

# Congress of the United States

Washington, DC 20515

September 22, 2023

The Honorable Gina Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, D.C. 20230

Dear Secretary Raimondo:

We write to request the immediate termination of the 2019 Suspension Agreement on Fresh Tomatoes from Mexico (“Suspension Agreement”) and to urge you to impose antidumping duties on imports of unfairly traded Mexican tomatoes as required by law.

Despite the good faith efforts of the U.S. Department of Commerce to enforce the 2019 Suspension Agreement, Mexican tomato exporters are using the Suspension Agreement as a cover to conduct unfair trade practices, which are destroying the domestic tomato industry. The Commerce Department has already documented over a hundred violations of the 2019 Suspension Agreement, including continued dumping. The Suspension Agreement is not working and cannot be modified to work under existing law, so antidumping duties must be imposed to sufficiently remedy ongoing injury to the domestic tomato industry.

According to U.S. Census and USDA data, in 1994, Mexican imports accounted for about 20 percent of the U.S. market. Since then, the volume of tomato imports from Mexico has increased 380 percent, and hundreds of American tomato farmers have been forced out of business despite successive suspension agreements with Mexico. In 2022, Mexican tomatoes accounted for about 70 percent of the U.S. market, and despite an active suspension agreement, the volume of Mexican imports has increased by about 9 percent since 2019. Small family operations have been hit particularly hard, and the impacts have been profoundly damaging to rural economies. After 27 years, it is clear that the loopholes in the suspension agreements being exploited by Mexican producers cannot be closed, and the domestic industry will face further material injury if the necessary actions are not taken.

In October 2019, the Commerce Department determined that Mexican tomatoes were being dumped with margins as high as 30.48 percent; and in November 2019, the U.S. International Trade Commission (ITC) determined the domestic fresh tomato industry is materially injured by dumped Mexican tomatoes, affirming the domestic industry’s access to trade relief in the event of a failure of the Suspension Agreement. Due to the failure of the Suspension Agreement to prevent unfair trade practices, the domestic industry must now be allowed to access the trade remedies prescribed by the ITC.

Immediate termination of the 2019 Suspension Agreement and imposition of antidumping duties is necessary to stop the destruction of the American tomato industry by unfairly traded Mexican tomatoes. We urge you to take these actions without delay.

Thank you for your attention to this important matter.

Sincerely,



Marco Rubio  
U.S. Senator



Jim Costa  
Member of Congress



Rick Scott  
U.S. Senator



Marsha Blackburn  
U.S. Senator



Bill Hagerty  
U.S. Senator



Tom Cotton  
U.S. Senator



Katie Britt  
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Kat Cammack  
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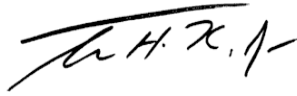
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Lois Frankel  
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