



MITA[®]
MEDICAL IMAGING
& TECHNOLOGY ALLIANCE
A DIVISION OF **KEMA**

1300 North 17th Street • Suite 900
Arlington, Virginia 22209
Tel: 703.841.3200
Fax: 703.841.3392
www.medicalimaging.org

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RE: 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 (Docket USTR 2021-18521)

As the leading trade association representing the manufacturers of medical imaging equipment, radiopharmaceuticals, contrast media, and focused ultrasound therapeutic devices, the Medical Imaging and Technology Alliance (MITA) takes this opportunity to present comments on Docket No: USTR-2021-18521 on China 301 tariff exclusions for certain products related to COVID-19.

We commend the Office of the United States Trade Representative (USTR) decision to consider extending China 301 exclusions for select products identified through the COVID-19 exclusion process at the outset of the public health emergency. The continued impact of COVID-19 on the supply chain for medical imaging equipment manufacturing and availability (as well as the increased demand for) medical imaging products to diagnose, treat, and monitor COVID-19 patients exemplifies the need for continuing the extension of the tariff exclusions.

While noting the opportunity to provide comments on the need to extend the current medical imaging component product exemptions, there were many necessary exclusions for medical imaging manufacturing components and products used with COVID-19 patients that were not fairly considered during the initial COVID-19 exemptions process started in March 2020. This needs to be addressed as soon as possible.

As USTR recognizes the need to extend existing exclusions due to the ongoing public health emergency, we strongly urge you to examine previously denied exclusion requests related to COVID-19. At a minimum USTR should create an opportunity for companies to re-submit these requests and have them reconsidered anew in a timely manner. The March 2020 opportunity to request COVID-19 tariff exclusions was opaque, without any explanation given for a denial. For example, although “ultrasonic scanning apparatuses” were exempted due to ultrasound’s significant role in the detection and staging of care for COVID-19 patients, exemptions of the key components needed for the manufacturing of these systems in the United States were denied. This new review process should be transparent, consistently apply criteria for exclusion, and provide an opportunity for due process including the sharing of feedback on the reason for denial of the exemption.

While MITA urges USTR to open a process for the re-review of all products considered for exclusions in 85 FR 16987 (March 25, 2020), we also support extending existing exemptions for the following products:

Annex	Product Description	Exclusion Number	Rationale
A	Ultrasonic scanning apparatus, each having dimensions not exceeding 122 cm by 77 cm by 127 cm, whether or not presented with transducer	20(000)(4)	Ultrasound scanning apparatuses are used to create images of internal body structures and organs to enable diagnosis. Ultrasound has been essential to diagnosis and the staging of care for COVID-19
A	Bismuth germane crystals with set dimensional and surface finish requirements and used as a detection element in Positron Emission Tomography (PET) detectors	20(000)(8)	PET can accurately measure the effects of COVID-19 on the brain
A	Magnetic resonance imaging (MRI) patient enclosure devices, each incorporating radio frequency and gradient coils	20(000)(9)	MRI is used to understand the neurologic impacts of COVID-19, including cytokine storm syndrome
A	Combined position emission tomography/computed tomography (PET/CT) scanners which utilize multiple PET gantries (frames) on a common base	20(000)(17)	Systems are used for evaluating the progression of COVID-19 and related lung illnesses
A	X-ray tables	20(000)(18)	X-ray systems are used for evaluation of COVID-19 and other illnesses
A	X-ray tube housings and parts thereof	20(000)(19)	Needed for use in x-ray systems, which are used for evaluation of COVID-19 and other illnesses
A	Parts and accessories, of metal, for mobile X-ray apparatus	20(000)(21)	Mobile x-ray is used for evaluation of COVID-19 and other illnesses
A	Vertical stands specially designed to support, contain, or adjust the movement of X-ray digital detectors, or the X-ray tube and collimator in complete X-ray diagnostic systems	20(000)(22)	Needed to support x-ray systems, which are used for evaluation of COVID-19 and other illnesses
C	Data input devices each with display capabilities of a kind used for magnetic resonance imaging (MRI) equipment, computed tomography (CT) equipment, intraoperative	20(000)(33)	Input devices needed to display MRI, CT, and IXR, all technologies used to diagnose or stage care for COVID-19 patients

	X-ray (IXR) equipment or patient monitors		
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If you have any questions, please contact Holly Grosholz, Senior Manager, Government Relations, at hgrosolz@medicalimaging.org or 703-841-3228.

Sincerely,



Patrick Hope
Executive Director, MITA

MITA is the collective voice of manufacturers of medical imaging equipment, radiopharmaceuticals, contrast media, and focused ultrasound therapeutic devices. It represents companies whose sales comprise more than 90 percent of the global market for medical imaging innovations. These products include: magnetic resonance imaging (MRI), medical X-Ray equipment, computed tomography (CT) scanners, ultrasound, nuclear imaging, radiopharmaceuticals, and imaging information systems. MITA Member company technologies are an important part of our nation's healthcare infrastructure and are essential for the screening, diagnosis, staging, managing and effectively treating patients with cancer, heart disease, neurological degeneration, and numerous other medical conditions.