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Sent: Thursday, March 12, 2026 5:05 PM
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Subject: USDA Deputy Secretary Vaden Comments on CVD Case

Hi All,

Wanted to call your attention to the recent [Ag Bull podcast](#) featuring Stephen Vaden, USDA Deputy Secretary. On it, Deputy Secretary Vaden is asked his thoughts on the upcoming sunset review of the countervailing duty (CVD) on Moroccan phosphate fertilizer imports and what it means for the U.S. farmer.

I'd draw your attention to the following few quotes but the full transcript below is worth a read:

- Vaden: "Part of the question that the International Trade Commission will be charged with determining is: five years later, are American domestic fertilizer producers being harmed by unfair foreign competition? I can already hear the farmers who are watching this laughing at the thought of anyone asking that question given the prices they're being asked to pay for fertilizer."
- Vaden: "I would submit that given one of the biggest participants in that market, Nutrien, has publicly indicated, 'No, we don't need this order,' that's probably a pretty good indication of whether there's any need for this order going forward now that it's about to expire."

Please see below for a full transcript of this conversation.

Additionally, flagging that Senator Chuck Grassley (R-IA) took time during a recent Senate Committee on Agriculture hearing to draw attention to the CVD, stating "[T]here's no reason we should have tariffs on phosphate coming out of Morocco when one company in the United States has 80% on the market." You can watch video of his comments here: www.youtube.com

As always, please visit www.standwithusfarmers.com for more information.

Wiesemeyer's Perspectives | Stephen Vaden Deputy Secretary of Agriculture, State of Ag

March 6, 2026

<https://agbull.buzzsprout.com>

Transcript:

Jim Wiesemeyer: On the Morocco case, can you give us a timeline of how long this review will last or typically last, or can it be accelerated if there's an agreement to either temper those tariffs or eliminate them? What's the timeline?

Stephen Vaden: Well, there's one thing I want to point out at the outset. This countervailing duty order was nothing of President Trump's doing. This countervailing duty order came into play early in 2021.

Every five years under the law, there is a required review of any anti-dumping or countervailing duty order. That is what has begun now.

This order did not come about because of Section 232 or Section 301 or any presidential specific authority.

This came about through the normal bureaucratic process whereby a company files a petition claiming harm before the International Trade Commission and the Department of Commerce, and the bureaucrats there look at it and adjudicate it.

I first came across this when I was a federal judge on the Court of International Trade. My opinions reversing this order twice are public, and you can read at more length than you would probably want to my frank thoughts on the analysis that the bureaucrats did of this particular order, which I think was quite shoddy.

Now it's up for review. The review timeline is actually set by statute and it's pretty strict. Parties have between now and early April, and it's open to the public, to file comments expressing their views on the current state of the fertilizer market in the United States.

Part of the question that the International Trade Commission will be charged with determining is: five years later, are American domestic fertilizer producers being harmed by unfair foreign competition?

I can already hear the farmers who are watching this laughing at the thought of anyone asking that question given the prices they're being asked to pay for fertilizer.

I hope that any group that has an interest in this proceeding will do what the proceeding is meant to do: participate in it and state their views on what the current state of the fertilizer market is in the United States and what it means for its incumbent participants.

I would submit that given one of the biggest participants in that market, Nutrien, has publicly indicated, "No, we don't need this order," that's probably a pretty good indication of whether there's any need for this order going forward now that it's about to expire.

Jim Wiesemeyer: So by early April, you said, and then after that an announcement is made?

Stephen Vaden: Well, no. After that, because we have to give everybody a chance to reply to what people said, and then there's an opportunity for a public hearing and what have you.

But long story short, Jim, by late this summer or early fall, the International Trade Commission is going to be required to issue a decision on whether or not this order should continue.

Its members will vote, and the majority will carry. If someone disagrees with the decision, they can sue and go back to the Court of International Trade and ask them to investigate it.

Unfortunately, this process will not completely play out—unless the parties voluntarily agree to drop the order, as one has already asked them to do.

If the process goes its full length, it will not be able to be completed before farmers' fertilizer needs have passed for this growing season.

But before next growing season, we will definitely have an answer as to whether or not this order is going to continue, if one party wants to continue to have the order in place.

Jim Wiesemeyer: Good, that's the timeline I wanted.

You mentioned pricing several times, and I know this is not a surprise to you. Farmers—whoever I talk with—say we need more pricing transparency. I'm surprised that there's no more general information about the pricing. It's hit or miss.

Is there any effort in that vanguard to establish a consistent price transparency in the fertilizer sector?

Stephen Vaden: You know, from my point of view, Jim, the best price transparency comes when we have a truly competitive marketplace where multiple companies are competing and thereby bidding for your business.

We don't currently have that from my point of view. There are not enough competitors in the fertilizer market space.

I think as more new market entrants come, we'll get better price transparency because we won't just have two main companies basically setting the price.

It is public in the court documents from the case that I adjudicated when I was on the Court of International Trade that there were statements in the record before the International Trade Commission from experienced fertilizer traders at the Port of New Orleans—where many fertilizer imports come in—that these two domestic companies, and Mosaic in particular, set the price and everybody just follows what Mosaic does because it's the behemoth.

Now, they're not going to like that I said that, but if you don't trust that that's what they said, thanks to me these documents are now public because the commission and some of the participants tried to hide them from the public.

They actually took it up to the appellate court to try to keep them secret, and the appellate court said, "Absolutely not. These aren't secret documents. These are public documents. The public should see them."

You can now go onto the court's website. You can look through those documents. You can look through my opinion summarizing them if you don't have that time, and you'll see these statements in the record saying that that's how the prices are set.

We need more market participants so we can have a real market.

I'm excited to say that it looks like next year we'll get more market participants and we'll find out what the proper price of fertilizer starts to need to be.

Jim Wiesemeyer: Good. That's the parallel pricing problem, right? If you only have a few participants, everybody follows.

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