

Good afternoon Luke,

Following up on my email yesterday sharing the news of the letter being circulated by Senator Moran, I wanted to also share [this letter](#) signed by 63 national and state commodity organizations that was sent to the Department of Commerce today. The National Corn Growers Association issued this [press release](#) and I expect other signatories will, also.

Please let us know if you have any questions now or in the future.

Hunt Shipman

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**Hunt Shipman**

Principal and Director

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October 19, 2023

The Honorable Gina Raimondo  
Secretary  
U.S. Department of Commerce  
International Trade Administration  
Enforcement and Compliance  
APO/Dockets Unit Room 18022  
1401 Constitution Avenue N.W.  
Washington, D.C. 20230

RE: Case No. C-714-001  
POR: 11/30/2020 – 12/31/2021  
ITA/E&C/Office VII

*Via Hand Delivery to Courier Entrance*

Dear Secretary Raimondo:

We write in regard to the remand decision ordered by the U.S. Court of International Trade (CIT) for duties on phosphate fertilizer imported from Morocco (Consol. Court No. 21-00116). High costs and limited availability of fertilizer continue to strain family farms across the United States, and we urge you to consider the impact of phosphate duties as the Department of Commerce (Commerce) works to reconsider its duty rate calculation.

America's farmers and ranchers have been saddled with rising input costs, especially over the last three years. Compounding international challenges have resulted in supply chain shortages, disrupted trade routes, and lack of available raw materials which have collectively upended the fertilizer market. With increasingly limited options of fertilizer sources, farmers have struggled to diversify their supply chains, exposing them to risk. For example, triple super phosphate is not available domestically but still faces a duty. Supply chain diversity for fertilizer is crucial to minimize disruptions and mitigate the effects of adverse global events. Duties levied on phosphate imports combined with these other factors have led to substantial price volatility over the past three years as evident by phosphate price increases of over 230% from 2020 to 2022. During 2022, farmers spent \$36.9 billion on fertilizer and lime, compared to \$24.4 billion in 2020. USDA forecasts \$36.4 billion in fertilizer and lime farm costs for 2023, 1% lower than 2022 but higher as a percent of expected crop receipts. The initial USDA forecasts by crop lowered fertilizer costs for 2024, but that outlook could change given the recent increase in fertilizer prices. The pattern of high fertilizer costs is not abating and is unsustainable for farm country.

We understand that the CIT found that Commerce did not adequately consider certain factors in determining production costs. Because Commerce omitted all of the support expenses in determining the production costs, the resulting determination was not an accurate reflection of the costs to the exporter, and therefore appeared to be a much higher benefit when compared to the benchmark price. Further, the CIT found errors in Commerce's calculation of profit rate

which also led to the skewed duty calculations. Because of these issues with Commerce's assessment, we urge proper consideration of all available factors when determining the final duty rate.

As Commerce completes the administrative review and its remand determination, we strongly urge a comprehensive and thorough consideration process because of the ripple effects that will greatly impact agriculture. Farmers and ranchers across the United States are committed to producing crops that meet both domestic and global demands, which require timely access to affordable fertilizer options. Should another input source become obsolete, farmers will be forced to incur unsustainable costs, delays, and limited availability which negatively impact yields. American agriculture must have market access to compete globally, and a major impediment like a fertilizer duty only undermines the ability to establish and expand markets.

We strongly encourage Commerce to consider all appropriate factors as outlined by the CIT when determining the duty rate, and further consider impacts on agriculture when issuing the final determination. We stand ready to provide further information or answer any questions as needed.

Sincerely,

National Corn Growers Association  
Agricultural Retailers Association  
American Farm Bureau Federation  
American Soybean Association  
Corn Refiners Association  
International Fresh Produce Association  
National Association of Wheat Growers  
National Cotton Council  
National Sorghum Producers  
Northwest Horticultural Council  
Society of American Florists  
U.S. Rice Producers Association

Alabama Soybean and Corn Association  
Arkansas Soybean Association  
California Association of Winegrape Growers  
California Citrus Mutual  
Colorado Corn Growers Association  
Colorado Sorghum Producers Association  
Delta Council  
Georgia Corn Growers Association  
Georgia-Florida Soybean Association  
Illinois Corn Growers Association  
Illinois Soybean Association  
Indiana Corn Growers Association  
Indiana Soybean Alliance

Iowa Corn Growers Association  
Iowa Soybean Association  
Kansas Corn Growers Association  
Kansas Soybean Association  
Kentucky Corn Growers Association  
Kentucky Soybean Association  
Louisiana Cotton and Grain Association  
Maryland Grain Producers Association  
Michigan Corn Growers Association  
Michigan Soybean Association  
Mid Atlantic Soybean Association  
Minnesota Corn Growers Association  
Minnesota Soybean Growers Association  
Mississippi Soybean Association  
Missouri Corn Growers Association  
Missouri Soybean Association  
Nebraska Corn Growers Association  
Nebraska Soybean Association  
New York Corn and Soybean Growers Association  
North Carolina Soybean Producers Association  
North Dakota Corn Growers Association  
North Dakota Soybean Growers Association  
Ohio Corn and Wheat Growers  
Ohio Soybean Association  
Oklahoma Soybean Association  
Pennsylvania Corn Growers Association  
South Carolina Corn and Soybean Association  
South Dakota Soybean Association  
Tennessee Corn Growers Association  
Tennessee Soybean Association  
Texas Citrus Mutual  
Texas Corn Producers Association  
Texas International Produce Association  
Texas Soybean Association  
Texas Vegetable Association  
Virginia Soybean Association  
Wisconsin Corn Growers Association  
Wisconsin Soybean Association

CC:

The Honorable Thomas J. Vilsack, Secretary, U.S. Department of Agriculture  
The Honorable David S. Johanson, Chairman, U.S. International Trade Commission

## Recipient List

Date	Title	First	Last	Staff First	Staff Last
19-Oct	Sen.	James	Lankford	Ashley	Higgins
19-Oct	Sen.	Cindy	Hyde-Smith	Bailey	Archey
19-Oct	Sen.	Roger	Wicker	Mikhail	Love
19-Oct	Sen.	Tim	Scott	Cody	Sims
19-Oct	Sen.	John	Boozman	Dudley	Hoskins
19-Oct	Senator	John	Cornyn	Sophie	Foley
19-Oct	Sen	John	Thune	Ryan	Donnelly
19-Oct	Sen	Joni	Ernst	Stephanie	Carlson
19-Oct	Senator	John	Barrasso	Tori	Teegarden
19-Oct	Senator	Marsha	Blackburn	Daniel	Hale
19-Oct	Senator	Bill	Cassidy	Ron	Anderson
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19-Oct	Senator	Ted	Cruz	Samara	Brown
19-Oct	Senator	Steve	Daines	Dan Gerig	Dan
19-Oct	Senator	Chuck	Grassley	Joe	Gilson
19-Oct	Senator	Bill	Hagerty	Luke	Harris
19-Oct	Senator	John	Hoeben	Aaron Weber	Aaron
19-Oct	Senator	John	Kennedy	Henson	Webre
19-Oct	Senator	Cynthia	Lummis	Hans	Hunt
19-Oct	Senator	Mike	Rounds	Lucas	Heitkamp
19-Oct	Senator	Tommy	Tuberville	Emma	Johnston