ultimate purchaser of flanges or butt weld fittings would be allowed to perform minimal changes to an imported product which would result in the purchaser being able to mark the product as their own, perceived as being U.S. domestically made, instead of marking the product from the original country of origin. As detailed in the bill, many of these changes are minimal at least and would not otherwise represent a substantial transformation to the product under normal Customs application of the law. Thus, the end user of the product

would not know the actual country of origin of the product and would instead be under the impression that the company selling the finished product had manufactured the flange or fitting, when most of the value, character, and origin of the flange or fitting came from a foreign country.

TFA believes that the provisions as outlined in HR 4128/S.2235 weaken the existing marking and country of origin requirements in the law. Furthermore, this legislation deviates from the purpose of the labeling and marking rules, which apply to this industry and prevents the end user or customer from knowing the true country of origin of the product. **TFA opposes this legislation and would not support this bill to move forward in this session of Congress.**

Please call me at 503-228-8691 if you have any questions or need more information. You can also e-mail me at [jayz@zidell.com](mailto:jayz@zidell.com)

Respectfully,

TUBE FORGINGS OF AMERICA, INC.

Jay Zidell  
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