



October 6, 2020

The Honorable Robert Lighthizer
United States Trade Representative
Office of the US Trade Representative
600 17th Street, NW
Washington, DC 20508

Re: Request Under 19 USC § 2252(d)(1) to Monitor the Importation of Bell Peppers

Dear Ambassador Lighthizer:

The Florida Fruit and Vegetable Association (FFVA) and Florida Farm Bureau hereby request pursuant to 19 USC § 2252(d)(1) of Section 201 of the Trade Act of 1974, as amended (19 USC § 2251 *et seq.*) that US imports of bell peppers (US HTS 0709.60.40.15; 0709.60.40.25; 0709.60.40.65; 0709.60.40.85) be monitored under the perishable agricultural product provisions of 19 USC § 2252(d). This request is in furtherance of, and fully incorporates by reference, the September 1, 2020, *Report on Seasonal and Perishable Products in US Commerce* ("September Report") issued by the Office of the United States Trade Representative (USTR), US Department of Commerce, and US Department of Agriculture.

FFVA is a trade association comprised of growers of seasonal and perishable products, including bell peppers, and other agricultural products in Florida. It has served Florida's specialty crop industry for more than 75 years.

The Florida Farm Bureau is Florida's largest general agricultural organization, representing more than 136,000 member-families.

The *September Report* states that USTR will work with domestic producers to request that the International Trade Commission (ITC) monitor and investigate imports of bell peppers, which could enable an expedited Section 201 global safeguard investigation later this year. (*September Report*, at 17-21). With the undersigned entities hereby requesting the monitoring of bell pepper imports, 19 USC § 2252(d) authorizes USTR to request that the ITC monitor and investigate bell pepper imports if it determines that bell peppers are a perishable agricultural product and that there is a reasonable indication that bell peppers are being imported into the United States in such increased quantities as to be, or likely to be, a substantial cause of serious injury, or the threat thereof, to the domestic industry.

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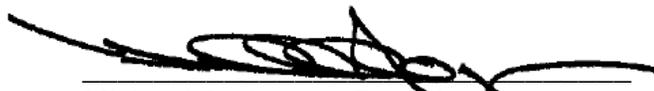
The *September Report* found that the written submissions received by USTR during the public comment period (85 *Fed. Reg.* 13973, 85 *Fed. Reg.* 17938, and 85 *Fed. Reg.* 44354), and considerable testimony delivered at the August 13, 2020, hearing on this matter (Transcript: *Public Hearings Regarding Trade-Distorting Policies that may be Affecting Seasonal and Perishable Products in US Commerce*, Public Hearing, Aug. 13, 2020) contained a significant amount of information covering the 19 USC § 2252(d)(1) criteria as they relate to bell pepper imports. It further states that this supportive information already on the record will facilitate an expeditious USTR response if an entity representing a domestic industry producing bell peppers requests monitoring under 19 USC § 2252(d) (*September Report*, at 17).

On the issue of whether bell peppers are a perishable agricultural product, the *September Report* properly cites to testimony confirming that Florida bell peppers have a short marketing period (*Id.*). Florida bell peppers have a marketing year that runs from November to May and have a short shelf life of 10 to 15 days.

With respect to bell pepper imports and their impact on the domestic industry, the *September Report* sets forth US bell pepper import data showing a 52% surge in import value between 2014 and 2019. The *September Report* also summarizes testimony confirming how the sharp increase in imports from Mexico has seriously injured the Florida industry in the form of significant lost sales and market share, unsustainably low unfair prices, greatly reduced production volumes, lost family farms, and an increasingly dire outlook for the Florida bell pepper sector. Attached to this letter is a fuller list of written submissions received by USTR pursuant to its public comment period, the content of which further confirms the enormous increase in bell pepper imports from Mexico in recent years and the growing injury those imports have inflicted on Florida's bell pepper industry.

Consistent with USTR's indication that this request will facilitate an expeditious USTR response, FFVA and the Florida Farm Bureau respectfully ask that USTR make an affirmative determination under 19 USC § 2252(d)(1) and request that the ITC monitor and investigate bell pepper imports under section 332(g) of the Tariff Act of 1930 (19 USC § 1332(g)) in accordance with the provisions of 19 USC § 2252(d). FFVA and the Florida Farm Bureau stand ready to assist USTR further as necessary to commence this monitoring and investigation process.

Respectfully submitted,



Michael A. Joyner, President
Florida Fruit and Vegetable Association



John L. Hoblick, President
Florida Farm Bureau

Attachment

**Written Submissions Further Confirming the Enormous Increase in
Bell Pepper Imports from Mexico in Recent Years and the Growing Injury
those Imports have Inflicted on Florida's Bell Pepper Industry**

Submitting Entity	Date Submitted
Florida Fruit and Vegetable Association	August 3, 2020 (Initial Comments) August 4, 2020 (Testimony)
Florida Farm Bureau Federation	August 3, 2020
Florida Department of Agriculture and Consumer Services	July 6, 2020 (Initial Comments) August 3, 2020 (Testimony)
Georgia Fruit and Vegetable Growers Association	August 2, 2020
New York Farm Bureau	August 3, 2020
University of Florida	August 3, 2020
University of Florida, IFAS	July 28, 2020
University of Georgia	August 2, 2020
Atlantic County Board of Agriculture	August 3, 2020
Miami-Dade County	July 30, 2020
C&B Farm, Florida	August 1, 2020
Leitz Farms LLC, Michigan	April 15, 2020 (Initial Comments) July 31, 2020 (Testimony and Updated Comments)
Bedner Growers, Florida	March 20, 2020 (Initial Comments) August 3, 2020 (Testimony)
Southern Valley Fruit and Vegetable, Inc.	July 30, 2020
DiMare Homestead and DiMare Ruskin, Inc., Florida	July 31, 2020
Senator Marco Rubio	August 21, 2020
Representative Al Lawson	August 3, 2020
Representative Alcee L. Hastings	August 3, 2020
Representative Debbie Mucarsel-Powell	August 3, 2020
Representative Mario Diaz-Balart	August 3, 2020
Representative W. Gregory Steube	August 3, 2020
Representative Vern Buchanan	August 3, 2020
Stephen Monroe, Jefferson County, FL	August 3, 2020
Thomas LaSalle, Palm Beach County, FL	July 31, 2020