

September 27, 2021

The Honorable Katherine Tai
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Re: Docket Number USTR-2021-0010: Request For Comments On Certain Product Exclusions Related To COVID-19: China's Acts, Policies, And Practices Related To Technology Transfer, Intellectual Property, And Innovation

Dear Ambassador Tai:

On behalf of the Health Industry Distributors Association (HIDA) and the American Health Care Association/National Center for Assisted Living (AHCA/NCAL), we write to request an extension of current healthcare product exclusions from Section 301 tariffs. Healthcare products—such as gloves and gowns—are critical to the ongoing COVID-19 response and essential medical services.

If permanent exemptions are impossible, we urge USTR to extend the current medical products exclusions through the declared public health emergency. Healthcare distributors are working around the clock to source reliable, affordable products to meet increased demand for the lifesaving personal protective equipment (PPE) frontline healthcare workers are using to combat COVID-19. Simultaneously, the healthcare supply chain is ramping up for flu season. These compounding events add pressure to an already strained medical supply chain.

HIDA and AHCA/NCAL also recommend the USTR consider additional product and equipment category exclusions to support COVID-19 response efforts. Significant transportation delays are hampering the supply chain's ability to support healthcare providers responding to COVID-19. Tariffs on products such as a chassis (HTS 87169010) limit the ability of the transportation industry to meet increased transportation demand. **Transportation disruptions have become a healthcare issue.** The medical supply chain relies on predictable transport to communicate product availability and delivery to providers. **Transportation disruptions have severely limited reliable and timely movement of medical products.**

In an effort to move away from foreign sourced product, HIDA supports legislative initiatives to diversify sourcing and increase domestic manufacturing. Specifically, HIDA has worked closely with Congressional partners on legislation -- [H.R. 3463 and S. 1693, The Medical Supplies for Pandemics Act](#). These bills enhance medical supply chain elasticity by “creating incentives for manufacturers of medical supplies to increase emergency stock of critical medical supplies; and to geographically diversify production of such supplies.” H.R. 3463 was introduced by Congresswomen Dingell (D-MI) and Walorski (R-IN). A companion bill was introduced by Senators Bennet (D-CO) and Tillis (R-NC).

HIDA and AHCA/NCAL appreciate the opportunity to share our concerns. If you have questions or need additional information, please reach out to Linda Rouse O'Neill at Rouse@HIDA.

Sincerely,



Matthew J. Rowan
President & CEO
Health Industry Distributors Association



Mark Parkinson
President & CEO
American Health Care Association

Background On HIDA:

HIDA members distribute items used in everyday medical services and procedures, ranging from gauze and gloves to diagnostic laboratory tests and capital equipment. **The existing commercial distribution channel serves the nation’s 6,000 hospitals, 44,500 nursing homes and assisted living facilities, 230,000 physician offices, 267,000 laboratories and 12,200 home health agencies.**

Collectively, HIDA members manage 76 million square feet of warehouse space. Medical product distributors process 650 million orders annually for their healthcare provider customers and carry over 550,000 FDA-approved products from 5,500 medical manufacturer partners.

About American Health Care Association (AHCA)

As the nation’s largest association of long term and post-acute care providers, AHCA advocates for quality care and services for frail, elderly, and disabled Americans. Our members provide essential care to approximately one million individuals in 14,000 not-for-profit and proprietary member facilities.

AHCA represents the long-term care community to the nation at large – to government, business leaders, and the public. We serve as a force for change, providing information, education, and administrative tools that enhance quality at every level. As part of our extensive portfolio of member services, AHCA maintains legislative, regulatory and public affairs. Our dedicated staff work both internally and externally to assist member providers, the government, and the general public.

AHCA, its affiliates, and member providers advocate for individuals who – because of social needs, disability, trauma or illness – require services provided in a long-term care setting. We continue to advocate for the continuing vitality of the long-term care provider community.

AHCA is committed to developing necessary and reasonable public policies which balance economic and regulatory principles to support quality care and quality of life.

Applicable Product Requests

HTS Subheading	Product Description
9018.11.90	Parts and accessories of electrocardiographs, other than printed circuit assemblies
9018.12.00	Ultrasonic scanning electro-diagnostic apparatus used in medical, surgical, dental or veterinary sciences
9018.19.95	Electro-diagnostic apparatus nesi, and parts and accessories thereof nesi

9018.90.20	Optical instruments and appliances nesi, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
9018.90.30	Anesthetic instruments and appliances nesi, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
9018.90.60	Electro-surgical instruments and appliances nesi, other than extracorporeal shock wave lithotripters and parts and accessories thereof
9018.90.75	Electro-medical instruments and appliances nesi, and parts and accessories thereof
9022.12.00	Computed tomography apparatus based on the use of X-rays
9022.90.25	X-ray generators, high tension generators, desks, screens, examination or treatment tables, chairs and similar apparatus, nesi
9022.90.40	Parts and accessories of X-ray tubes
9022.90.60	Parts and accessories of apparatus based on the use of X-rays
9022.90.95	Parts and accessories of apparatus based on the use of alpha, beta or gamma radiations
3917.29.00	Tubes, pipes and hoses, rigid, of other plastics nesoi
3919.90.50	Self-adhesive plates, sheets, other flat shapes, of plastics, not having a light-reflecting surface produced by glass grains, nesoi

3920.10.00	Nonadhesive plates, sheets, film, foil and strip, noncellular, not reinforced or combined with other materials, of polymers of ethylene
3921.19.00	Nonadhesive plates, sheets, film, foil and strip, cellular, of plastics nesoi
9025.19.80	Thermometers, for direct reading, not combined with other instruments, other than liquid-filled thermometers
4015.19.05	Medical gloves of vulcanized rubber other than hard rubber.
3824.99.92	Chemical products and preparations and residual products of the chemical or allied industries, nesoi.
3923.21.00	Sacks and bags (including cones) for the conveyance or packing of goods, of polymers of ethylene
3926.20.90	Articles of apparel & clothing accessories, of plastic, nesoi.
4015.19.10	Seamless gloves of vulcanized rubber other than hard rubber, other than surgical or medical gloves.
4819.50.40	Packing containers, nesoi, of paper, paperboard, cellulose wadding or webs of cellulose fibers.
5603.14.90	Nonwovens (except laminated), of man-made filaments, weighing >150 g/square m, whether or not impregnated, coated, or covered.

5603.92.00	Nonwovens (not of man-made filaments), weighing >25 but not >70 g/square m, whether or not impregnated, coated, covered or laminated.
5603.93.00	Nonwovens (not of man-made filaments), weighing >70 but not >150 g/square m, whether or not impregnated, coated, covered or laminated.
6505.00.80	Hats and headgear, of man-made fibers, made up from felt or of textile material, not knitted or crocheted, not in part of braid.
6505.00.80	Hats and headgear, of man-made fibers, made up from felt or of textile material, not knitted or crocheted, not in part of braid.
3401.19.00	Soap; organic surface-active products used as soap, in bars, cakes, pieces; soap-impregnated paper, wadding, felt, not for toilet use
3926.90.99	Other articles of plastic, nesoi
4015.19.05	Medical gloves of vulcanized rubber other than hard rubber
4818.90.00	Bedsheets and similar household, sanitary or hospital articles of paper, cellulose wadding or webs of cellulose fibers, nesoi
6210.10.50	Nonwoven dispos apparel designed for hosps, clinics, labs or cont area use, made up of fab of 5602/5603, n/formed or lined w paper, not k/c
6307.90.60	Surgical drapes of fabric formed on a base of paper or covered or lined with paper
6307.90.68	Surgical drapes of spunlaced or bonded fiber fabric disposable surgical drapes of man-made fibres

6307.90.98	National flags and other made-up articles of textile materials, nesoi
9004.90.00	Spectacles, goggles and the like, corrective, protective or other, other than sunglasses