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September 16, 2019

The Honorable Robert E. Lighthizer
United States Trade Representative
600 17th Street NW
Washington, DC 20006

Dear Ambassador Lighthizer:

I write to you concerning aspects of the United States Trade Representative's (USTR) recent announcement to impose tariffs on imports from China under what is commonly referred to as "List 4." In particular, there is an entire category of children and adult safety products that will be subjected to the List 4 tariff of ten percent. I urge you to consider your previous rationale on these items and reverse this decision.

Helmets for bicycle riders and other outdoor activities are a critical safety product that is not yet excluded from the tariffs. This is deeply concerning given that these products, legally required in many jurisdictions, support the Administration's stated safety-criteria overall. The List 4 tariff will increase prices for these core safety products, which means the nation's bicyclists, skiers, motorcyclists, snowboarders, skateboarders, and other outdoor enthusiasts could choose to use damaged or inferior products; or worse, no product at all.

What is equally concerning is the ever-changing policy towards these core safety products. Following an exhaustive review process, which included examination of written petitions from businesses, oral testimony, and internal analysis, USTR concluded that helmets should be excluded from the final version the \$200 Billion Trade Action (commonly known as "List 3"). Re-listing helmets on List 4 following the prior adjudication process was duplicative and unnecessary.

The facts surrounding the importance of helmet exemptions have not changed, and in fact, the Administration's public statements elevating "safety" as a key criteria makes helmet exemptions even more imperative. I urge USTR to follow the precedent set during the exhaustive List 3 process and exclude helmets from List 4 actions.

For reference, the Harmonized Tariff Code of the United States (“HTSUS”) that we are referencing are:

| | |
|------------|--|
| 6506.10.30 | Helmets - motorcycle and motocross |
| 6506.10.60 | Helmets - bike, snow, skate and shells |

Thank you for your prompt and personal attention on this matter.

Sincerely,



Tom Emmer
Member of Congress