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June 27, 2011

Mr. Andrew McGilvray
Executive Secretary
Foreign-Trade Zones Board
International Trade Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW.
Room 2111
Washington, DC 20230

Re: Docket Number ITA-2010-0012, RIN 0625-AA81

Dear Mr. McGilvray:

I am writing to address one subject that was commented upon in the first round of submissions that you received concerning the proposed revision of the Foreign-Trade Zones Board regulations.

The subject concerns the proposal set forth in proposed Section 400.46 that would allow certain complaints to be made on a “confidential” basis. A number of comments suggest important changes to what has been proposed. Generally speaking, these suggestions recommend that should such a complaint be made, those at whom the complaint is directed must have some means of due process by which the basis of the complaint may be deemed to be factual or substantive – or not. My personal experience leads me to believe that this is very important, not only in the interest of fairness in specific situations, but also to ensure that false allegations do not become perceived as facts which may form the basis for later policy decisions.

I believe that in assuring fair treatment of all parties, it is incumbent upon the government to make some attempt to ascertain the facts from all parties point of view before taking any action in favor of (or against) any party. Depending upon the veracity of what is presented to your office, a complaint could be legitimate, or, alternatively, it could serve as the mask behind an attack aimed at seeking some sort of strategic advantage. The noted television journalist Jim Lehrer recently offered a number of editorial guidelines, two of which I believe should also apply to the Foreign-Trade Zones Board’s handling of complaints:

“Assume that there is at least one other side or version to every story.”

“No one should ever be allowed to attack another anonymously.”

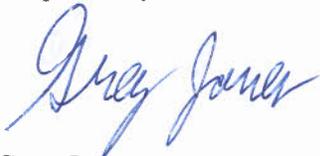
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I realize that Mr. Lehrer made these comments in the context of promoting good journalism; however, I believe they also apply to the manner in which the Foreign-Trade Zones Board resolves complaints that are brought to its attention. To fail to do so can result not only in unfair treatment in a given situation, it can also result in misinformation and/or misapprehension forming the basis for initiating or implementing other policies, actions – and in a worst case scenario, regulations – of the Foreign-Trade Zones Board that could do much more harm than good.

Thank you for the opportunity of offering these comments and suggestions.

Respectfully Yours,



Greg Jones
Vice-President