Coalition for Economic Partnerships in the Americas (CEPA) Technical Paper

U.S. Apparel Sourcing from CAFTA-DR and U.S. Textile Exports: Myth vs. Reality

By

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Introduction

With growing concerns about U.S.-China trade tensions and geopolitical risks in Asia, U.S. apparel companies are actively exploring sourcing diversification and bringing the supply chain closer to home. Notably, recent industry surveys indicate that U.S. apparel brands and retailers are keen to expand sourcing from members of the Dominican Republic-Central America Free Trade Agreement (CAFTA-DR) and tap into the region's potential as an emerging sourcing destination.

Not only does sourcing apparel from CAFTA-DR members help sustain American textile and apparel jobs, but it also fosters economic development and employment opportunities in Central America. For example, between 2015 and 2022, apparel products consistently accounted for nearly one-fourth of CAFTA-DR members' total merchandise to the world, contributing around \$6 billion in value. and supporting over half a million jobs in the sector. As estimated, an additional billion dollars of apparel exports to the U.S. could create about 75,000-84,000 more sewing jobs in CAFTA-DR countries.

Despite a common aspiration to increase trade and investment to bolster the growing U.S.-CAFTA-DR textile and apparel partnership, there remains a heated debate on the best approach to achieve it. While some proposals, such as improving infrastructure and customs facilitation, have broad support, there is a lack of consensus on how to leverage the existing CAFTA-DR rules of origin provisions to boost textile and apparel production and encourage regional investment.⁶

Drawing upon official government trade statistics from the Office of Textiles and Apparel (OTEXA) under the U.S. Commerce Department⁷ and the United Nations (UNComtrade)⁸, **this paper addresses misconceptions and myths about the impact of CAFTA-DR apparel sourcing on U.S. textile exports to the region and related trade policy issues.** The findings will enhance our shared understanding of the evolving Western Hemisphere textile and apparel supply chain and provide valuable policy recommendations for effectively expanding the textile and apparel trade and production in the CAFTA-DR region.

¹ Nishimura, Kate (December 29, 2022). China Dominance Wanes as Sourcing Sands Shift. *Sourcing Journal*. Retrieved from https://sourcingjournal.com/topics/sourcing/sourcing-china-vietnam-bangladesh-cafta-dr-trade-apparel-footwear-400858/

² Lu, Sheng (2022). 2022 fashion industry benchmarking study. Washington, DC: United States Fashion Industry Association. Retrieved from https://www.usfashionindustry.com/resources/research-reports/usfia-fashion-industry-benchmarking-study

³ FOB value. Data source: UNComtrade (2023). *International trade database*. Retrieved from https://comtrade.un.org/

⁴ INDSTAT, 2022. Retrieved from https://stat.unido.org/

⁵ Lu, Sheng (2022). <u>Expand U.S. Apparel Sourcing from CAFTA-DR Members and Solve the Root Causes of Migration: Perspectives from U.S. Apparel Companies</u>. Coalition for Economic Partnerships in the Americas (CEPA).

⁶ Poston, David (2022). 2022 State of The U.S. Textile Industry. *Textile World*. Retrieved from https://www.textileworld.com/textile-world/features/2022/06/2022-state-of-the-u-s-textile-industry/

⁷ Office of Textiles and Apparel, OTEXA (2023). Trade data. Retrieved from https://www.trade.gov/otexa-trade-data-page

⁸ UNComtrade (2023). *International trade database*. Retrieved from https://comtrade.un.org/

Myth 1: The "yarn-forward" rules work well in CAFTA-DR.

Fact: The "yarn-forward" rules alone are insufficient and have resulted in issues such as the low utilization of CAFTA-DR in U.S. apparel sourcing.

The so-called "yarn-forward" rules refer to CAFTA-DR's rules of origin requirements that clothing qualified for the preferential duty benefits generally needs to use yarns and fabrics made by its members and be cut and sewn within CAFTA-DR. In fact, CAFTA-DR's rule of origin is a patchwork of individual product-specific rules. While most of these product-specific rules are "yarn-forward," CAFTA-DR also features some rules that permit non-originating yarns and fabrics for a small number of articles. 11

A few U.S. firms have successfully navigated the "yarn-forward" rules by utilizing textile inputs available in the United States and the region. Through significant investment in vertical networks, they have established the infrastructure necessary to support the bulk of apparel manufacturing in CAFTA-DR countries, ultimately exported to the United States.¹²

Unfortunately, many other U.S. companies have not had similar success. In the apparel industry, the *predominant sourcing model* involves partnering with independent vendors that provide different inputs needed to create a finished garment. While this approach allows apparel companies to be flexible in creating fashion items that meet customer demands, it can pose challenges in complying with U.S. trade agreements' rules of origin.

One such challenge is the "yarn-forward" rule, which limits the textile materials that garment manufacturers can use to obtain duty benefits under CAFTA-DR. ¹⁴ Consequently, U.S. companies have opted to procure from non-CAFTA-DR countries, resulting in decreased demand for regionally manufactured textile inputs, thereby perpetuating a vicious cycle that undermines sourcing and textile investment in the region.

To reverse this cycle, there have been calls for U.S. companies to make long-term purchase commitments. However, such commitments can be challenging as they would expose these companies to higher duty burdens until textile investment materializes, which can take years.

⁹ Office of Textiles and Apparel, OTEXA (2023). Summary of the U.S. - CAFTA-DR Free Trade Agreement. Retrieved from https://www.trade.gov/summary-cafta-fta-textiles

¹⁰ Although these product-specific rules specify the origination of textile inputs, this requirement only applies to the component that confers the essential character of the article. Moreover, no origination requirements exist for non-textile inputs, such as buttons, snaps, and zippers. See note 9.

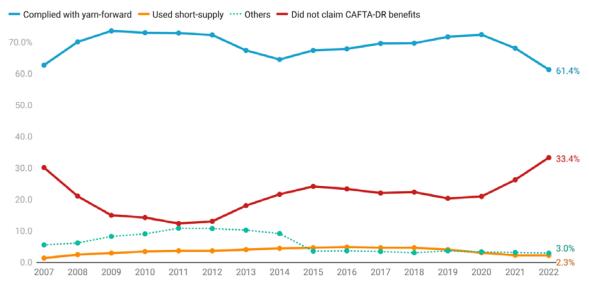
¹¹ In the rest of the paper, we will use the term "yarn-forward" to refer to the complete set of CAFTA-DR apparel rules of origin unless otherwise specified. This is the typical way to describe these rules, and most apparel product-specific rules in CAFTA-DR also follow the yarn-forward model.

¹² White House (2023). FACT SHEET: Vice President Harris Announces Public-Private Partnership Has Generated More than \$4.2 Billion in Private Sector Commitments for Northern Central America. Retrieved from https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/06/fact-sheet-vice-president-harris-announces-public-private-partnership-has-generated-more-than-4-2-billion-in-private-sector-commitments-for-northern-central-america/

¹³ Gereffi, G., Lim, H. C., & Lee, J. (2021). Trade policies, firm strategies, and adaptive reconfigurations of global value chains. Journal of International Business Policy, 1-17.

¹⁴ Elliott, K. A. (2016). Rules of origin in textiles and apparel. Trans-Pacific Partnership: An assessment, 104, 139-148.

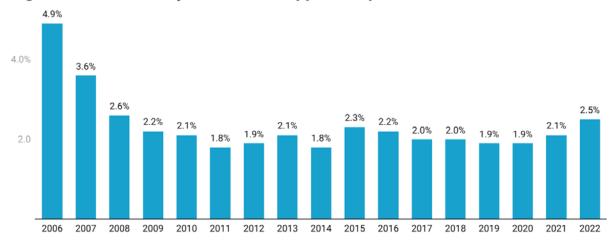
Figure 1 U.S. Apparel Imports from CAFTA-DR and FTA Utilization (by value)



"Others" mainly include woven apparel cumulation using textile input from Mexico and apparel assembled from U.S. fabric using US thread. Source: OTEXA (2023) • Created with Datawrapper

(Click the figure for detailed data)

Figure 2 Effective Duty Rate of U.S. Apparel Imports from CAFTA-DR



The effective duty rate is calculated by dividing the total amount of duty paid on U.S. apparel imports from CAFTA-DR by the total value of those imports in a given year."

Source: US International Trade Commission (2023) • Created with Datawrapper

(Click the figure for detailed data)

Further, this vicious cycle has led to a decline in CAFTA-DR utilization for U.S. apparel sourcing over the years. For example, OTEXA data shows that CAFTA-DR's utilization rate for U.S. apparel imports consistently went down from its peak of 87% in 2011 to only 74% in

2021. ¹⁵ In 2022, the utilization rate fell to 66.6%, the lowest since CAFTA-DR fully came into force in 2007. As a result, as much as one-third of U.S. apparel imports from CAFTA-DR did NOT claim the agreement's preferential duty benefits (Figure 1). This troubling trend becomes even more concerning given the overall growth in U.S. apparel imports from the region in recent years.

The negative impact of CAFTA-DR underutilization also shows in the rising effective duty rate of U.S. apparel imports from the region. ¹⁶ As utilization plummets, the effective duty rate reached 2.48% in 2022, the highest since 2009, although U.S. apparel imports from CAFTA-DR should enjoy the duty-free treatment (**See Figure 2**).

It is important to stress that taking advantage of the preferential duty benefit is one critical incentive for U.S. fashion companies to source from CAFTA-DR. ¹⁷ In other words, not being able to enjoy the duty-saving benefits because there are insufficient textile inputs discourages fashion companies from expanding sourcing from CAFTA-DR members and could lead to sourcing orders being potentially shifted to other regions in the long term.

Myth 2: The short supply mechanism in CAFTA-DR is a "loophole."

Fact: The short supply mechanism is a legitimate flexibility negotiated in the original CAFTA-DR that has not reached its full potential. It can become a powerful transitional mechanism to jumpstart more U.S. apparel sourcing from CAFTA-DR and textile investment in the region.

Like all "yarn-forward" style free trade agreements and even preference programs negotiated by the United States, CAFTA-DR includes a short supply mechanism that permits the use of textile inputs unavailable in commercial quantity. Specifically, the short supply mechanism (or commercial availability) in CAFTA-DR allows "fibers, yarns, and fabrics determined not to be available in commercial quantities in a timely manner from CAFTA-DR members" to be sourced from outside the region in qualifying textile and apparel products. ¹⁸

Regrettably, the short supply mechanism in CAFTA-DR remains underutilized, much like the agreement itself for U.S. apparel sourcing from the region. Currently, many companies find the list far too limited to provide meaningful flexibility for sourcing purposes. ¹⁹ For example, as of

¹⁵ CAFTA-DR utilization rate=value of U.S. apparel imports under CAFTA-DR trade agreement/value of total U.S. apparel imports from CAFTA-DR members. Utilizing CAFTA-DR includes 1) complying with the yarn-forward rules; 2) using the short supply mechanism; 3) using other mechanisms such as woven apparel cumulation using textile input from Mexico and apparel assembled from U.S. fabric using U.S. thread. See data from the Office of Textiles and Apparel (OTEXA) https://www.trade.gov/data-visualization/otexa-fta-trade-data

¹⁶ The effective duty rate was calculated by dividing the total amount of duty paid on U.S. apparel imports from CAFTA-DR by the total value of those imports in a given year.

¹⁷ Lu, Sheng (2022). <u>Expand U.S. Apparel Sourcing from CAFTA-DR Members and Solve the Root Causes of Migration: Perspectives from U.S. Apparel Companies</u>. Coalition for Economic Partnerships in the Americas (CEPA).

¹⁸ Office of Textiles and Apparel, OTEXA (2023). CAFTA-DR Commercial Availability (Short Supply). Retrieved from https://www.trade.gov/fta-commercial-availability-cafta

¹⁹ Lu, Sheng (2019). *2019 fashion industry benchmarking study*. Washington, DC: United States Fashion Industry Association. Retrieved from https://www.usfashionindustry.com/resources/research-reports/usfia-fashion-industry-benchmarking-study

February 2023, only 155 items have been approved for CAFTA-DR's short supply list, with the vast majority of those items added during the negotiation of the agreement itself and in its first three years of operation. In fact, since 2014, only seven items have been added to the short supply list. By contrast, as many as 30 million types of clothing items were for sale in the U.S. retail market in 2022. In other words, although new fashion trends have emerged in the last decade, leading to a transformation of the fashion industry and an increased demand for novel yarns and fabrics, the short supply list has remained virtually unchanged since its inception fifteen years ago.

It is also important to stress that short supply determinations are granted only after an exhaustive search confirms that no regional input is available. This means that short supply is NOT used to replace U.S. textiles. Also, no evidence indicates an inverse correlation between the use of short supply and U.S. textile exports to the CAFTA-DR region. For example, the value of U.S. apparel imports from CAFTA-DR that utilized the short supply provision decreased from \$401 million in 2015 to an average of only \$221 million between 2021 and 2022, representing a sharp decline of 45%. However, the *decrease* in the use of the short supply (note: primarily fabrics) has been accompanied by *a drop* in U.S. fabric exports to CAFTA-DR members over the same period (i.e., down 13.9% between 2015 and 2021/2022).

Furthermore, feedback from U.S. fashion companies indicates two other concerns about using CAFTA-DR's short supply mechanism. One is the lengthy process of getting a new petition approved, which significantly discourages companies from taking advantage of the mechanism. On the other hand, some companies say the short supply mechanism exposes them to increased Customs vigilance and adds unnecessary additional burdens. ²³

In summary, there is room to make the CAFTA-DR short supply mechanism more robust, allowing U.S. companies to utilize it more frequently and reduce their effective duty rates when sourcing apparel from CAFTA-DR members.

Myth 3: The U.S. is the sole dominant textile supplier for CAFTA-DR members.

Fact: Whereas the United States is a vital textile supplier for CAFTA-DR members, it has never been the only one.

In 2005, CAFTA-DR members imported \$3.1 billion in textiles from all countries (Standard International Trade Classification, SITC code 65), of which about 55% came from the U.S. and **45% from non-U.S. sources.** However, over the course of the agreement, the mix of U.S. and non-U.S. sources of textile imports into CAFTA-DR countries has more than reversed. In 2021, the U.S. market share fell to 32% (see Figure 3) as U.S. textile exports to CAFTA-DR members stagnated. In 2005, the U.S. exported \$1.7 billion of textiles to CAFTA, while in 2021, the exact

Frequently Asked Questions. Retrieved from https://www.trade.gov/fta-commercial-availability-cafta-faqs

²⁰ Office of Textiles and Apparel, OTEXA (2023). CAFTA-DR Commercial Availability (Short Supply). Retrieved from https://www.trade.gov/fta-commercial-availability-cafta

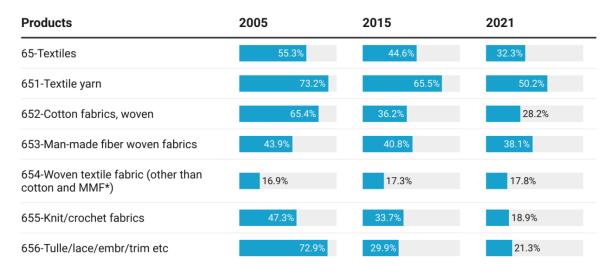
²¹ EDITED (2023). The EDITED Retail Dashboard. Retrieved from https://retail-dashboard.edited.com/

²² Office of Textiles and Apparel, OTEXA (2023). CAFTA-DR Commercial Availability

²³ For example, according to some fashion companies the study interviewed, there have been instances where Customs disallowed articles that were legitimately using short supply, due to variations in the article and fabric-level testing.

figure was \$1.4 billion. At the same time, CAFTA-DR members imported \$4.3 billion in textiles from all countries in 2021, up nearly 40% from 2005.

Figure 3 Percent of CAFTA-DR Textile Imports from the U.S. (By value)



MMF refers to "Man-made fiber"

Source: UNComtrade (2022) • Created with Datawrapper

(Click the figure for detailed data)

Expecting CAFTA-DR members to only import textiles from the United States is also unrealistic. Notably, CAFTA-DR's apparel export markets go beyond the United States, requiring CAFTA-DR members to build a more diverse textile supplier base.

For example, data shows that over 15% of CAFTA-DR's apparel went to markets other than the United States in 2021, more than doubled since 2005 (See Figure 4). Likewise, from 2006 to 2021, CAFTA-DR's apparel exports to the United States barely increased by 2.8%, but its exports to the rest of the world surged by over 140%. Many of these fast-growing export markets, such as those in Asia, do not burden CAFTA-DR garment producers with the restrictive yarn-forward rules of origin. Allowing easier access to textile raw materials and more flexibility in organizing the supply chain. Also, historically, diversifying export markets has been an essential indicator of more advanced and competitive export performance and is highly recommended by international organizations like the United Nations and World Bank.

²⁴ The apparel-specific rules of origin (RoO) under CAFTA-DR and most U.S. free trade agreements are known as the nickname "yarn-forward." The "yarn-forward" RoO means that fibers may be produced anywhere, but each component, starting with the yarn used to make the garments, must be formed within the free trade area so that the finished garment can be eligible for the agreement's duty-free benefits.

²⁵ International Trade Centre, ITC (2023). Rules of origin facilitator. Retrieved from https://findrulesoforigin.org/home/agreements

²⁶ Lopez-Acevedo, G., & Robertson, R. (Eds.). (2012). Sewing success?: Employment, wages, and poverty following the end of the multi-fibre arrangement. World Bank Publications; United Nations (2022). Textiles and Clothing in Asian LDC countries. Retrieved from https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/Garment-Study-Synthesis-Report.pdf





Source: UNComtrade (2022) • Created with Datawrapper

(Click the figure for detailed data)

Myth 4: Asian suppliers are the top competitors with U.S. textiles in CAFTA-DR.

Fact: UNComtrade data shows that U.S. textile exports to CAFTA-DR compete primarily with textiles locally made in CAFTA-DR and those from Mexico, not Asian suppliers.

Specifically, from 2015 to 2021, CAFTA-DR members increasingly imported textiles from within CAFTA-DR, up from 12.5% to 21.0%. ²⁷ In comparison, China only gained 4.5 percentage points of additional market shares and 2.1 for the rest of Asia during the same period.

Likewise, CAFTA-DR's cotton fabrics imports (SITC code 652) from Mexico surged by 308.2% from 2015 to 2021, resulting in Mexico's market share jumping from 7.7% to 28.7%. China and other Asian suppliers lost their market shares over that period (Figure 5).

It should be noted, however, that Mexico's cotton fabric exports to CAFTA-DR members contain a substantial value of "Made in the USA." According to the U.S. Department of Agriculture, ²⁸ "U.S. cotton fulfilled about 60% of Mexico's textile production needs." UNComtrade data further shows that almost 100% of Mexico's cotton and cotton yarn imports between 2015 and 2021 came from the United States alone. This interesting pattern reminds us of the complex and intricate nature of today's textile and apparel supply chain when the "Made in" label often does not reveal a garment's entire production process and value-added components. ²⁹ Oversimplifying CAFTA-DR's textile imports from non-U.S. sources

²⁷ Despite this slight increase, regional production was still insufficient to support increased utilization of CAFTA-DR, as noted in Figure 1.

²⁸ USDA (2022). *Mexico: Cotton and Products Annual*. Retrieved from https://www.fas.usda.gov/data/mexico-cotton-and-products-annual-7

²⁹ Also see Rivoli, P. (2014). *The travels of a t-shirt in the global economy: An economist examines the markets, power, and politics of world trade.* New preface and epilogue with updates on economic issues and main characters. John Wiley & Sons.

as inherently "bad" could potentially lead to policy decisions that unintentionally put U.S. exported content at a disadvantage.

Figure 5 Sources of CAFTA-DR Textile Imports: Market Share Change from 2015 to 2021 (By value)

Product	US	CAFTA-DR	Mexico	China	Asia (exclude China)
65-Textiles	-12.3	8.5	0.8	4.5	2.1
651-Textile yarn	-15.3	13.2	-0.8	2.6	6.7
652-Cotton fabrics, woven	-8.0	-2.3	21.0	-2.8	-2.7
653-Man-made woven fabrics	-2.7	1.5	2.4	-4.8	1.1
654-Woven textile fabric (other than cotton and MMF*)	0.5	0.5	-3.9	2.3	5.0
655-Knit/crochet fabrics	-14.8	10.2	-1.0	9.3	-2.7
656-Tulle/lace/embr/trim etc	-8.6	5.2	-1.3	7.7	-2.5

"MMF" refers to man-made fiber; Numbers in the table reflect percent point. Source: UNComtrade (2022) • Created with Datawrapper

(Click the figure for detailed data)

Summary and policy recommendations

This paper addresses several common misunderstandings and myths about the state of U.S. apparel sourcing from CAFTA-DR and U.S. textile exports to the region. The paper's findings have three important policy implications:

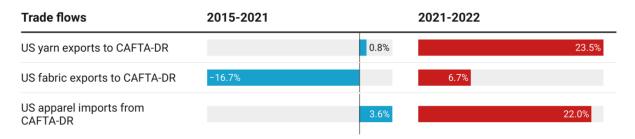
First, the results call for more efforts to address CAFTA-DR's under-utilization problem for apparel sourcing. Studies repeatedly show that preferential duty benefits provide critical incentives for U.S. fashion brands and retailers to source from CAFTA-DR members..³⁰ Importing from the region but forgoing the duty-saving benefits is not a viable long-term solution and undermines growth and investment opportunities for both CAFTA-DR countries and the U.S. textile industry. Thus, policymakers could better leverage existing mechanisms, such as the short-supply list, and provide more opportunities for U.S. fashion brands and retailers to take advantage of CAFTA-DR for apparel sourcing from the region.

Second, the findings suggest an irreversible trend that CAFTA-DR will continue to diversify its textile sourcing base and become less dependent on the U.S. textile supply.

³⁰ Lu, Sheng (2021). US apparel sourcing: Understanding import duty savings. *Just-Style*. Retrieved from https://www.just-style.com/analysis/us-apparel-sourcing-understanding-import-duty-savings/

Instead of limiting CAFTA-DR's choice of textile inputs, policymakers should improve CAFTA-DR members' access to new and varied fibers, yarns, and fabrics and support the efforts to make CAFTA-DR's apparel exports more competitive in the global marketplace. Likewise, the ultimate goal of CAFTA-DR is not to confine Central American countries to depend solely on the United States as their only source of textiles or apparel export market. Instead, CAFTA-DR is an opportunity for Central American countries to develop competitive supply chains that serve the global market. This will boost not only CAFTA-DR's apparel production and job creation but also U.S. textile exports to the region as the overall "pie grows bigger." As the overall market expands, the demand for locally sourced textiles, a crucial factor in CAFTA-DR's speedy-to-market strategy, will also increase, leading to a mutually beneficial outcome for all parties involved.

Figure 6 U.S. Apparel Imports from CAFTA-DR Support U.S. Textile Exports to the Region



Source: OTEXA (2023) • Created with Datawrapper

(Click the figure for detailed data)

Additionally, the findings call for further studies to better understand the key factors driving U.S. textile exports to CAFTA-DR and the region's evolving textile and apparel supply chains. Traditionally, under the so-called Western Hemisphere textile and apparel supply chain, CAFTA-DR garment producers import textile raw materials from the United States and then export the finished garments back to the United States for consumption. However, the paper's findings show that trade patterns have been more nuanced and complex in recent years. For example, CAFTA-DR countries are gradually becoming more capable of making textiles thanks to foreign investment, including by U.S. textile companies. ³²

Likewise, CAFTA-DR's rules of origin have remained essentially unchanged over the past fifteen years. Yet, U.S. textile exports to CAFTA-DR grew much faster in 2022 than from 2015 to 2021 (Figure 6). This trend suggests that expanding demand for U.S. apparel imports from CAFTA-DR could be a more effective way to support U.S. textile exports than the underlying rules of origin. Further examination of the role of the existing CAFTA-DR apparel rules of origin and the demand signal for U.S. textile exports in driving investment and increased trade is warranted.

9

³¹ Keough, Keough., & Lu, Sheng. (2021). Explore the export performance of textiles and apparel 'Made in the USA': A firm-level analysis. *The Journal of The Textile Institute*, *112*(4), 610-619.

³² Borneman, Jim (2022). U.S. textile reshoring: It's complicated. *Textile World*. Retrieved from https://www.textileworld.com/textile-world/features/2022/06/u-s-textile-reshoring-its-complicated/

About Dr. Sheng Lu

Dr. Sheng Lu is an Associate Professor and Director of Graduate Studies in the Department of Fashion and Apparel Studies at the University of Delaware. He also served as a consultant for the International Trade Centre (ITC), co-run by the World Trade Organization (WTO) and the United Nations (U.N.). With over 70 publications in academic and trade journals, Dr. Lu's research focuses on the economic and business aspects of the textile and apparel industry, including international trade, trade policy, and the governance of the global apparel value chain. Dr. Lu received the 2014 Rising Star Award and the 2019 Mid-Career Excellence Award from the International Textile and Apparel Association (ITAA) to recognize his research and teaching excellence. He is also the multiple-time recipient of the Paper of Distinction Award at the ITAA annual conferences for his study on the textile and apparel specific-sectoral impact of mega-free trade agreements. Several of his studies were cited by government reports, such as the Congressional Research Service (CRS) studies prepared for members of U.S. Congress, U.S. International Trade Commission (USITC) official assessment on the economic impacts of free trade agreements as well as the World Bank, International Labor Organization, and the United Nations research publications. Dr. Lu's published works also have been translated into Chinese, Vietnamese, Spanish, and Thai and regularly featured by the media outlet, including the Wall Street Journal, New York Times, Financial Times (U.K.), BBC World News (U.K.), Nikkei Asian Review (Japan), Associated Press, Bloomberg, South China Morning Post (Hong Kong), Los Angeles Times, Voice of America, and Forbes.

More Information: https://www.udel.edu/faculty-staff/experts/sheng-lu/ and www.shenglufashion.com/blog

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The Coalition for Economic Partnerships in the Americas (CEPA) is a group of prominent American companies, and manufacturers committed to advancing regional trade and employment opportunities in the Western Hemisphere. CEPA brings together various stakeholders, including companies, trade associations, and think tanks, to address humanitarian, security, and economic challenges in the Americas. By leveraging its expertise and resources, CEPA aims to develop sustainable, worker-centered solutions that benefit both the United States and Central America.

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