

Congress of the United States
Washington, DC 20510

October 5, 2023

The Honorable Gina Raimondo
Secretary of Commerce
U.S. Department of Commerce
14th Street and Constitution Ave., N.W.
Washington, D.C. 20230

Dear Secretary Raimondo,

We write to urge the U.S. Department of Commerce to consider several issues regarding Case No. C-281-825, a countervailing duty case on imported phosphate fertilizer, undergoing Administrative Review. We strongly urge your careful review of the methodology applied in this case to ensure that a fair and representative benchmark is established.

In February 2021, the U.S. Department of Commerce (Department) announced countervailing duties (CVD). In May 2023, as part of the Administrative Review, the Department published a preliminary determination proposing to increase the duty from 9.19% to 53.29% on the phosphate covered in this case. While this letter is prompted by the ongoing Administrative Review, we are not new to the issue of fertilizer CVD cases and the impacts on our family farms.

The Department is rightly guided by law and regulations to follow the appropriate processes and procedures to adjudicate CVD cases. However, we are concerned that the Department erred by basing this substantial decision on a small, unrepresentative data set. A 53.29% duty will have a detrimental impact on both the price and availability of phosphate fertilizer for American farmers, compromising productivity and competitiveness as well as global food security.

Phosphate fertilizers are an essential crop input, necessary to support plant health and growth and represent a significant portion of farmer's cost of production. Imports have become increasingly important to satisfy growing U.S. demand as domestic production of these fertilizers have steadily declined. Existing duties have already shifted trade flows away from the largest sources and restricted access. Meanwhile, these major supplying countries continue to provide phosphate fertilizer, unencumbered, at a lower cost, to markets like Brazil that directly compete with American farmers. Should this preliminary rate be finalized at 53.29%, American farmers will likely lose access to yet another source of imported phosphate fertilizers.

While we certainly do not want foreign governments to distort trade with the United States, it is preeminently important to ensure that our methodology is accurate and fair. We urge you to re-evaluate the data at issue in this case, and we appreciate your attention to this matter.

Sincerely,



Roger Marshall, M.D.
United States Senator



Tracey Mann
Member of Congress

John Boozman
United States Senator

Austin Scott
Member of Congress

Bill Hagerty
United States Senator

David Rouzer
Member of Congress

Dusty Johnson
Member of Congress

Ashley Hinson
Member of Congress

Mariannette Miller-Meeks, M.D.
Member of Congress

Mary Miller
Member of Congress

Mark Alford
Member of Congress