

Congress of the United States
Washington, DC 20515

August 17, 2017

The Honorable Robert Lighthizer
United States Trade Representative
600 17th Street NW
Washington, D.C, 20230

Dear Ambassador Lighthizer,

As Members of Congress who are very engaged in ensuring that our trade relationships are beneficial to American industries and consumers, we understand the desire to modernize and update the North American Free Trade Agreement (NAFTA) and bring it into the twenty-first century.

As the Administration develops its detailed negotiating positions, we wanted to bring to your attention our concerns with amending the trade remedy chapter to create a new domestic industry provision for perishable seasonal products in antidumping and countervailing duty proceedings. We appreciate the need to protect U.S. industries from dumping and other unfair practices. But at the same time, we believe that changing how perishable seasonal products are treated today will have serious negative consequences for many in the U.S. produce sector and their employees as well as American consumers.

Specifically, we fear that opening the door to these new trade remedies would lead to an uncontrolled proliferation of regional, seasonal, perishable remedies against U.S. exports, distorting trade and posing severe harmful consequences for U.S. grower-exporters when they try to compete abroad. Since NAFTA was enacted more than 23 years ago, overall U.S. food and agricultural exports to Canada and Mexico have more than quadrupled—growing from \$8.9 billion in 1993 to over \$38 billion in 2016. Much of these exports could be subjected to harassing trade remedy cases if the domestic industry is changed.

In addition, any new remedy established for some U.S. interests must be balanced by the negative effect on every single American family, who would see increased prices for their fresh produce, and likely even reduced availability of wide varieties of produce. These price increases and diminished availability would affect not just consumers, but the supermarkets and restaurants that feed American families.

Our neighbors' growing seasons in most cases are not in competition but are complementary to ours and help meet growing U.S. demand for fresh produce. American families have become accustomed to affordable seasonal produce throughout the year, a concept that was a luxury pre-NAFTA, when store shelves were sparsely stocked with expensive produce during the winter months.

With so much at stake in these NAFTA negotiations, we request that the Administration focus on developing negotiating positions that benefit all American families and support efforts to expand U.S. agriculture exports by opening markets, not closing opportunities. We urge you not to move forward with a proposal loosening the definition of domestic industry for perishable seasonal products until we can reach a consensus that avoids negative consequences for American farmers and consumers.

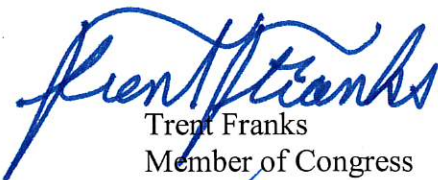
Sincerely,



David Schweikert
Member of Congress



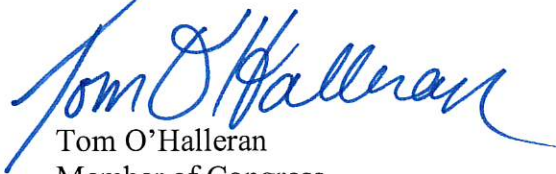
Paul A. Gosar, D.D.S.
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