

July 27, 2018



The Honorable Robert Lighthizer  
United States Trade Representative  
600 17th Street NW  
Washington, DC 20508

**Re: USTR Docket 2018-0026: Section 301 Comments: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property and Innovation: Comments of the Juvenile Products Manufacturer’s Association, Inc. Regarding Specific HTSUS Classifications Impacting Products for the Care and Protection of Babies**

Dear Ambassador Lighthizer,

The Juvenile Products Manufacturers Association (JPMA) appreciates this opportunity to comment on the above docket and requests the opportunity to present testimony in regard to how imposition of an additional ten percent (10%) tariffs uniquely may impact availability and cost of a variety of juvenile products necessary for the care and protection of U.S. infants and toddlers.

**Who We Are**

The JPMA is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products. 90% of our members are small businesses. Promoting Baby Safety is a key mission of the Association. We are the originator and Sponsor of Baby Safety Month, which occurs in the ninth month of each year.

We welcome the opportunity to submit comments again to evaluate the impact of the proposed tariffs on U.S. companies that design, manufacture and distribute an array of baby products. While we agree in the importance of addressing issues raised in the USTR Report on China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation, we do not believe that tariffs on finished or component parts of baby safety and care products is the appropriate approach to address the serious issues raised in such Report. We would appreciate your office’s consideration of the harmful economic impact tariffs would have on babies and their caregivers.

**Baby Products Impacted by HTS Codes**

Juvenile Products (such as car seats, cribs, hygiene products, feeding products, safe sleep products and strollers) are far outside the scope of the Administration’s focus on the technologies and industries included in the “Made in China 2025” initiative that is central to the Section 301 investigation. Nevertheless, products specifically identified as with Harmonized Tariff Schedule (HTS) codes listed in the above referenced Federal Register Notice would negatively impact such baby products, unless such schedules are qualified to exempt “childcare and protective safety products”. In order to better identify HTS Codes involving such products meriting exclusion, we

---

**Juvenile Products Manufacturers Association, Inc.**

1120 Route 73, Suite 200 • Mt. Laurel, NJ 08054 • 856.638.0420 • 856.439.0525

E-mail: [jpma@jpma.org](mailto:jpma@jpma.org) • Website: [www.jpma.org](http://www.jpma.org)

have compiled a list of HTS Codes as they may relate to import classification of such juvenile products. This list is annexed as *Appendix I*.

### **Negative Impact on More Affordable Baby Products for U.S. Caregivers**

As a general matter, the imposition of tariffs on imports from China is unlikely to meet the Administration's goal of inflicting maximum pain on China and minimal pain on U.S. consumers. Tariffs are hidden, regressive taxes that will be paid by both U.S. businesses and consumers in the form of higher prices.

The imposition of such tariffs on juvenile products specifically is especially unlikely to advance the Administration's objectives, including the criteria set forth in USTR's Federal Register notice, for the following reasons:

- Juvenile Products are not relevant to the Administration's stated goal of targeting those products relevant to China's "Made in China 2025" plan;
- Imposing tariffs on Juvenile Products would provide little leverage in helping eliminate China's offending practices as the country has placed little emphasis in promoting and developing its domestic Juvenile Product industry given the high foreign value (typically U.S.) incorporated in most Chinese manufactured products and components;
- Tariffs on the identified HTS Codes, without exclusion for "childcare and protective child safety products" would cause disproportionate harm to U.S. consumers for the reasons outlined in this correspondence;
- Tariffs on the identified HTS Codes, without exclusion for "childcare and protective child safety products", would cause disproportionate harm to U.S. Juvenile Product manufacturers, particularly small businesses which represent 90% of our members comprised of Entrepreneurial Moms and Dads;
- China provides market access for juvenile products with already comparable tariff reciprocity on such goods (China agreed to eliminate its duties on many juvenile products as part of its WTO accession negotiation); and
- President Trump has made it clear that he wishes to protect U.S. jobs, particularly those in small business manufacturing. Unfortunately, a broad tariff imposition has a perverse negative impact on this goal since it forces U.S. manufacturers to pay more for subcomponent inputs (even if these are sourced in the U.S.) or finished baby products which are not generally available in the U.S.

In addition, since many juvenile products have traditionally been sourced overseas for decades, there does not exist a comparable U.S. manufacturing base for products such as strollers, play-yards, cribs, changing tables, feeding and hygiene products. With other product categories such as child restraint seats (car seats) which are molded and tested in the U.S., component parts and pads are generally foreign sourced. For a variety of reasons, including unique safety and testing requirements discussed below, alternate domestic sourcing is not generally available in the supply chain.

### **Unique Supply Chain Safety and Certification Requirements for Childcare and Protective Child Safety Products**

Other than drugs, juvenile products are uniquely required under U.S. Law to be premarket tested and certified as meeting an extensive array of mandatory U.S. safety requirements. The U.S.

Consumer Product Safety Commission (CPSC) is required by Section 104(b) of the Consumer Product Safety Improvement Act of 2008<sup>1</sup> to issue consumer product safety standards for durable infant or toddler products. Pursuant to Section 102 of such Act, such children's products must be tested by a CPSC accredited laboratory to verify compliance to CPSC children's product standards. Anytime there is a change in the supply chain, additional testing is required to assure continued compliance.<sup>2</sup> Therefore whenever there is a material change in suppliers of either finished products, component materials or sub-assemblies, new testing and certification is required at enormous additional expense. In addition to pass-along pricing of tariffs, such costs will ultimately increase the cost of juvenile products for consumers.

The Commission has approved federal safety standards for several durable infant or toddler products, including full-size cribs, non-full-size cribs, play yards, baby walkers, baby bath seats, children's portable bed rails, strollers, toddler beds, infant swings, handheld infant carriers, soft infant carriers, framed infant carriers, bassinets, cradles, portable hook-on chairs, infant sling carriers, infant bouncer seats, high chairs and baby changing products. *Appendix 2* contains a chart of such requirements. These products are directly involved in keeping babies safe.<sup>3</sup>

Preventing accidental deaths related to the care of infants, SIDS and sleep-related causes of infant death will not be enhanced by increasing costs to the American consumer of life-saving juvenile products. Increasing the costs, through this 10% tariff, will only prevent the average American family from obtaining safe, certified, juvenile products necessary for the care and protection of children. It is indisputable that these are the very same products impacted by the proposed tariffs (See *Appendix 1*).

The perils to infants come not only from the use juvenile products subject to CPSC jurisdiction and regulation. According to the National Highway Traffic Safety Administration (NHTSA), car seats and boosters provide the best protection for infants and children in automobile crashes, which are the leading cause of death for children ages 1 to 13.<sup>4</sup>

According to the Federal Aviation Administration (FAA), the safest place for a child on an airplane is in a government-approved child safety restraint system (CRS) or device, not on a parent's lap. This is why the FAA strongly urges the U.S. Public to secure children in a CRS or device for the duration of air flights.<sup>5</sup>

CRSs are also explicitly impacted as per the HTS Codes listed in *Appendix 1*. These products are also subject to stringent premarket testing requirements, with even fewer laboratories available to perform such testing. Increasingly, these products are also integral to travel systems which include use with strollers for safe intermediary transport of infants. U.S. Manufacturers of these

---

<sup>1</sup> [www.cpsc.gov/s3fs-public/pdfs/blk\\_pdf\\_cpsia.pdf](http://www.cpsc.gov/s3fs-public/pdfs/blk_pdf_cpsia.pdf)

<sup>2</sup> [www.cpsc.gov/Business--Manufacturing/Testing-Certification](http://www.cpsc.gov/Business--Manufacturing/Testing-Certification) ; see also 16 CFR 1107, et. seq.

<sup>3</sup> Many of these products are required to assure safe sleep practices and reduce the risk of Sudden Infant Death Syndrome(SIDS).See

<https://www1.nichd.nih.gov/sts/about/environment/Pages/look.aspxSee:>

<http://pediatrics.aappublications.org/content/103/5/e59>

<https://www.cdc.gov/sids/data.htm>

<sup>4</sup> [www.nhtsa.gov/equipment/car-seats-and-booster-seats](http://www.nhtsa.gov/equipment/car-seats-and-booster-seats)

<sup>5</sup> [www.faa.gov/travelers/fly\\_children/](http://www.faa.gov/travelers/fly_children/)

products often produce the shells domestically, but rely on globally-sourced, quality-tested automotive webbing, buckles and seat pads as components which must meet stringent safety requirements imposed by NHTSA.<sup>6</sup>

The continued use of tariffs does not adequately account for the role of required tested and certified materials, components and global supply chains in product production and assembly. These complex supply chains can take years to establish, and they cannot be shifted to different countries or facilities without compromising contracts, legal compliance, quality and value for the consumer. A product marked as originating in China actually reflects manufactured and other inputs coming from the United States and many other countries. Increasing the costs of these inputs will have a negative impact on U.S. juvenile product manufacturers who rely on those inputs to themselves export finished products across the globe.

### **Conclusion**

Based upon the foregoing, we reasonably estimate that the net effect of imposition of such tariffs, without adjustment or exclusion, would be an increase in retail prices for impacted Juvenile Products of approximately five (5%) percent. Increased testing and certification cost would likely add an additional three (3%) percent increase in retail prices for such products.

JPMA submits that any tariff imposition that increases the cost of products which provide for the care and safety of our most vulnerable populations must be avoided. Child rearing is a complex and costly endeavor. Reducing the cost and availability of juvenile products must remain a priority for all.

For the reasons set out herein, JPMA respectfully requests that “childcare and protective child safety products” imported under the scheduled HTS Subheadings in *Appendix 1* not be subjected to the proposed additional tariffs.

Please do not hesitate to contact the undersigned with any questions or concerns.

Very truly yours,



Kelly Mariotti, JD, CPA, CAE  
Executive Director, JPMA

---

<sup>6</sup> See FMVSS 213 and FMVSS 302.

**Appendix 1**

**HTS Codes & Juvenile Products**

HTSUS Code	Description	Product by Common Name
9403.90.60	Parts of furniture (o/than seats or o/than of 9402), of textile material (o/than cotton)	Crib liners, play yards, car seats, bassinets
9403.50.90	Furniture (o/than seats) of wood (o/than bentwood), of a kind used in the bedroom & not designed for motor vehicle use	Wooden cribs, toddler beds, bassinets/cradles, baby monitor, bed rails, changing tables
9403.70.40	Furniture (o/than seats & o/than of 9402) of reinforced or laminated plastics nesoi	Plastic toddler beds, bassinets, booster seats, play yards
9403.20.00	Furniture (o/than seats) of metal nesoi, o/than of a kind used in offices	Toddler beds, bassinets, play yards, booster seats, bed frames, sleepers, walker, bed rails, crib mattress, rockers, cribs
9401.80.60	Seats nesoi, o/than of wood, or w/metal frame or of rubber or plastics (o/than of heading 9402)	Car seats, car booster seats, jumpers, stationary activity centers, bouncers, strollers, feeding booster seats
9404.29.90	Mattresses (o/than of cellular rubber or plastics or of cotton)	Mattresses, hook on chairs, car booster seats, crib wedges, changing pads
3923.29.00	Sacks and bags (including cones) for the conveyance or packing of goods, of plastics other than polymers of ethylene	Diaper Pail Refills, product packaging, diaper bags
4421.91.97	Other articles, nesoi, of bamboo, incl pencil slats, burial caskets, gates for confining children or pets	Wooden safety gates
9401.71.00	Seats nesoi, w/metal frame (o/than of heading 9402), upholstered	High chairs, hook on chairs, feeding booster seats, bouncer seats, swings, car seats, rockers, walkers
9401.80.40	Seats nesoi, of rubber or plastics (o/than of reinforced or laminated plastics & o/than of heading 9402)	High chairs, car booster seats, feeding booster seats, bath seats, walkers, bouncers, swings, stationary activity centers, car seats, strollers, rockers
9403.89.60	Furniture (o/than seats & o/than of 9402) of materials nesoi	Cribs, changing tables, toddler beds, bassinets/cradles, play yards, strollers, car seats, infant inclined sleep products
9401.90.50	Parts of seats (o/than of 9402) nesoi, o/than of cane etc, rubber or plastics or of wood	Car seats, car seat covers, changing pad, stationary activity centers
4819.10.00	Cartons, boxes and cases of corrugated paper or paperboard	Packaging

9401.79.00	Seats nesoi, w/metal frame (o/than of heading 9402), not upholstered	High chairs, play yards, walkers, rockers, bouncers
4819.20.00	Folding cartons, boxes and cases of noncorrugated paper or paperboard	Empty printed packaging
3926.20.90	Articles of apparel & clothing accessories, of plastic, nesoi	Bibs
9403.60.80	Furniture (o/than seats & o/than of 9402) of wooden (o/than bentwood) nesoi	Children's chairs, changing tables, cribs, toddler beds, changing tables
9403.90.70	Parts of furniture (o/than seats or o/than of 9402), of wood	Bed rails, cribs, bed rails
3923.90.00	Articles nesoi, for the conveyance or packing of goods, of plastics	Product packaging
4202.22.45	Handbags with or without shoulder strap or without handle, with outer surface of cotton, not of pile or tufted construction or braid	Diaper bags
9403.89.30	Furniture (o/than seats) of cane, osier, or similar materials o/than bamboo or rattan	Cribs, toddler beds, bassinets
9401.90.35	Parts of seats (o/than of 9402) nesoi, of rubber or plastics (o/than of heading 9402)	Car seats, car booster seats, feeding booster seats
9403.90.40	Parts of furniture (o/than seats or o/than of 9402), of reinforced or laminated plastics	Car seats, high chairs, bassinets, strollers, play yards car seats
9404.21.00	Mattresses, of cellular rubber or plastics, whether or not covered	Mattresses
4421.99.97	Other articles, nesoi, of wood other than of bamboo, incl pencil slats, burial caskets, gates for confining children or pets	Wooden safety gates
9401.40.00	Seats nesoi, convertible into beds (o/than garden seats or camping equip.)	Infant inclined sleep products
9403.40.90	Furniture (o/than seats) of wood (o/than bentwood) nesoi, of a kind used in the kitchen	High chairs
9404.29.10	Mattresses, of cotton	Mattresses
4202.21.60	Handbags, with or without shoulder strap or without handle, with outer surface of leather, composition or patent leather, nesoi, n/o \$20 ea.	Backpacks, diaper bags, diaper disposable bags
6506.10.30	Safety headgear of reinforced or laminated plastics, whether or not lined or trimmed	Bed rail

9401.20.00	Seats, of a kind used for motor vehicles	Car seats, car booster seats
9403.90.10	Parts of furniture (o/than seats), for furniture of a kind used for motor vehicles	Car seats, car booster seats
9401.80.20	Seats nesoi, of reinforced or laminated plastics (o/than of heading 9402)	High chairs, potty seats
8525.80.30	Television cameras, nesoi	Wifi baby monitors
3923.50.00	Stoppers, lids, caps and other closures, of plastics	Plastic Sippy Cups

**Appendix 2**

**Section 104 Rules: Current Final Rules & Expected Future Dates**

<b>Product</b>	<b>16 CFR Ref#</b>	<b>Effective Date</b>
Bath Seats	1215	Mar-14
Walkers	1216	Oct-13
Toddler Beds	1217	Mar-14
Full Size Cribs	1220	Jun-11
Bed Rails	1224	Aug-12
Play Yards	1221	Feb-14
Swings	1223	Oct-13
Bassinets	1218	Apr 23, 2014 - Apr 23, 2015
Hand Held Infant Carriers	1225	June-14
Bedside Sleepers	1222	Jul-14
Strollers	1227	Sept-15
Soft Infant & Toddler Carriers	1226	Sept-14
Frame Carriers	1230	Sept-15
Bath Tubs	1234	Oct-17
Bouncers	1229	Mar-18
Children's Chairs	1232	June-18
Hook-On Chairs	1233	Sept-16
Sling Carriers	1228	Jan-18
High Chairs	1231	June-19
Changing Tables	1235	June-19
Booster Seats	1237	Jan-20
Gates & Enclosures		Expected FR Jul-18
Inclined Sleepers		Expected FR Jul-18
Stationary Activity Centers		Expected FR Mar-19
Crib Bumpers		Expected FR Apr-19
Crib Mattresses		Expected FR Apr-20