

December 11, 2023

Inv. Nos. 701-TA-650-651  
(Remand)

**PUBLIC DOCUMENT**

**VIA ELECTRONIC FILING (EDIS)**

The Honorable Lisa R. Barton  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**Re: Phosphate Fertilizers From Morocco and Russia: Request that the Commission Reject an Unsolicited, Untimely Letter**

Dear Secretary Barton:

On behalf of Petitioner The Mosaic Company (“Petitioner” or “Mosaic”), we hereby request that the U.S. International Trade Commission take action pursuant to 19 C.F.R. § 201.12 and reject a letter submitted by the National Corn Growers Association and various other associations (collectively, the “Signatories”) on December 7, 2023.<sup>1</sup>

In the *Federal Register* notice instituting this remand proceeding, the Commission stated: “Only those persons who were interested parties that participated in the investigation (*i.e.*, persons listed on the Commission Secretary’s service list) and also parties to the appeal may

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<sup>1</sup> Letter from National Corn Growers Association to the Commission (Dec. 7, 2023).

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participate in the remand proceedings.”<sup>2</sup> None of the Signatories participated in the investigation as an interested party, nor is any of the Signatories listed on the Commission Secretary’s service list.<sup>3</sup> Accordingly, the Signatories may not participate in the remand proceedings.

Furthermore, the Signatories fail to explain why they have waited until now to submit the letter – after the deadlines for questionnaire responses and comments from interested parties have already passed. The Commission should not allow the Signatories to create a privileged opportunity for themselves to comment, which the Commission did not intend.

We are serving this submission in accordance with the attached certificate of service.

Please contact us if you have any questions.

Sincerely,

/s/ Jeffrey I. Kessler

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<sup>2</sup> *Phosphate Fertilizers From Morocco and Russia*, 88 Fed. Reg. 73,873 (USITC Oct. 27, 2023). The “appeal” refers to *OCP S.A. v. United States*, Consolidated Court No. 21-00219.

<sup>3</sup> The National Corn Growers Association, the National Sorghum Producers, the American Soybean Association, and the National Cotton Council of America (which is presumably the same entity as the “National Cotton Council” that signed the letter) entered appearances as amici in the appeal. The other Signatories are not parties to the appeal, and therefore they may not participate in the remand proceedings for this reason as well.

**U.S. International Trade Commission  
PUBLIC CERTIFICATE OF SERVICE  
Phosphate Fertilizers from Morocco and Russia  
Inv. Nos. 701-TA-650-651 (Remand)**

I, Jeffrey I. Kessler of Wilmer Cutler Pickering Hale and Dorr LLP, hereby certify that a copy of this submission was served in accordance with the Public Service List. Service was made electronically on this 11<sup>th</sup> day of December 2023 on the following:

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