

## UNITED STATES TRADE REPRESENTATIVE

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PUBLIC HEARING REGARDING TRADE-DISTORTING  
POLICIES THAT MAY BE AFFECTING SEASONAL AND  
PERISHABLE PRODUCTS IN U.S. COMMERCE

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THURSDAY  
AUGUST 20, 2020

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The hearing was convened via video teleconference, at 9:00 a.m., William Kimmitt, Committee Chair, presiding.

## HEARING COMMITTEE

WILLIAM KIMMITT, Office of the U.S. Trade  
Representative, ChairCAMERON BISHOP, Deputy Assistant U.S. Trade  
Representative

GREGG DOUD, Chief Agricultural Negotiator,

Office of the U.S. Trade Representative

JEFFREY KESSLER, Assistant Secretary of Commerce  
for Enforcement and Compliance, U.S.

Department of Commerce

TED MCKINNEY, Under Secretary of Agriculture for  
Trade and Foreign Agricultural Affairs,  
U.S. Department of Agriculture

**ALSO PRESENT**

**SONNY PERDUE, Secretary, U.S. Department of  
Agriculture**

**WITNESSES:****INTRODUCTORY WITNESSES:**

**REP. AUSTIN SCOTT, Georgia 8th Congressional  
District**

**REP. AL LAWSON, Florida 5th Congressional  
District**

**REP. BUDDY CARTER, Georgia 1st Congressional  
District**

**REP. JOHN RUTHERFORD, Florida 4th Congressional  
District**

**SESSION ONE:**

**GARY BLACK, Georgia Department of Agriculture  
VINCENT "ZIPPY" DUVALL, American Farm Bureau  
Federation**

**GERALD LONG, Georgia Farm Bureau Federation**

**DAVID FISHER, New York Farm Bureau**

**CHARLES HALL, Georgia Fruit & Vegetable Growers  
Association**

**MICHAEL SPARKS, Florida Citrus Mutual**

**GOPI MUNISAMY, PhD, University of Georgia**

**CESAR GONZALEZ, Office of Congressman Mario  
Diaz-Balart (FL-25)**

**SESSION TWO:**

**JOSEPH CORNELIUS, JR., J&B Blueberry Farms, Inc.**

**RUSS GOODMAN, Cogdell Berry Farm**

**SAM WATSON, Chill C Farms**

**STEVE McMILLAN, Southern Grace Farms**

**THOMAS LaSALLE, Thomas Produce Company**

**WILLIAM BRIM, Lewis Taylor Farms, Inc.**

**RICHARD MINOR, Minor Brothers Farm**

**FRED LEITZ, Leitz Farms LLC**

**SESSION THREE:**

**REP. DOUG COLLINS, Georgia 9th Congressional  
District**

**BRIAN KUEHL, Farmers for Free Trade**

**JAIME CASTANEDA, National Milk Producers  
Federation and U.S. Dairy Export Council**

**JOHN BODE, Corn Refiners Association**

**LANCE JUNGMEYER, Fresh Produce Association of  
the Americas**

**JAIME CHAMBERLAIN, Greater Nogales Santa Cruz  
County Port Authority**

**WALTER RAM, The Giumarra Companies**

**RENE ROMERO, San Diego Customs Brokers  
Association**

**DAREN BAKST, The Heritage Foundation**

**GABRIELLA BEAMONT-SMITH, The Heritage Foundation**

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1 P-R-O-C-E-E-D-I-N-G-S

2 9:02 a.m.

3 CHAIR KIMMITT: Good morning and  
4 welcome to today's hearing on seasonal and  
5 perishable produce convened by the Office of the  
6 United States Trade Representative, the U.S.  
7 Department of Agriculture, and the U.S.  
8 Department of Commerce.

9 My name is William Kimmitt. I am  
10 counselor to the U.S. Trade Representative and I  
11 will be moderating today's hearing. This is the  
12 second of two hearings on this issue, and today's  
13 hearing will follow the same format as last  
14 Thursday.

15 Before we proceed with today's  
16 testimony, it's my pleasure to introduce United  
17 States Secretary of Agriculture Sonny Perdue to  
18 provide opening remarks for today's hearing.  
19 Secretary Perdue?

20 SECRETARY PERDUE: Thank you, William,  
21 and since this is a hearing and not a talking,  
22 I'm going to be very brief because we want to

1 hear from our guests today, including our members  
2 of Congress that are deeply involved and  
3 interested in this issue, and I see a lot of  
4 friends here I want to hear from, as well as read  
5 their testimony if we're not able to stay for all  
6 of it, but this has been one of the more  
7 frustrating things that we've dealt with at USDA.

8 Obviously we're an export-focused  
9 organization and trying to build markets across  
10 the country, and I want to let you all know  
11 Ambassador Lighthizer was on the first hearing  
12 last week and I can assure you, as I told you,  
13 that the fresh fruit and perishable vegetable  
14 issue was on the USMCA table until the very end.

15 It became a red line in the sand for  
16 the Mexicans and we were not able to hold that,  
17 but nonetheless, we look forward to continuing to  
18 -- how we can mitigate the challenges that you  
19 all are facing.

20 We know they're real. We know that  
21 they're serious, and from a USDA/USTR/Commerce  
22 perspective, we want to hear from you today over

1 specific issues over unfair trade practices. We  
2 heard that a lot last week. We need to know more  
3 specifically how we can identify and really  
4 mitigate these unfair trade practices there.

5 We obviously, as an administration,  
6 don't want anyone preying upon our producers  
7 here, but honestly it gets into very much of a  
8 challenge from protectionism versus a very open  
9 and export-oriented country like the United  
10 States that's so productive.

11 And we depend on our profitability in  
12 many areas for exports, including blueberries and  
13 pecans, and other fruits and vegetables in that  
14 way, certainly blueberries.

15 And I think Under Secretary McKinney  
16 who was just telling me earlier this morning that  
17 we had opened up our blueberry exports to three  
18 countries in the Pacific Rim just in the last few  
19 weeks. I know that missed our Southeast season,  
20 but hopefully we can enjoy those, you know, going  
21 forward.

22 And certainly in the CTPAT program,

1 we're looking at the pecan issue and it's been a  
2 great success story going into China, and we want  
3 to continue that. While we don't build walls,  
4 but we make sure people on both sides of the  
5 border are playing by the same rules in that.

6 So, if you have instances or evidence  
7 of unfair subsidies, unfair trade practices, I  
8 hope you'll make that part of your remarks today  
9 so we can follow up there.

10 Obviously our Commerce Department  
11 through a 301 investigation can pursue that.  
12 They're willing to. We don't want any of our  
13 United States producers to be disadvantaged by  
14 things that are, that can be proven that are  
15 damaging them in that respect.

16 So, I appreciate all of you being  
17 here. I appreciate my congressman, Austin Scott,  
18 being on with us today, as well as our Florida  
19 representatives, and Buddy Carter as well being  
20 there, and I look forward to hearing them.

21 I look forward to hearing from our  
22 Farm Bureau representatives in Georgia, Gerald

1 Long, and certainly our National American Farm  
2 Bureau Federation, my friend, Zippy Duvall as  
3 well, as well as a lot of friends in the  
4 production space that I've known you for a while  
5 and I look forward to your contribution today.

6 So, thank you very much for  
7 participating. I know as a citizen sitting where  
8 you are, I used to wonder was anybody listening,  
9 and I want to tell you that we are.

10 Just help us figure out how we can  
11 help and mitigate the issues that you're facing  
12 and the challenges that you're facing into  
13 something realistic that we can do under United  
14 States law and trade policies. So, I look  
15 forward to -- I want to thank you for allowing  
16 me.

17 I appreciate Ambassador Lighthizer and  
18 USTR setting this up, as well as the Commerce,  
19 and Secretary Wilbur Ross was on last week, and  
20 we want to pay close attention here so we can  
21 resolve some of the challenges you're facing.

22 So, thank you, and I'm going to close

1 now, William, and I look forward to all of our  
2 witnesses.

3 CHAIR KIMMITT: Well, thank you,  
4 Secretary Perdue. Now I'd like to briefly  
5 reintroduce the three senior officials  
6 representing USTR, USDA, and the Department of  
7 Commerce here today.

8 USTR will be represented by Ambassador  
9 Gregg Doud, the Chief Agriculture Negotiator for  
10 the Office of the U.S. Trade Representative.  
11 USDA will be represented by Under Secretary for  
12 Trade and Foreign Agricultural Affairs Ted  
13 McKinney, and the Department of Commerce will be  
14 represented by Mr. Jeffrey Kessler, Assistant  
15 Secretary of Commerce for Enforcement and  
16 Compliance.

17 And additionally, we have  
18 representatives from the U.S. International Trade  
19 Commission who will be listening to the  
20 testimonies presented here today.

21 We have a full day scheduled and we  
22 will do our best to stay on schedule. So, with

1 that, I am delighted to begin our first session  
2 of testimony today and I would like to welcome  
3 our first witness, Congressman Austin Scott from  
4 Georgia.

5 REP. SCOTT: Thank you, and good  
6 morning. And Americans don't want to be  
7 dependent on the Middle East for fuel, China for  
8 pharmaceuticals, or Central or South America for  
9 their food supply.

10 Currently, the United States is  
11 fortunate to be one of the only countries in the  
12 world with an agricultural industry capable of  
13 feeding not only itself, but also its friends and  
14 neighbors around the world.

15 That is changing, and while America's  
16 large grocery retailers continue to post record  
17 profits, American farm families continue to stare  
18 at record losses.

19 One of the biggest issues American  
20 producers currently face is the challenge of  
21 combating dumping of foreign subsidized crops in  
22 the U.S. markets below the cost of production.

1                   Stopping unfair trade practices  
2           against American farmers, specifically producers  
3           of seasonal and perishable crops, is vital to  
4           U.S. agriculture independence.

5                   Unlike other crops such as corn,  
6           wheat, and rice, which I would also add are below  
7           the cost of production today, producers of  
8           seasonal and perishable crops do not have the  
9           option of storing their yields until market  
10          prices stabilize. From harvest to market, fresh  
11          fruit and vegetables must be sold in a narrow  
12          window.

13                   In recent years, Mexico's increase of  
14          specialty crop exports to the United States under  
15          the North American Free Trade Agreement has had a  
16          profoundly negative impact on fresh fruit and  
17          vegetable sectors, resulting in a significant  
18          loss of U.S. farm revenue.

19                   To a great extent, Mexican fruit and  
20          vegetable producers have been able to achieve  
21          this extraordinary growth because of unfair  
22          Mexican subsidies, making it nearly impossible

1 for American producers to compete.

2 When American farmers face import  
3 surges and foreign dumping of subsidized  
4 practices and products, U.S. import remedies have  
5 provided little to no relief.

6 That leaves American growers in  
7 important farming regions like Georgia and  
8 Florida and elsewhere far more exposed than they  
9 should be to unfair and often devastating import  
10 injury.

11 Measures to modernize U.S. trade  
12 remedies for our growers are long overdue.  
13 During the early rounds of the NAFTA  
14 renegotiations, the Trump Administration sought  
15 the ability for seasonal and perishable producers  
16 to pursue trade cases based on their U.S.  
17 marketing season.

18 Dozens of our congressional colleagues  
19 are --

20 (Audio interference.)

21 REP. SCOTT: -- economy in rural  
22 America. After years of bipartisan support for

1 seasonal and perishable relief improvements, this  
2 administration should be commended for taking the  
3 steps necessary to get those improvements done.

4 Mr. Secretary, I want to thank you for  
5 -- and I would like to simply conclude my remarks  
6 with thanking the American farmer and the  
7 American farm family for what they do to provide  
8 the independence that we as Americans have come  
9 to love.

10 CHAIR KIMMITT: Thank you, Congressman  
11 Scott. Our next witness is Congressman Al Lawson  
12 from Florida.

13 REP. LAWSON: Thank you very much, and  
14 I want to say hello to my colleague, Austin  
15 Scott. To the Secretary Purdue and Ambassador  
16 and Secretary Ross, please accept these following  
17 as my official written testimony for a virtual  
18 hearing your department will be holding on this  
19 trade-disturbing policy that may be affecting  
20 seasonal and perishable products in the United  
21 States commerce.

22 I have the honor of representing

1 Florida's 5th Congressional District, spanning  
2 over 200 miles of the Sunshine State's Panhandle  
3 from Gadsden County in the west to Duval County  
4 in the east. Home to over 590 acres of farmland,  
5 the 5th Congressional District is a microcosm of  
6 Florida's agricultural economic economy,  
7 including specialty crops such as tomatoes,  
8 melons, and peppers.

9 Over the decades, I have been keenly  
10 aware of the detrimental impact that unfair  
11 Mexican dumping policies have had in harming  
12 Florida's seasonal fruit and vegetable industry.

13 As you all are aware by now, specialty  
14 crops are critical to both Florida's agricultural  
15 economy and the state's overall liability.

16 Many of our fruit and vegetable  
17 producers compete with Mexican producers to  
18 provide fresh produce to consumers within the  
19 United States year round.

20 Instead of healthy competition, we  
21 have witnessed Mexican seasonal crop producers  
22 unfairly dumping their fruit and vegetables into

1 the U.S. domestic market well below market value.  
2 Such practices have consistently resulted in  
3 major economic injury of Florida's agriculture  
4 producers.

5 According to the report published by  
6 the Florida Department of Agriculture and  
7 Consumer Affairs, such unfair trade practices  
8 have shrunk Florida's share of the market by 40  
9 percent, and from Mexico have ballooned by 217  
10 percent in the past for them.

11 In 2019 alone, Mexican seasonal crop  
12 producers increased their share of the U.S.  
13 domestic market by 17 percent.

14 Over the decade, Florida's seasonal  
15 producer industry leaders, local, state, and  
16 federal officials have persistently rung the  
17 alarm about dishonest dumping of products by  
18 Mexican producers into a domestic market,  
19 specifically in the 116th Congress.

20 The Florida congressional delegation  
21 have come together to support legislation and  
22 policies to address the concern that this hearing

1 seeks to examine.

2 I serve as the regional cosponsor of  
3 H.R. 101, the Defending Domestic Producers  
4 Production Act. H.R. 101 will allow a relief  
5 mechanism that will defend relevant industry  
6 causes, cases involving seasonal and perishable  
7 products where the majority --

8 (Audio interference.)

9 REP. LAWSON: -- a group of states  
10 occur with a specific discretionary season.

11 I implore you all to review the pieces  
12 of legislation and other efforts set forth by the  
13 members of the Florida delegation as your agency  
14 continues to investigate this trend that is  
15 simply a matter of life and death for many of the  
16 farmers in the fruit and vegetable industry.

17 As a member of the House Agricultural  
18 Committee, I have sure assumed the responsibility  
19 of supporting the interests of Florida farmers  
20 and ranchers to ensure that they can thrive in  
21 the face of all challenges, whether they are  
22 natural or manmade.

1           The use of unfair trade practices by  
2 Mexican fresh fruit and vegetable producers is  
3 just one of these challenges that I am passionate  
4 about addressing.

5           I commend your respective agencies in  
6 taking action to examine the trade policies that  
7 are negatively affecting seasonal and perishable  
8 products in the state of Florida and elsewhere in  
9 the United States.

10           I look forward to working with you all  
11 to support and defend the domestic seasonal crop  
12 producers. Thank you very much, and it's really  
13 an honor to be able to bring this information  
14 before you. I look forward to us solving many of  
15 the problems as we move forward, especially with  
16 this pandemic as it's affecting our farmers and  
17 hurricane season across America.

18           So, I know we have a great  
19 responsibility at hand, and I know we have the  
20 right people in place that can take of it. Thank  
21 you very much.

22           CHAIR KIMMITT: Thank you, Congressman

1 Lawson. Next, we will hear testimony from  
2 Congressman Buddy Carter of Georgia.

3 REP. CARTER: Well, thank you, Mr.  
4 Chair. I appreciate the opportunity to present  
5 today.

6 And I want to begin my testimony by  
7 thanking the United States Trade Representative's  
8 office, the United States Department of  
9 Agriculture, the Department of Commerce, and the  
10 associated staff for their work in putting  
11 together today's hearing to discuss an issue that  
12 is vitally important to the ag community in  
13 Georgia.

14 While the initial hearing was  
15 scheduled to be in person here in Georgia, COVID-  
16 19 has caused necessary changes to the format.  
17 We are disappointed, but we certainly understand.

18 The passage of the North American Free  
19 Trade Agreement, NAFTA, was intended to set in  
20 motion new opportunities for the American  
21 agriculture community.

22 Growers were told that new doors would

1 open and new markets would become available for  
2 the perishable fruit and vegetable products grown  
3 here in the state of Georgia. Unfortunately,  
4 those opportunities never materialized for the ag  
5 community here in south Georgia.

6 The NAFTA provisions put in place to  
7 protect against unfair trade practices, both the  
8 monitoring section and the safeguards, proved  
9 largely ineffective in stemming a flood of  
10 cheaper Mexican products into the U.S. market.

11 For instance, on the monitoring side,  
12 years of reports showed larger numbers of imports  
13 of Mexican tomatoes, but failed to have an  
14 effective mechanism to stem their dumping.

15 The Chapter 7 safeguards, another tool  
16 intended to stem unfair trade practices, were  
17 supposed to allow the United States to impose  
18 quotas.

19 However, they never really  
20 materialized due to lower rates. The lower price  
21 points kept this provision from ever having an  
22 effect on stemming Mexican imports of fruit and

1 vegetables.

2           While I appreciate the federal  
3 agencies here today and their efforts to assist  
4 American growers, it's important to note the  
5 large ag expansion currently underway in Mexico.

6           What began in Mexico in 2009 as a  
7 strategic project for protected agriculture has  
8 continued as a targeted development of industries  
9 that will compete directly with Georgia growers.

10           Through subsidies provided by the  
11 federal government and labor costs a fraction of  
12 U.S. standards, they have continued to facilitate  
13 an increasingly imbalanced trade relationship for  
14 fruit and vegetables.

15           In a report published in August of  
16 2019 by the University of Georgia regarding the  
17 trade impact for Georgia crops, several  
18 interesting points continuously came up.

19           One, between 2005 and 2016, the  
20 blueberries grown in Georgia were significantly  
21 outpaced by the imports of non-strawberry berries  
22 from Mexico.

1                   Similarly, the imports of vegetables  
2 nearly tripled while Georgia's growers saw modest  
3 growth. As a result, blueberry and vegetable  
4 growers in Georgia are at an increasingly large  
5 disadvantage compared to Mexican imports in these  
6 categories.

7                   Modeling done by the University of  
8 Georgia forecast significant losses in income for  
9 some of the counties that I represent under  
10 catastrophic damage scenarios.

11                   For instance, Clinch County could see  
12 a 40.3 percent drop and Echols County could see a  
13 46 percent drop under a catastrophic damage  
14 situation. This was projected under a scenario  
15 in which imports of Mexican blueberries and  
16 vegetables continued without an offset or  
17 response.

18                   These numbers show that Georgia  
19 growers will continue to be seriously impacted  
20 unless action is taken to correct the market  
21 imbalance. Georgia is on track to potentially  
22 lose roughly \$1 billion in economic output and

1 over 8,000 jobs unless something is done.

2 While we appreciate the commitments  
3 made by USTR in writing to members of Georgia and  
4 Florida delegations, we cannot afford to sit back  
5 without the appropriate corrective action.

6 Georgia's number one business is  
7 agriculture and it represents significant  
8 economic growth in rural counties such as those  
9 in my district.

10 Georgia farmers are struggling and now  
11 is the time for USTR, USDA, and Commerce to take  
12 these testimonies into account and support  
13 American industry and jobs.

14 There is an opportunity to utilize the  
15 tools you've laid out to bring balance to a trade  
16 relationship that has been increasingly skewed  
17 against American growers.

18 I thank you for your continued work in  
19 this space, for hosting this hearing, and for  
20 efforts to assist my constituents in counties  
21 otherwise.

22 As you have acknowledged, we look

1 forward to USTR's help, your plan to help resolve  
2 the seasonal import issue in the southeast.

3 Thank you very much again and I yield back.

4 CHAIR KIMMITT: Thank you, Congressman  
5 Carter. We will next hear testimony from  
6 Congressman John Rutherford of Florida.

7 REP. RUTHERFORD: Thank you very much.  
8 Mr. Secretary, I really appreciate you. And I  
9 miss our opportunities to get together for the  
10 Florida-Georgia football game here in  
11 Jacksonville. But hopefully we'll get to do that  
12 again one day.

13 I want to thank you for this  
14 opportunity to testify at today's hearing and  
15 discuss these critical trade issues which effect  
16 so many in our nation, but especially Florida  
17 growers.

18 And I also want to say thank you to  
19 Ambassador Lighthizer -- and Gregg, if you'll  
20 take that to him. We really appreciate his work  
21 as USMCA was being looked at. We appreciate his  
22 work on that. And that sets the standards of

1 fairness between the U.S. and neighboring  
2 counties. And sometimes -- and something that  
3 most previous trade agreements did not do, so we  
4 appreciate that.

5 As I mentioned, I'm the proud  
6 Representative of the Fourth Congressional  
7 District of Florida, in a state that's, quite  
8 frankly, been taken advantage of by Mexico's  
9 unfair trade practices against seasonal and  
10 perishable producers for years.

11 Agriculture is essential to Florida's  
12 economy, just like Georgia, generating \$131  
13 billion in total economic impact and providing  
14 nearly 1.4 million jobs.

15 For decades, the Mexican industry has  
16 shipped government-subsidized -- and I want to  
17 repeat -- government-subsidized produce into our  
18 domestic agricultural markets, threatening fresh  
19 fruit and vegetable producers by pushing down the  
20 market price for their goods. As we know, these  
21 producers do not have the option of storing their  
22 goods until a stable market. And that puts them

1 at a significant economic disadvantage.

2 To this day, seasonal and perishable  
3 producers continue to experience significant  
4 financial loss. Recent economic data indicates  
5 that 83 percent of Florida fruit and vegetable  
6 crops have lost significant market share over the  
7 past two decades to Mexican competition. As a  
8 result, numerous producers have been forced to  
9 walk away and shut down their farms, many of  
10 which had lasted for generations.

11 And the markets are pretty broad that  
12 we're talking: strawberries, blueberries that  
13 were mentioned earlier, tomatoes, bell peppers,  
14 sweet corn, and all of this while Florida  
15 continues to grapple with this trade  
16 disadvantage.

17 Mexico's fruit and vegetable shipments  
18 have increased by over 500 percent since 2000 to  
19 2017. Five-hundred percent. In contrast, due to  
20 Mexico's unfair market practices, Florida  
21 industries lost sales were upward of \$2 billion  
22 over this same period of time.

1                   Now, the coronavirus, which was  
2 mentioned earlier also, has demonstrated to us  
3 the vital importance of a steady food supply  
4 during times of need, which our farmers and  
5 producers have stepped up to provide. The United  
6 States agricultural economy not only has the  
7 power to feed its own citizens, but also  
8 countries in need throughout the world. Now is a  
9 critical time to support our farmers and  
10 producers by offering import remedies to this  
11 ongoing issue.

12                   I commend the Administration for  
13 keeping the lines of communication open to hear  
14 these experiences, and properly address Mexico's  
15 illegal dumping, and again, their government  
16 subsidized produce.

17                   It's critical that our producers are  
18 given the means to wade through this public  
19 health crisis by ensuring equal access to free  
20 and fair competition. We're not afraid of  
21 competition in America. We just want it to be  
22 free and fair.

1           And that's what we're asking for. The  
2 USTR has the measures to bring about a meaningful  
3 change through the authority granted under  
4 Section 301 of the 1974 Trade Act.

5           And Section 301, as you know, provides  
6 USTR with the means to investigate, respond, and  
7 resolve trade issues between domestic and foreign  
8 entities that negatively impact on U.S. commerce.

9           And I respectfully request USTR to use  
10 that authority, as we talked about before the  
11 passage of USMCA, use that authority under  
12 Section 301 to provide relief to those affected.  
13 Or, pursue a procedure that delivers equally  
14 effective timely, enforceable, and industrial --  
15 industry appropriate relief.

16           So, I want to thank you again for this  
17 opportunity to testify. And I look forward to  
18 working with you on this issue, and finding some  
19 suitable remedies that address these important  
20 matters.

21           I yield back.

22           CHAIR KIMMITT: Thank you, Congressman

1 Rutherford. We'll now go to what's been  
2 identified as Session One in our schedule,  
3 beginning with our first witness, Commissioner  
4 Gary Black from the Georgia Department of  
5 Agriculture.

6 And Commissioner Black, I think we may  
7 have a couple of follow up questions after your  
8 testimony concludes, as time permits, if you'd be  
9 willing to stick around for those.

10 So, with that, I turn it over to our  
11 first witness of this session.

12 MR. BLACK: Absolutely. Absolutely.  
13 Good morning everyone. Ambassador Doud and  
14 Secretary Perdue, it's so good to see you today.

15 I think I made the right choice of  
16 ties today. So, we're just a little different  
17 color today, although the same one.

18 But many distinguished professionals  
19 with the Office of the U.S. Trade Representative.  
20 And certainly our professionals with the  
21 Department of Agriculture, Department of  
22 Commerce, members of Congress, and my fellow

1 leaders with state departments of agriculture and  
2 our agriculture industry.

3 Ladies and gentlemen, I'm Gary Black.  
4 I'm pleased to have the opportunity to serve as  
5 Commissioner of Agriculture for the State of  
6 Georgia.

7 And I'm very grateful to be included  
8 today, and for the focus on this very important  
9 topic. Trade is the ultimate health monitor for  
10 America's agriculture.

11 Intentional regular fair trade ensures  
12 physical and economic health for our producers.  
13 Dysfunctional, unreliable illegal trade can be  
14 life threatening for every farm family in  
15 America.

16 I'm blessed with generally pretty good  
17 health. And as of today, 62 years of it. But,  
18 occasionally I still have a headache or a round  
19 of sniffles.

20 Most of us work through these symptoms  
21 without taking time off. Sometimes this ailment  
22 grounds us longer.

1           Such is the case, I think, with trade  
2 agreements. All of them seek noble goals. None  
3 of them are perfect.

4           But, the goal is good trade health.  
5 Here or there though, there will always be a  
6 cough, which might be a food safety question, it  
7 might be a sprained ankle, which could be some  
8 strange geopolitical relationship.

9           But, I think we all agree that trade  
10 health and agriculture vitality are  
11 interdependent, and they're intricately woven  
12 together for our general good, and for that of  
13 our trading partners.

14           We live in a very precautionary time.  
15 As never before, we're all guarding our personal  
16 health.

17           Many fear for their health. But my  
18 sense is that most people are trying their best  
19 to restore regular activity. Though  
20 normal/normal, is not likely, if ever again, to  
21 be normal.

22           My growers tell me this is precisely

1 the way they are approaching current trade  
2 topics. The fear I just mentioned is real.

3 Producers are concerned about a trade  
4 pandemic that could destroy their livelihood.  
5 Some feel they're already experiencing those  
6 symptoms.

7 It's time that we guard our trade  
8 health. Blueberry, vegetable and pecan producers  
9 desire fair trade.

10 They promote -- they produce and  
11 promote wonderful products. To them,  
12 sustainability means being a good steward of  
13 God's resources, but it also means that quote,  
14 I've made enough money this year that I can farm  
15 next year.

16 They have farms to pay for, children  
17 to educate, Sunday school classes to teach, and  
18 sports teams to coach. Accomplishing these  
19 objectives hangs a bit in the balance dependent  
20 upon fair trade.

21 Their general opinion is that free  
22 trade has always been a bit of a misnomer because

1 it's only free if you're not the one who's  
2 paying. And someone does pay.

3 Stated differently, they feel that  
4 they're paying by being the blunt of unfair  
5 practices, including discrepancies in labor,  
6 environmental and food safety standards. So, it  
7 never really has been free for them.

8 They know that stronger domestic  
9 marketing is one over-the-counter tonic that can  
10 help the vital signs.

11 But, for all of my friends on here  
12 today, we are strongly support and appreciate  
13 Ambassador Lighthizer and the entire Secretary  
14 Perdue and everyone who is striving for a very  
15 strong seasonal import plan.

16 We think the time is now. And it's  
17 just at the right time. We believe that this  
18 will be the prescription that can really dictate  
19 general wellness in the future.

20 I believe everyone on today's panel  
21 believes that you're committed to a vibrant and  
22 strapping agricultural economy.

1           As our physician though to our friends  
2           at USTR, you're our physician for Southeastern  
3           Producers, and for Georgia Grown Producers. And  
4           we urge you to prescribe a very strong seasonal  
5           import plan.

6           Backed by the full cooperation and  
7           integrity of the federal government, a properly  
8           implemented plan will bolster the immune system  
9           of our growers, giving them confidence to fulfill  
10          their homeland security responsibility, and  
11          that's feeding people.

12          I want to thank you today for  
13          recognizing that producers face a problem, and it  
14          is a real danger. I want to thank you for  
15          considering these important mitigation steps.

16          We believe that if the doctor's orders  
17          are followed, and if they're enforced, and if we  
18          control the variables that are within our power,  
19          we can enjoy prosperity and good health for  
20          generations to come in American agriculture.

21          Thank you so much for the opportunity  
22          to join you today.

1 MR. DOUD: Well, good morning,  
2 Commissioner Black. Thank you for your  
3 testimony. Good to see you.

4 MR. BLACK: Yes, sir.

5 MR. DOUD: With regard to the health  
6 of your farmers, I wondered if you could give us  
7 a read out quickly of the economic health of your  
8 produce farmers there in Georgia?

9 MR. BLACK: Well, thank you for that.  
10 I mean, we're a bit encouraged this season,  
11 simply because one of the odd things we were  
12 very, very worried going into this season, COVID  
13 strikes, and you're kind of wond -- you kind of  
14 wonder, how are you going to respond during  
15 COVID?

16 And I'm thankful consumers have  
17 responded quite well across many of our fruit and  
18 vegetable commodities this spring. I think some  
19 of that marketplace is going to change in the  
20 future.

21 We've done some things with direct  
22 marketing that's kind of opened the eyes. Some

1 of our producers, even some of the presenters  
2 today have some unique ways to market.

3 But still, I think one of the  
4 vulnerabilities this year was blueberry. We had  
5 some good weeks.

6 But then we had an enormous influx of  
7 blueberries from Mexico that it's a little  
8 disheartening when you go to the -- direct into  
9 the middle of the blueberry belt, and you see in  
10 the big box stores Mexico from blue -- you see  
11 blueberries from Mexico right in the middle of  
12 our season.

13 That's -- we can still do a better job  
14 hopefully working with some of those retailers  
15 to, you know, to enhance our brand and try to  
16 encourage and actually consumers -- a lot of work  
17 to do still on consumer demand, because consumers  
18 don't derive what happens at the retail level.

19 But still, so I think most -- many of  
20 our growers came out pretty good this spring.  
21 But, still faced some challenges with different  
22 types of products.

1                   But, certainly if we'd not had that  
2                   increased consumer demand this year, facing what  
3                   could have been some real devastating things come  
4                   in with the, with some of the still ongoing heavy  
5                   supply coming across the border.

6                   MR. DOUD: Thank you, Commissioner.  
7                   Under Secretary McKinney?

8                   MR. MCKINNEY: Yes. Am I coming  
9                   through okay, Ambassador Doud?

10                  MR. DOUD: Yes, you are.

11                  MR. MCKINNEY: Great. Commissioner  
12                  Black, it's good to see your face. And using  
13                  your analogy, which I liked a great deal, it's  
14                  good to see the physicians.

15                  And by extension, I and this speaker,  
16                  I want to share with this as well. Also, looking  
17                  and this is very moving.

18                  We've been registering all of the  
19                  different parts and commodities that seem to be  
20                  affected by the competition from Mexico. This is  
21                  the first time I've heard of the prime, earlier  
22                  has been for vegetables.

1           Would you elaborate on the forms just  
2 a little bit for us?

3           MR. BLACK: Sure. Well, first in all  
4 due respect to whoever might be listening across  
5 the country, we're going to be pretty heavy  
6 promoters of the best of the best pecans on the  
7 face of the globe, and that's grown right here in  
8 Georgia.

9           And there is a significant difference  
10 from imported product. We're a -- domestic  
11 competition has really picked up, I would say,  
12 the last two, three, four years.

13           And it just, it has driven the price  
14 down. But, we probably still have some work to  
15 do with taking a premium product versus something  
16 that's basically a commodity, and you know,  
17 that's on our shoulders.

18           I'm going to -- we're going to take  
19 that responsibility, and do an entire -- we're  
20 doing so, as you know, in Taiwan right now, and  
21 some other places to try to open up some export  
22 markets.

1           But when you're having to compare the  
2           quality of products versus what, you know, people  
3           see something they might see from Mexico, and  
4           they see one of ours, and they say, well, I've  
5           never seen this before. So, we'll compete in  
6           that area.

7           Going forward with the trade  
8           agreement, it's really an iceberg head that we  
9           haven't hit yet. Because as they continue to --  
10          continue to plant, continue to expand production  
11          down south of the border.

12          That iceberg is growing every day, and  
13          really with unhindered access direct to our  
14          market year around, but you know, certainly  
15          during production, during the production season.

16          We just -- I see that as a tremendous  
17          threat. And I know our producers do. But, I've  
18          said this at several forums, and occasionally get  
19          a question like you just asked.

20          Like a wait a minute, I haven't heard  
21          about it. I hadn't thought about that. And not  
22          that you all have.

1                   You know, I think that's still a  
2                   looming thing that we're -- and I'm deeply  
3                   concerned about. And I think our pecan producers  
4                   are too.

5                   MR. MCKINNEY: Thank you. I'll make  
6                   sure to add all these to the list of other  
7                   products. Most of them fruits or vegetables.

8                   So, thank you so much.

9                   CHAIR KIMMITT: I think Commissioner  
10                  Black, we have time for one more question. And  
11                  Assistant Secretary Kessler has one.

12                  MR. BLACK: Yes, sir.

13                  MR. KESSLER: Yes. Thank you. And  
14                  good morning Commissioner Black. Thank you for  
15                  being here.

16                  MR. BLACK: Good morning.

17                  MR. KESSLER: Thank you for your  
18                  testimony.

19                  I might just say that I'm an  
20                  enthusiastic consumer of many of the products  
21                  that you've mentioned from Georgia. So, I  
22                  appreciate your being here.

1 I wonder if you could go a little bit  
2 crop by crop, product by product, and let us  
3 know, you know, for which category of producer is  
4 the need for most urgent?

5 And to what extent is the harm they're  
6 fearing with trade as opposed to other products?

7 MR. BLACK: Sure. Yes, sir. And  
8 thank you. Well, it might be a little, let's --  
9 it might be good to stop, start with the, where  
10 maybe from the least to where we have the  
11 greatest concern.

12 And if peach doesn't give us the, you  
13 normally think of Georgia when you have that  
14 commodity. That's not up right now. I don't  
15 think there's a particular concern.

16 When you get into other, you know, the  
17 fresh fruits and vegetables that we have,  
18 certainly I think blueberry leads the top of the  
19 list as far as the greatest concern.

20 We are producers and some of our  
21 friends are all, the additional presenters today  
22 are producers of A to Z literally. Some are here

1 have tried asparagus.

2 But certainly, they're very proficient  
3 with zucchini. And we face extreme pressure from  
4 all of those in between, you know, tomato, I  
5 think we've even seen green bean pressure this  
6 year.

7 But certainly the squashes and  
8 cucumbers, those general field vegetables that  
9 we, and our industry has really grown the last  
10 20, 25 years. And we've been successful in  
11 building a pretty good foothold on this Eastern  
12 to Midwest market.

13 But, it just, it just hit. What we've  
14 seen south of the border hit our window. And you  
15 know, it's a -- interesting to see many times  
16 those are, you know, are companies that run  
17 across the border.

18 They might be American companies  
19 there, they have the investment there. And  
20 that's a -- that's one of those things where we,  
21 where you know, we won't see our market window  
22 strengthened and hopefully just not abused. I

1 think that's a really good word.

2 And I've seen some of our, you know,  
3 when you see our producers have a, you know, a  
4 two, or three, or four days of strong markets,  
5 and then all of a sudden that flood gate opens.  
6 And it has a crushing impact.

7 We're just hoping that maybe some of  
8 that, some of that behavior can be corrected by  
9 this import plan.

10 MR. KESSLER: Thank you.

11 CHAIR KIMMITT: Thank you,  
12 Commissioner Black. And thank you for your  
13 testimony today.

14 We will now turn to our next witness.  
15 Our next witness is Mr. Zippy Duvall from the  
16 American Farm Bureau Federation.

17 MR. DUVALL: Good morning gentlemen  
18 and ladies. I appreciate the opportunity to come  
19 before you today.

20 First off, I know a lot of you that's  
21 sitting, Ambassador Doud, Ambassador Lighthizer,  
22 Mr. McKinney, all of you all, we've had many,

1 many discussions about this topic. And we  
2 appreciate the opportunity to talk about that  
3 again today.

4 But first thing I want everybody to  
5 understand is I'm a farmer. My son and I have  
6 about four hundred calf/cows here in Georgia. We  
7 just sold three loads of calves that went out  
8 Nebraska to be fed out.

9 We also grow about a million and half  
10 of boiler chickens every year under contract with  
11 Pilgrim's Pride. So, I'm very proud to be very  
12 deeply involved in agriculture today.

13 So, I speak from experience, current  
14 experience as a farmer, and how we know how  
15 important trade is. So, thank you for holding  
16 this hearing on the impact of Mexican surges of  
17 certain agricultural imports.

18 This has been a longstanding problem.  
19 This problem didn't come on because of the  
20 pandemic like we're blaming most things on.

21 This has been a longstanding problem.  
22 And first, I want to -- I want everyone to know

1 that we as farmers and ranchers, the American  
2 Farm Bureau, we support trade.

3 We have been very involved with USTR.  
4 And expressed to them how much we appreciate all  
5 the work they've done. And we support what this  
6 Administration has done to help work on trade  
7 issues.

8 Mexico and Canada continues to be a  
9 critical part of our trade portfolio. And being  
10 the number one and number two countries that we  
11 trade with.

12 And we work hard with all of you all  
13 to make sure that we develop those markets over a  
14 long period of time. We support this new  
15 agreement of the USMCA.

16 It is a good agreement. It's improved  
17 over NAFTA. And if it continues to grow like  
18 NAFTA did, it will be tremendous for the American  
19 farmer and rancher.

20 However, our farms that grow seasonal  
21 crops are left out. And we heard referenced  
22 earlier this morning, it was on the paper, on the

1 table to the very last minute, and it didn't make  
2 it.

3 Why? We're not real sure. We'd love  
4 to know what eventually kept it off the table.  
5 You know, was it because it's just a smart, a  
6 short marketing season?

7 But the things that we do know, is our  
8 farmers and ranchers do not, that are growing  
9 fruits and vegetables, are not on a level playing  
10 field.

11 They're competing against countries  
12 that have a lot of cheaper labor. Where we do  
13 not, and do not want to, and that we can't here  
14 in our country.

15 And a lot more regulations that our  
16 farmers that are growing fruits and vegetables  
17 that you see in other parts of the world. So,  
18 especially in the countries that we're  
19 referencing this morning.

20 So, as we went through this pandemic,  
21 we realized, we have discovered, our American  
22 people are very, very interested in where their

1 food comes from.

2 They're very concerned about the food  
3 chain. And they consider us a national security  
4 issue.

5 And they also have learned that they  
6 want to buy local. They want to buy American  
7 grown stuff.

8 So, it is important that we try to  
9 find the solution to this problem. Our AFBF  
10 believes that a, that a seasonality provision  
11 could and would work for our farmers that grow  
12 fruits and vegetables.

13 If you go look at our policy book, and  
14 all of you that know Farm Bureau know our policy  
15 comes straight from the farm, from farmers. Our  
16 policy says that we support changes necessary to  
17 allow seasonal crop producers to bring  
18 antidumping and countervailing duty cases.

19 And it gives us the opportunity to  
20 find some solutions to these problems. If we  
21 don't fix this problem, and it continues to  
22 further harm our producers across the country,

1 you'll see our domestic producers, you'll see an  
2 erosion of farmers' support for, support and  
3 trust in trade agreements.

4 And that wouldn't be good for any of  
5 us. That wouldn't be good for any commodity or  
6 any farm anywhere. Or other countries.

7 So, we need to find a fix for this  
8 problem. We, and if you see the list of people  
9 that's going to testify today, of course my job  
10 is to represent all farmers across America  
11 regardless of how big or small or what commodity  
12 they grow.

13 And if you look at the list of people  
14 that's going to testify today, this is not just a  
15 Southern or Southeastern problem. It reaches up  
16 into New York.

17 It reaches up in, I think we had some  
18 New England people testifying on the first  
19 hearing. And I also know that I've heard  
20 concerns from Michigan.

21 So, this problem exists all over our  
22 country when it comes to fruits and vegetables.

1 So, thank you so much, USTR.

2 Thank you, Secretary Perdue for  
3 allowing us here. To be able to voice our  
4 concerns.

5 And I really do appreciate the working  
6 relationship that we've had with USTR and USDA  
7 during this Administration.

8 Having a seat at the table helps you  
9 make better decisions that affect farmers and  
10 ranchers and our neighbors, consuming neighbors  
11 around us.

12 So, thank you from the bottom of our  
13 hearts. We look forward to continuing to work  
14 with you on these seasonal issues.

15 And hope that we can find a solution  
16 for our farmers that are participating in that  
17 area.

18 CHAIR KIMMITT: Thank you, Mr. Duvall.  
19 I think we have time for a few questions. Under  
20 Secretary McKinney, do you have any questions for  
21 Mr. Duvall?

22 MR. MCKINNEY: Yes. President Duvall,

1 it's good to see you. And good to -- you look  
2 very healthy. So, thank you.

3 Greg, am I coming through? I  
4 understand the last question was a bit garbled.

5 MR. DOUD: Yeah. I think when -- the  
6 key thing here is when we're not speaking, get it  
7 on mute so we don't get feedback from the other  
8 person.

9 MR. MCKINNEY: Great. Well, I'll go  
10 ahead. Well Zippy, thank you. And you're in a  
11 tough position representing all farmers with all  
12 the differences in seasonality and variation and  
13 numbers and diversity of crops. So, I respect  
14 that.

15 One of my take-aways or observations  
16 from the last hearing, and I'm looking for that  
17 from this hearing, was the rather stark  
18 difference between what we heard from the  
19 Southeast producers, where clearly we've seen,  
20 we've heard. I have little doubt that there's a  
21 world of hurt. Got it.

22 But, I was surprised that from the

1 Southwest and West, it seemed like it didn't even  
2 exist. And I just don't get that.

3 You probably no doubt have these  
4 competing discussions within Farm Bureau, or at  
5 least I'll assume you have. Can you comment on  
6 that incredible dichotomy and help me out just a  
7 bit?

8 MR. DUVALL: Well, realizing you  
9 understand this Mr. McKinney, that our policy  
10 comes from our grassroots.

11 Those farmers -- and the only  
12 explanation I really have for that, and I can't  
13 actually quantify it, but you know, a lot of our  
14 producers out West are larger producers.

15 And a lot of them, they started  
16 approaching these problems of seasonality, went  
17 into Mexico and created their own farms down  
18 there.

19 So, if they had the same opinion that  
20 we do in the Southeast, or other parts of the  
21 country that's having problems with  
22 seasonability, they would be helping one hand and

1 hurting the other in some way or fashion.

2 So, that's the only explanation I  
3 have. I'm sure my staff may have some others.  
4 And if I asked this question of them, we'd have  
5 different answers.

6 We'll make sure and forward that on to  
7 you.

8 MR. MCKINNEY: Thank you. I'd love  
9 that. Because I know that -- I know how genuine,  
10 and frankly frank the group is that shares that  
11 with you.

12 So, thank you. I would love that.

13 MR. DUVALL: Sure.

14 CHAIR KIMMITT: Assistant Secretary  
15 Kessler, do you have a question for Mr. Duvall?

16 MR. KESSLER: Yes. Good morning and  
17 thank you for your testimony. I'd just like to  
18 ask you to speak a little bit about what you  
19 would like us to do?

20 What you would like the Administration  
21 to do to provide some relief? I know in your  
22 written comments you talk a little bit about

1 possible changes to the law, which would be up to  
2 Congress.

3           What are you asking for from the  
4 Administration? Are you asking for import  
5 restrictions? Or exactly what?

6           MR. DUVAL: Well one, and I think you  
7 are doing this, is trying to make sure that other  
8 countries have to abide by the same or similar  
9 rules and regulations and wage rates that we do  
10 here.

11           And I understand, we just spoke to the  
12 Ambassador, or the Secretary of Commerce down in  
13 Mexico, and she told us that they're seeing  
14 increases in their labor wages in Mexico.

15           So, I know there's a lot of work going  
16 on there. We very much appreciate that. But  
17 realizing that fruits and vegetables are a short  
18 marketing season, we feel like there still could  
19 be some agreement between the United States and  
20 Mexico during that short period of time that  
21 might help our farmers in that time.

22           Because of the short growing season,

1 the American people want and deserve to have  
2 fresh fruits and vegetables from all over the  
3 world, whether it be Mexico or somewhere else.

4 And we surely don't want to interfere  
5 with that. But, just during that small short  
6 marketing season, there needs to be some kind of  
7 agreement between the two countries. Or a change  
8 in policy that might encourage that.

9 MR. KESSLER: Thank you.

10 MR. DUVALL: And just the last thing,  
11 and I'll be glad to go over with my economist and  
12 my staff. And we'll work on something that is  
13 more compliant and that maybe can help a little  
14 bit better.

15 CHAIR KIMMITT: Well, thank you, Mr.  
16 Duvall. And thank you for your testimony.

17 We'll now turn to our next witness,  
18 Mr. Gerald Long, from the Georgia Farm Bureau  
19 Federation.

20 MR. LONG: Well, thank you. Can you  
21 hear me okay?

22 MR. DOUD: Yes, sir.

1 MR. LONG: Okay. Well, I want to  
2 thank each one of you all for allowing us to be  
3 here today to testify on this very important  
4 issue.

5 My name is Gerald Long. And I, along  
6 with my son Justin, my oldest son, and myself, we  
7 are diversified producers from Decatur County,  
8 Bainbridge, Georgia, which happens to be right in  
9 the corner of Georgia, Florida, and Alabama.

10 Where we raise row crops, vegetables,  
11 and cattle, while operating an extensive you-pick  
12 business. I'm not here today to speak solely on  
13 my farm.

14 As Georgia Farm Bureau's President,  
15 I'm here on behalf of all of Georgia's farmers.  
16 So, with that being said, I went to thank you all  
17 for being here today and holding this field  
18 hearing so that myself, and other industry  
19 representatives and growers in Georgia, have the  
20 opportunity to share with you all concerns about  
21 the state of our fresh fruit and vegetable  
22 industry.

1           Much like our friends in Florida, who  
2           you all have heard from last week, and as maybe  
3           from by the Commissioner of Agriculture already  
4           this morning, Georgia's season on perishable  
5           commodities production has been, and continues to  
6           be, directly affected by Mexican imports due to  
7           our shared market imports.

8           And our distributions are struggling  
9           to compete against heavily subsidized Mexican  
10          imports. These consistent unfair market  
11          practices Mexico has been utilizing, that  
12          undercut American farmers must be addressed.

13          NAFTA failed to provide protection or  
14          a remedy for our seasonal and perishable  
15          commodities producers. And the newly-established  
16          USMCA effectively followed suit.

17          As you know, the \$5 billion  
18          agricultural safe trade deficit with Mexico is  
19          largely due to the import of fruit and  
20          vegetables.

21          As a leading producer of these  
22          commodities, great pride is taken in Georgia's

1 seasonal and perishable commodity industry. Our  
2 producers grow some of the highest quality  
3 produce in the world.

4 Fruit, vegetable and nut production  
5 combined provides over 26 thousand jobs and over  
6 \$4.5 billion to Georgia's economy. Mexico has  
7 shown very little interest in refraining from  
8 exporting fruits and vegetables into the U.S.  
9 during our marketing season.

10 And we all are aware that efforts to  
11 address this issue during the USMCA negotiations  
12 were a major sticking point for Mexico.

13 We continue to believe that it is the  
14 responsibility of our elected officials and those  
15 in federal agencies to ensure the American farm  
16 can complete on a level playing field.

17 And despite the efforts to date, the  
18 members of the Georgia Congressional Delegation  
19 and many of our trade negotiators at the USTR,  
20 the playing field remains anything but level in  
21 this case. Let me assure you, the threat to  
22 Georgia's fruit and vegetable abuses, is real.

1                   And as you know, a recent economic  
2                   impact statement from the University of Georgia,  
3                   projected catastrophic losses in this industry  
4                   and the USMCA if nothing is done to mitigate  
5                   Mexico's unfair trade practice.

6                   And like USMCA economists and others  
7                   in our industry, I'm afraid that we will continue  
8                   to see more cases and severe losses in our local  
9                   economy if action is not taken soon.

10                  As you all know, Georgia producers  
11                  refuse to sit idly by. Over the years, we have  
12                  become more vocal with elected officials on this  
13                  issue, while also urging consumers to shop  
14                  locally.

15                  We have been promoting Georgia grown  
16                  fruit and vegetables at every opportunity that we  
17                  have. It is time that we as a state and as a  
18                  nation, that we come together and support one  
19                  another.

20                  We urge the United States Trade  
21                  Representatives to use any means necessary to  
22                  limit Mexico's unfair trade practices, including

1 consideration of a Section 301 investigation.

2 As our fellow grower from the state of  
3 Florida voiced last week, we also support the  
4 collection and use of seasonal data which will  
5 demonstrate the impact that Mexican imports  
6 continue to have on Georgia fruit and vegetable  
7 marketing season.

8 And for growers, we can demonstrate an  
9 injury resulting from unfair trade practices, to  
10 have an opportunity to bring an antidumping and  
11 countervailing duty case.

12 In the end, USMCA's failure to provide  
13 adequate protection by this industry, must be  
14 addressed as the viability of many family farms  
15 in Georgia is at stake.

16 So again, I want to thank each one of  
17 you all for allowing for us to testify on behalf  
18 of all the farmers in Georgia. Thank you very  
19 much.

20 MR. DOUD: Well, thank you, Mr. Long.  
21 And good morning. I want to have you further  
22 discuss this notion that you're seeing farm

1 closures and severe losses in Georgia with your  
2 fruit and vegetable folks.

3 Could you give us some more context  
4 and detail on that? How many operations have  
5 closed?

6 What -- do you have a number on  
7 economic losses? Give us a read out, or a deeper  
8 dive on where things stand with your folks this  
9 days.

10 MR. LONG: We would have to go get  
11 that to you. I do know personally of farms in  
12 our area, particularly tomato growers, who have  
13 gone out of business.

14 As myself, as you heard in my  
15 testimony a few minutes ago that we have an  
16 extensive you-pick operation, we were in  
17 commercial production for a number of years.

18 We've migrated to you-pick because of  
19 two main reasons, label issues and competition.  
20 Being able to compete with the Mexican trade.

21 We had to establish a different market  
22 for us to be able to stay on the farm. So,

1 that's personal for us.

2 We've had to develop that. And now we  
3 are, you know, our customers, our biggest base is  
4 in a 60 to 70 mile radius of Bainbridge.

5 But we extend as far as -- we get  
6 customers as far away as Texas, the Carolinas,  
7 Tennessee, and South Florida even. So, we had to  
8 develop a different market to be able to stay in  
9 vegetable production.

10 MR. DOUD: Thank you, go ahead.

11 CHAIR KIMMITT: Yes. Thank you. I  
12 think we have time for one more question from  
13 Assistant Secretary Kessler.

14 MR. LONG: Yes, sir.

15 MR. KESSLER: Thank you for your  
16 testimony, Mr. Long. And good morning.

17 MR. LONG: Good morning.

18 MR. KESSLER: If you could just  
19 comment a little bit on how big of an impact do  
20 you think it would have if this Administration --  
21 well, --

22 (Audio interference)

1 MR. LONG: I've lost him.

2 CHAIR KIMMITT: Yeah. I think we lost  
3 Assistant Secretary Kessler as well. And I'm  
4 just mindful of the time, I'm looking at. I  
5 think our time is up, and appreciate your  
6 testimony, Mr. Long.

7 We will now move to our next witness,  
8 Mr. David Fisher from the New York Farm Bureau.

9 MR. FISHER: Thank you. Is this  
10 working?

11 MR. DOUD: You're good.

12 MR. FISHER: Thank you. On behalf of  
13 the New York Farm Bureau, thank you for providing  
14 our organization the opportunity to testify on  
15 trade restoring policies and practices of  
16 seasonal and perishable products in the U.S.  
17 commerce.

18 I am David Fisher. I serve as  
19 President of the New York Farm Bureau. We are  
20 the state's largest general ag advocacy  
21 organization with approximately 20 thousand farm  
22 family members representing farms of all sizes,

1 production methods, and commodities.

2 As a major specialty crop producing  
3 state, New York farmers rely on fair practices  
4 and fair prices to ensure income from the sale of  
5 their products.

6 I'd like to thank the office of USTR,  
7 Department of Commerce and Ag for the opportunity  
8 to discuss these policies on seasonal and  
9 perishable crops, including New York's farmers.

10 And has led to unfair pricing in  
11 domestic markets. Specifically, New York Farm  
12 Bureau members have concerns regarding unfair  
13 trade practices by Canada regarding the sale of  
14 fruits and vegetables into the U.S.

15 These actions have resulted in  
16 negative financial impacts, not only for New York  
17 farmers, but farmers located across the entire  
18 east coast as well as across the country.

19 Unfortunately, New York farmers are  
20 not able to receive a fair price or a fair market  
21 when fruits and vegetables from Canada are out  
22 competing U.S. farm produce at the market.

1           While our members believe in open and  
2 competitive markets, artificial price reductions  
3 do not allow for these conditions to exist.

4           There is a pattern of Canadian produce  
5 entering the U.S. market followed by New York  
6 produce prices plummeting, which has happened far  
7 too often. And at price levels that raise  
8 questions as to how these Canadian farmers  
9 continue to stay in business.

10           There is concern that unfair  
11 subsidization of Canadian produce is occurring,  
12 which makes it possible and profitable for  
13 Canadian farmers to ship and sell produce in the  
14 U.S. either as country export or through  
15 individual provincial programs.

16           As a dairy farmer who lives seven  
17 miles from the Canadian border, I've seen similar  
18 tactics used by Canada to control ag markets for  
19 years. For example, I was a class six and class  
20 seven.

21           They also allowed Canada to offer  
22 certain types of dairy products at lower prices

1 to ensure their products were purchased.

2           During my time as President of the New  
3 York Farm Bureau, I've heard from New York  
4 farmers regarding price disparities that they've  
5 experienced at the markets on the East coast,  
6 including the Hunts Point Produce Market in New  
7 York City.

8           Onion producers have recorded that for  
9 at least ten years, imported Canadian onions have  
10 flooded domestic United States markets at prices  
11 that make little or no sense from a cost of  
12 production perspective.

13           The New York farms who sell at  
14 wholesale markets, typically sell onions in 50  
15 pound bags. Onion growers in Orange County  
16 outside New York City, are offered around \$7 for  
17 a 50 pound bag of medium yellow, and \$11 for  
18 medium reds.

19           But the growers upstate sell to Orange  
20 County repackers, they typically receive \$1 to  
21 \$1.25 less due to transportation costs.

22           At a minimum, New York onion farmers

1 get \$10 to \$12 for yellow onions to break even.  
2 Which means being paid \$7 for a 50 pound bag  
3 financially difficult for farmers to survive,  
4 while Canadian producers undercut the market and  
5 appear to be doing well.

6 On Long Island, farmers produce a  
7 better selection of leafy greens for sale at the  
8 Hunts Point Market. However, when they sell  
9 boxes of lettuce and other greens they're faced  
10 with a market flooded with cheap greens from  
11 Canada.

12 Some are (audio interference) producer  
13 reported of Canadian romaine lettuce being sold  
14 for \$7 FOB. The average price that Long Island  
15 farmers were expecting to receive of that same  
16 romaine lettuce was approximately \$15 per box,  
17 which means that the producers are receiving  
18 about half of their normal pay.

19 Simply put, New York farmers can't  
20 afford to sale at the prices Canadian producers  
21 are able to sell and expect to stay in business.

22 As further requests come at the USTR

1 to tell the Administration, we can better support  
2 U.S. producers that have been impacted by unfair  
3 practices and unfair harm.

4 The New York Farm Bureau supports the  
5 following steps that USTR could take to stop  
6 these practices. Changes to antidumping and  
7 countervailing duty laws would provide a process  
8 for regional, seasonal industries to petition for  
9 antidumping and countervailing duties.

10 A streamline of simplified process  
11 would be extremely helpful for producers and  
12 organizations wishing to file a petition.

13 In addition, it would be helpful if  
14 multiple commodities could be grouped into one  
15 petition. This would allow impacted producers to  
16 work together when they're facing detrimental  
17 price impacts.

18 We also support a change to the time  
19 frame and data used to determine dumping that  
20 recognizes domestic specialty crops and regional  
21 seasonal industry production cycles.

22 In addition, New York Farm Bureau also

1 requests implementation of timely dispute  
2 resolution process that would take into account  
3 perishability, seasonality, and regional  
4 production of products.

5 It's important that USTR, USDA and the  
6 Department of Commerce work with industry  
7 representatives to provide timely, aggressive  
8 response to any infringement of trade benefits.

9 Again, New York and the East Coast ag  
10 industry depends upon and supports free trade.  
11 But also firmly believes in fair trading. Trade  
12 agreements must be honored to protect domestic  
13 farmers from unfair practices and dumping.

14 Thank you again for allowing me the  
15 opportunity.

16 CHAIR KIMMITT: Thank you, Mr. Fisher.  
17 I think we have Assistant Secretary Kessler back  
18 online with us.

19 And if he has a question for Mr.  
20 Fisher, please go ahead, Assistant Secretary.

21 MR. KESSLER: Thank you. Good morning  
22 Mr. Fisher. And thank you for your testimony.

1 I'd just like to ask if you could  
2 expand a little bit on this dispute resolution  
3 process that you mentioned?

4 What exactly are you envisioning? Is  
5 that something that would be done, you know,  
6 under U.S. law? Or through USMCA?

7 Can you just give us a better idea of  
8 what you're -- of what you have in mind?

9 MR. FISHER: I'm not sure that the  
10 USMCA could change that. But, I think our  
11 triggering mechanism that would better allow  
12 timely evaluation of these things, so that we  
13 can, you know, have a quicker turnaround on  
14 concerns and complaints if they were legitimate  
15 or they weren't.

16 CHAIR KIMMITT: Okay. Thank you for  
17 your testimony, Mr. Fisher.

18 We'll now turn to our next witness,  
19 Mr. Charles Hall from the Georgia Fruit and  
20 Vegetable Growers Association.

21 MR. HALL: Ambassador Doud and  
22 Secretary McKinney and Assistant Secretary

1 Kessler, again, thank you for this opportunity.

2 My name is Charles Hall. I'm the  
3 Executive Director of the Georgia Fruit and  
4 Vegetable Growers Association.

5 Thank you for taking your time this  
6 morning to hear our concerns regarding the crisis  
7 our fruit and vegetable growers face as they  
8 struggle to have a profitable farm operation  
9 while being devastated by Mexico's unfair trade  
10 practices.

11 Georgia growers raise over 30  
12 different fruits and vegetables, serving the  
13 entire U.S. market, with a farm value of \$1.1  
14 billion. Collectively making us the largest,  
15 second largest of Georgia's cash crop.

16 Our growers politely appreciate  
17 Ambassador Lighthizer's commitment to Georgia and  
18 Florida Congressional Delegations to announce  
19 their plan to implement effective and timely  
20 remedies to our situation within 60 days of USMCA  
21 going into force.

22 This plan is desperately needed. Over

1 the past 20 years, imports of fresh produce from  
2 Mexico have grown tremendously.

3 The pattern has now shifted from  
4 undercutting our growers financial and  
5 competitive health, too now threatening our  
6 industry's very survival.

7 Since 2001, we have seen Mexican  
8 imports of fresh produce, fruits, and vegetables,  
9 increase by 551 percent. In 2019 along, Mexican  
10 imports of fresh produce, fruits, and vegetables  
11 had a market value of over \$15 billion.

12 This all started in 2001. The  
13 government of Mexico identified protected  
14 agriculture produce as an important economic  
15 growth opportunity, and decided to subsidize that  
16 expansion to promote that for competitiveness.

17 The Mexican government poured millions  
18 of dollars into the development of various forms  
19 of protected agriculture, including greenhouses,  
20 shade houses, micro-tunnels, and macro-tunnels.

21 In 2003, Mexico had roughly three  
22 thousand, excuse me, three hundred acres of

1 protected agriculture. By 2019, following more  
2 than a decade of direct subsidies, Mexico planted  
3 protected fruit and vegetable acres have soared  
4 to almost 130 thousand acres.

5 That's a 400 and -- excuse me, a 43  
6 thousand percent increase in protected  
7 agricultural acreage. Today, almost 80 percent  
8 of Mexico's produce is grown under protected  
9 structures, and is destined for U.S. markets.

10 An economic study by the University of  
11 Georgia in 2019 projected that if the current  
12 Mexico import level and pricing plan continued  
13 under U.S., under the USMCA treaty, the result  
14 will be catastrophic for our growers and for the  
15 state of Georgia.

16 Within five to eight years, the full  
17 impact of the USMCA will be unrecognizable, with  
18 the Georgia economy likely to lose nearly \$1  
19 billion in annual economic output, and eight  
20 thousand jobs in our state will be lost.

21 These projections do not take into  
22 consideration the multiplier effects on the rural

1 communities that depend on our fruit and  
2 vegetable growers and their economies. We're  
3 talking about devastation that reaches well  
4 beyond the farm gate.

5 Our growers are going to fight for  
6 their survival. We're very glad that you're here  
7 now with us. You all are in a position that is  
8 best positioned to figure out how to control this  
9 crisis.

10 As we got into the advocacy against  
11 the USMCA, one of our association members said to  
12 me, Charles, I can control or overcome any  
13 production challenge you throw at me, weather,  
14 drought, disease, insects, even government  
15 regulations. But the one thing I cannot do for  
16 myself is overcome unfair competition from  
17 Mexico.

18 So, we need your help. We need an all  
19 of the above strategy. We need a commitment from  
20 the U.S. government to defend the interest and  
21 the ability of our southeastern fruit and  
22 vegetable growers to be able to survive in the

1 short term, and thrive in the long term.

2 Last week our fellow growers in  
3 Florida asked you to institute a 301, a Section  
4 301 concession, which we fully support 100  
5 percent.

6 An affirmative recommendation under  
7 Section 301 would give to us access to all the  
8 tools we and you need to address the problems of  
9 all, not just certain commodities, but all  
10 perishable fruits and vegetable products we're  
11 facing.

12 And in addition to requesting a 301  
13 investigation, we need you to identify and  
14 utilize every import relief tool available. With  
15 that in mind, we ask you already, to use the  
16 already established base trade enforcement  
17 offices at USTR.

18 It's that outstanding task force  
19 focused on finding a way to use existing law to  
20 save our southeastern seasonal produce industry.

21 Mexico avoided this issue at the  
22 negotiating table. But, we have no choice but to

1 seek our government's help to attack every legal  
2 and policy mechanism available.

3 And all of government and all of the  
4 above is called for here. And it is what we are  
5 humbly asking you to do for us.

6 Thank you again for the opportunity to  
7 offer this statement on behalf of Georgia's fruit  
8 and vegetable growers. And I look forward to  
9 your questions.

10 MR. DOUD: Well, thank you. And good  
11 morning, Mr. Hall. A quick question for you.

12 Did that University of Georgia study  
13 indicate whether these Mexican programs are in  
14 violation of Mexico's WTO obligations for  
15 domestic support or any other international  
16 agreements that it has?

17 MR. HALL: Ambassador Doud, I -- no,  
18 sir. What it is, it was, the study was based on  
19 the current import gross of Mexican products into  
20 the U.S.

21 And if that continued at the level  
22 that we're at under NAFTA, and how it would be

1 affected under USMCA.

2 MR. DOUD: Okay. Thank you. I  
3 appreciate that. Assistant Secretary -- well,  
4 actually no.

5 I think we're -- it's Under Secretary  
6 McKinney's turn. Sorry about that. Ted, go  
7 ahead.

8 MR. MCKINNEY: No, no. That's quite  
9 all right. Charles, it's good to see you, even  
10 if it's virtual.

11 MR. HALL: Yes, sir.

12 MR. MCKINNEY: I so appreciated the  
13 trip down there several months ago now, I guess.  
14 It has been, hasn't it.

15 MR. HALL: Yes, sir.

16 MR. MCKINNEY: I'm trying to get --  
17 I'm trying to get an accurate record of what  
18 different growers and associations and folks  
19 believe is the real root problem.

20 And I caught that you said, there's  
21 the macro and micro-tunnels that in some way are  
22 being funded or co-funded by the Mexican

1 government. I think you mentioned a couple three  
2 more.

3           Could you go back and restate those?  
4 Because if that's the source of the problem, I  
5 want to be accurate in what I capture in my  
6 notes. Thank you.

7           MR. HALL: Yes, sir. The Mexican  
8 subsidies are funding infrastructure for the  
9 protected agriculture program.

10           Which basically builds greenhouses,  
11 shaped houses, micro and macro-tunnels for  
12 protection of their plants, so that you can  
13 extend your growing season or either begin your  
14 growing season earlier.

15           So, you're not -- you can overcome  
16 some of the weather challenges so that you can  
17 get produce into markets at different times. And  
18 that's what's happened in some of the testimony  
19 and documents that we've filed and Florida filed.

20           Those were programs, and documented  
21 programs that were funded by the government of  
22 Mexico. They funded growers in their development

1 of those structures.

2 MR. MCKINNEY: Great. And so just to  
3 clarify, when you use the words protected and  
4 protected agriculture, lots of times that is used  
5 as a, you know, SPS barriers. Protection from  
6 other competitors.

7 You're using the word protected  
8 agriculture in the sense that it's protecting the  
9 plants. It's stretching the season.

10 Am I correct in that understanding?

11 MR. HALL: That's correct, Mr.  
12 McKinney. It's protected from the weather.

13 MR. MCKINNEY: Thank you very much.  
14 Helpful.

15 CHAIR KIMMITT: Thank you for your  
16 testimony, Mr. Hall. We'll now turn to our next  
17 witness, Mr. Michael Sparks on behalf of Florida  
18 Citrus Mutual.

19 MR. SPARKS: Good morning. I'm  
20 Michael Sparks. And I'm the CEO of Florida  
21 Citrus Mutual.

22 Florida Citrus Mutual is a voluntary,

1 cooperative association whose growers' members  
2 represent over 90 percent of Florida citrus  
3 acreage.

4 Today, nearly four thousand citrus  
5 growers operate on almost 440 thousand acres.  
6 And we support more than 50 thousand jobs  
7 generating \$7.2 billion in economic activity to  
8 the state of Florida.

9 And Florida citrus still remains the  
10 cornerstone of Florida's agriculture economy, and  
11 forms the backbone of our rural communities. All  
12 of this is in jeopardy because of rising imports,  
13 especially from Mexico.

14 The challenges we face are unlike any  
15 that I have seen in my 40 year citrus career.  
16 Our challenges are similar to those faced by our  
17 fruit and vegetable colleagues from Florida and  
18 Georgia.

19 But, it's important to note in recent  
20 years we have faced severe challenges that are  
21 not all due to imports. The most significant of  
22 which is Huanglongbing, or citrus greening, a

1 disease that hit our growers in 2005.

2 And our industry has invested hundreds  
3 of millions of dollars in research together with  
4 the support from federal and state resources, and  
5 we now have tools to fight the fight against the  
6 deadly disease.

7 I'm cautiously optimistic we have  
8 turned the corner. Needless to say, over the  
9 past decade, our production took a hit, which the  
10 Mexican citrus industry exploited.

11 Imports from Mexico came in and filled  
12 the gap. And has kept U.S. inventories high.  
13 Our production is coming back, but imports  
14 continue to come in no matter what the market  
15 needs.

16 U.S. demand has softened over the  
17 years, and yet imports still arrive. When  
18 inventories are high, grower returns are low, and  
19 they stayed low because of the imports.

20 It's making it nearly impossible for  
21 our growers to cover their production costs.

22 NAFTA anticipated the potential of rising imports

1 from Mexico and included a snapback provision.

2 Protected Florida citrus growers from  
3 surges in imports and drops in prices. The  
4 snapback provision remained in place during the  
5 15 year transition period, then expired.

6 The snapback was never triggered. And  
7 while Florida did experience several periods of  
8 low prices during that transition period, we did  
9 not see the kinds of import surges to trigger the  
10 tariff.

11 Historically, U.S. imports of orange  
12 juice came from Brazil. But now Mexico is a  
13 major source, and they account for nearly 45  
14 percent of orange juice imports.

15 How has Mexico been able to do this?  
16 And especially with an already formidable  
17 presence of Brazilian orange juice in the  
18 marketplace?

19 There are likely a number of factors,  
20 but subsidies are at the top of our list. Our  
21 colleagues in the fresh, in the fruit and  
22 vegetable sector have already explained, Mexico's

1 subsidy programs grew significantly over the past  
2 decade and a half. And now deserve close  
3 scrutiny.

4 I understand many might say that the  
5 U.S. agriculture sector too has subsidies. Not  
6 Florida citrus. We do not receive subsidies.

7 U.S. farm subsidies go to other  
8 commodities in other parts of the country. In  
9 the fruit and vegetable sector the subsidized  
10 production comes out of Mexico.

11 And we believe those subsidies are  
12 hurting our market. Low wages, poor labor  
13 standards, and the lack of government enforcement  
14 also contribute to a drastically uneven playing  
15 field.

16 And here's where we net out from  
17 recent numbers. At the end of our 2018/19  
18 season, there was a 52 week supply of FCOJ,  
19 frozen concentrated orange juice, and, an  
20 additional 30 week supply of NFC, not from  
21 concentrate.

22 FCOJ inventory is up 25 percent from

1 the prior year. NFC up 77 percent. As a result  
2 of increased imported juice and those high  
3 inventories, many citrus growers were not even  
4 offered a contract.

5 And, the stock market plummeted to  
6 below \$1 a pound solid. Break even for the  
7 Florida citrus growers is \$2 a pound solid.

8 At this point, I should also  
9 acknowledge that the coronavirus pandemic has  
10 actually spurred a short term jump in U.S.  
11 consumption of orange juice.

12 But, this is a temporary deviation  
13 from the long term trend of a softening demand.  
14 Our long term success cannot depend on government  
15 mandated shutdowns that force consumers to stay  
16 home.

17 As the United States adapts to the  
18 COVID-19 disruption, the longer term trend of  
19 reduced demand will return. And when the dust is  
20 settled, the Mexican imports will still be there,  
21 a grave and growing threat to our industry's  
22 survival.

1           It will -- imports will consume the  
2 market. They'll fill the inventories whether the  
3 demand is there or not.

4           And if this threat is not resolved,  
5 foreign production will drive Florida citrus out  
6 of business, and imports will take full control  
7 of the U.S. market.

8           And those rural communities that I  
9 mentioned earlier, places like Sebring, Lake  
10 Placid, Wauchula, Kadia, and many others, those  
11 towns and communities will become ghost towns.

12           Our request today is that you consider  
13 and as you address the problems of our seasonal  
14 and perishable colleagues, please keep the  
15 Florida citrus industry in mind.

16           The problems they face are the  
17 problems we face. The problems affect the entire  
18 spectrum of Florida's fruit and vegetable sector.

19           And moreover, we need a solution  
20 that's doable. A one-time fix will not be  
21 enough. That's clear.

22           Thank you for giving me the

1 opportunity to testify. The Florida citrus  
2 grower appreciates your hard, hard work on this  
3 most complex issue.

4 CHAIR KIMMITT: Thank you, Mr. Sparks.  
5 I appreciate your testimony. I think we have  
6 time for one question from Assistant Secretary  
7 Kessler.

8 MR. KESSLER: Good morning. You know,  
9 you asked us to keep the Florida citrus growers  
10 in mind. And we certainly will do so.

11 You also spoke of a doable solution.  
12 I wonder if you might say a few more words about  
13 exactly what you have in mind?

14 What would you like to see us in  
15 Washington do?

16 MR. SPARKS: Thank you for that  
17 question. We're at a point where I think we need  
18 to explore every possible remedy.

19 Certainly we can be supportive of the  
20 301 with other alternatives. The fact of the  
21 matter is we have an iconic citrus industry  
22 trying to get back on its feet.

1                   Trying to plan, increase production.  
2                   And yet with imports that can come in and drive  
3                   us out of business, the point is, we'll look at  
4                   any alternative, including down the road, if we  
5                   need a Congressional fix, that comes into play.

6                   We're supportive of a thorough review,  
7                   a detailed review as has been requested as a 301  
8                   or other, or other options that might be  
9                   available.

10                   MR. KESSLER: Thank you.

11                   CHAIR KIMMITT: Thank you, Mr. Sparks.  
12                   And thank you for your testimony.

13                   We'll now turn to our next witness,  
14                   Dr. Gopi Munisamy, from the University of  
15                   Georgia.

16                   DR. MUNISAMY: Thank you. Can you  
17                   hear me?

18                   CHAIR KIMMITT: We can, Doctor.

19                   DR. MUNISAMY: Yeah. Thank you. My  
20                   name is Gopi Munisamy. I am a Professor of  
21                   Agriculture and Applied Economics at the  
22                   University of Georgia. And good morning. Thank

1 you for the opportunity to speak with you today.

2 Let me begin by saying that the  
3 Georgia fruit and vegetable industry faces a  
4 challenging market environment. Today I will  
5 talk about two major vegetables grown in Georgia,  
6 bell peppers and cucumbers, and we have data for  
7 other vegetables as well, where I find evidence  
8 consistent with what you've been hearing from the  
9 growers.

10 My written testimony submitted to you  
11 gave you numbers and charts. And with that as  
12 background, I'm here to tell you that there is a  
13 strong negative correlation between import  
14 volumes and market prices of vegetables that  
15 appear to directly impact the profitability of  
16 Georgia farms. In my humble opinion, it will  
17 require proprietary and administrative data to  
18 determine whether that correlation is actually  
19 causation and help out with challenges faced by  
20 this important segment of our food supply chain.

21 As you know, the import pattern of  
22 fresh fruits and vegetables normally display

1 peaks and valleys. The peaks represent when the  
2 market isn't heavily supplied by ripening  
3 imports. And the valleys represent periods when  
4 domestic sources would normally expect to supply  
5 a greater portion of the market.

6 You already have heard an explanation  
7 of the market dynamics during these peaks from  
8 Florida growers. I'd seek to complement that  
9 discussion by focusing on the valleys, the lower  
10 import volume periods when Georgia's vegetables  
11 go to market.

12 USDA data show that the import value  
13 on volume of all vegetables has risen  
14 considerably over the past few years. Looking  
15 closely at bell peppers and cucumbers, the  
16 consistent rise in the overall lower bound of  
17 imports is even more obvious.

18 Allow me to present some data. The  
19 first one I would like to share with you is about  
20 the imports. During Georgia's ripening season,  
21 which runs from May to October, bell pepper  
22 imports increase from \$72 million to \$104 million

1 in just four years between 2015 and 2019.

2 Likewise, cucumber imports increase from 129  
3 million to 186 million between 2015 and 2019.

4 That's about a 43 percent import growth in just  
5 four years.

6 I also find that the data from NASS  
7 show that the total volume of national crop of  
8 bell peppers and the national crop of cucumbers  
9 have fallen by 24 percent and 19 percent during  
10 the same period, 2015 to 2019.

11 ERS data show that roughly 68 percent  
12 of the annual imports of both bell peppers and  
13 cucumbers come from Mexico. And USITC data show  
14 that greenhouse bell peppers accounted for, and  
15 cucumbers accounted for the majority of imports  
16 during the Georgia ripening season.

17 All these data tell us that Georgia's  
18 market share of these vegetables are falling  
19 despite growing aggregate demand in the U.S.  
20 market. The per capita consumption data from ERS  
21 show that demand in the U.S. market has been  
22 growing.

1 I also find a bit of a strong positive  
2 correlation between protected acres in Mexico,  
3 protected agriculture acres in Mexico and exports  
4 of produce to the U.S. markets.

5 Now, let me talk briefly about the  
6 pricing patterns. Using the Atlanta terminal  
7 market as an example, we find that monthly prices  
8 of bell peppers have shown a declining trend,  
9 likewise, in New York and Chicago, the two other  
10 major markets, third by Georgia bell peppers.  
11 They also show a declining trend of prices. And  
12 the price data come from the Ag Marketing Service  
13 at USDA.

14 Coincidentally, shipping point prices  
15 also reflect the downward trend for south Georgia  
16 farmers, the result of some evidence that imports  
17 are coming in at lower prices in some of these  
18 terminal markets.

19 So, in closing, I believe there is a  
20 strong correlation, negative correlation between  
21 rising imports and falling prices for Georgia  
22 vegetable growers.

1                   Professionally, as a trade economist,  
2                   a professor now, but a former executive at the  
3                   USDA, I have conducted and called for  
4                   comprehensive analysis of trade policy impacts  
5                   focusing on not only gains and losses from trade  
6                   in the aggregate, but also focusing on segments  
7                   of the economy that are hit hard by trade.

8                   The Southeastern produce industry  
9                   presents an excellent opportunity to do just that  
10                  by using a combination of data from retailers and  
11                  wholesalers, administrative data that already  
12                  exists with the agencies, and other data  
13                  provisions, such as transparency from trade  
14                  agreements such as USMCA. The profitability and  
15                  the long-term financial health for the  
16                  southeastern produce industry are at stake here.

17                  Thank you again for the opportunity to  
18                  speak with you today. I can answer any questions  
19                  you may have.

20                  MR. DOUD: Well, thank you, Dr.  
21                  Munisamy. This is very good and interesting work  
22                  that you've done. And here's my question. So,

1 if you take that, the price of Mexican peppers in  
2 the Atlanta market, you back out the  
3 transportation costs to what that price would be  
4 in Mexico, have you done research or could you  
5 speak about what the price of those peppers is  
6 being sold at domestically in Mexico relative to  
7 what that price plus transportation to Atlanta  
8 is?

9 DR. MUNISAMY: That's a good question.  
10 I can take another look at it. But my  
11 understanding is that shipping costs vary  
12 anywhere between two to five dollars. The thing  
13 about the Mexican --

14 (Simultaneous speaking.)

15 MR. DOUD: My question is, is there,  
16 do you get the sense that there is the  
17 possibility of some jumping going on here, or is  
18 it just variations in transportation costs?

19 DR. MUNISAMY: Up until 2010, they  
20 were not in the Atlanta market at all. And they  
21 started creeping in after 2010 into the Atlanta  
22 market during Georgia growing season.

1                   And if you notice that price picture  
2 I showed you, particularly in the April and May,  
3 their prices are much lower. They have higher  
4 prices in other months. So coming into Atlanta  
5 market and pricing lower during our season seems  
6 to be an issue.

7                   MR. DOUD: Thank you. Do we have time  
8 for another question, Under Secretary McKinney?

9                   CHAIR KIMMITT: Yeah, Under Secretary  
10 McKinney, do you have any questions for Dr.  
11 Munisamy?

12                  MR. MCKINNEY: I do, but Jeff I think  
13 had a question. So I'll default to Jeff. Go  
14 ahead, Jeff.

15                  CHAIR KIMMITT: I think we might be  
16 having some difficulty connecting with Assistant  
17 Secretary Kessler. Did you have a question,  
18 Under Secretary McKinney?

19                  MR. MCKINNEY: Yes, I'll just go  
20 ahead. Well, thank you so much. Two quick ones.

21                               At the hearing a week ago, there was  
22 testimony that the University of Florida had a

1 fairly comprehensive study looking at all this.  
2 And I think you just said that University of  
3 Georgia has this. Was yours focused on price  
4 differential, or did it get into root causes, why  
5 the difference?

6 DR. MUNISAMY: We haven't gotten that  
7 deep like Florida has. We have been looking at  
8 the price patterns and trying to see how that  
9 matches with the import patterns. And the  
10 causation is something that I think requires a  
11 more intense study with more data. And you  
12 really need to talk to retailers and wholesales  
13 and figure out what the pricing strategies are.

14 So I'm definitely thinking there is  
15 more work to be done here in trying to figure out  
16 what is happening. But the growth rates of  
17 imports are dramatic. And that is something that  
18 I've not seen in other context.

19 MR. MCKINNEY: Very good. Yes. We're  
20 hearing about the hurts and have respect for  
21 that. And we're, again, just trying to get at  
22 the root cause. So your talk on pricing was

1 helpful. Thanks.

2 DR. MUNISAMY: And it's always a  
3 pleasure to meet with you, Under Secretary  
4 McKinney.

5 MR. MCKINNEY: And you as well, Gopi.  
6 Thank you so much.

7 CHAIR KIMMITT: I think Assistant  
8 Secretary Kessler may have reconnected and may  
9 have one more question if he can come through.

10 MR. KESSLER: Thank you. I hope you  
11 can hear me. And thank you very much for your  
12 testimony, Dr. Munisamy.

13 I wanted to just ask how you selected  
14 bell peppers and cucumbers for this study. Do  
15 you believe that the same correlation that you  
16 describe between import volumes and market prices  
17 extends to other seasonal and perishable products  
18 that are grown in Georgia? Have you looked into  
19 that?

20 DR. MUNISAMY: Thank you for your  
21 question. Yes, I had a long list of commodities  
22 to look at. And I wish I had the time to do each

1 one of them.

2 The import patterns are confirmed in  
3 the context of squash, eggplant, zucchini, and to  
4 some extent blueberries and tomatoes.

5 My problem was that AMS data that I  
6 could not pinpoint specifically to Georgia. I  
7 had general data. But in the case of bell  
8 peppers and cucumbers is where I had Georgia-  
9 specific data both in terms of terminal markets  
10 as well as shipping point prices.

11 And it would be nice to have more AMS  
12 data to really delve into all those commodities.  
13 But these two commodities, these two vegetables  
14 are the major ones grown in Georgia as well.

15 MR. KESSLER: Okay. Thank you.

16 CHAIR KIMMITT: Thank you, Dr.  
17 Munisamy.

18 We will now turn to our final witness  
19 of this session one, Mr. Cesar Gonzalez, Chief of  
20 Staff for Congressman Mario Diaz-Balart from  
21 Florida.

22 Mr. Gonzalez, I apologize, but we're

1 not hearing you --

2 MR. DOUD: I think he's on mute.

3 CHAIR KIMMITT: Unfortunately, we're  
4 still not hearing you. Why don't we do this? We  
5 have a scheduled break, Mr. Gonzalez, right after  
6 you conclude. Why don't we go ahead and take a  
7 short break and reconvene, if it works for you?  
8 I guess, why don't we reconvene at around 10:55?  
9 And then you could deliver your remarks.

10 PARTICIPANT: Okay.

11 CHAIR KIMMITT: Or why don't we  
12 reconvene at 11:00? And then, as scheduled, and  
13 we will hopefully work through the technical  
14 issues with you, Mr. Gonzalez, and allow you to  
15 be the first witness in session two.

16 So, with that, we'll take a break  
17 right now and reconvene at 11:00 a.m. Thank you,  
18 everyone.

19 (Whereupon, the above-entitled matter  
20 went off the record at 10:38 a.m. and resumed at  
21 11:00 a.m.)

22 CHAIR KIMMITT: Welcome back,

1 everyone. We will now begin our next session,  
2 and I think we are going to hear audio only from  
3 Mr. Cesar Gonzalez, Chief of Staff of Congressman  
4 Mario Diaz-Balart from Florida.

5 MR. GONZALEZ: Thank you very much.

6 Can you hear me now?

7 CHAIR KIMMITT: Yes, we can.

8 MR. GONZALEZ: Thank you very much.

9 My name is Cesar Gonzalez, and I'm the Chief of  
10 Staff to Congressman Mario Diaz-Balart, who  
11 represents Florida's 25th congressional district,  
12 an area that includes many of Florida's fruit and  
13 vegetable producers, some of the hardest working,  
14 most patriotic Americans I have ever had the  
15 pleasure to meet.

16 On behalf of Congressman Diaz-Balart,  
17 I would like to thank Ambassador Lighthizer for  
18 his commitment to ending Mexico's unfair trading  
19 practices. Agriculture is one of Florida's  
20 leading industries, employing tens of thousands  
21 of people and contributing billions of dollars to  
22 our state's economy.

1           The current pandemic has highlighted  
2 both the paramount importance of every aspect of  
3 our food chain. We must redouble our efforts to  
4 protect Florida's farmers and ensure that our  
5 domestic agriculture industry continues to  
6 thrive.

7           For more than two decades, the Mexican  
8 government has funded elaborate programs  
9 subsidizing virtually all aspects of their  
10 specialty crop production, amounting to well over  
11 \$200 million per year. These subsidies, coupled  
12 with Mexico's underpriced labor, have allowed  
13 Mexican farmers to produce at an unfairly low  
14 rate.

15           In 2009, Florida's fruit and vegetable  
16 farming sector contributed about 39,000 jobs and  
17 \$6.3 billion to Florida's economy. By 2018,  
18 those numbers fell to about 27,000 and \$3.2  
19 billion to the economy. During this Coronavirus  
20 pandemic, Florida growers suffered devastating  
21 losses from the shutdown of the food service  
22 sector, while the Mexican produce industry

1 continued to gain a sizeable market share.

2 If Florida farmers are unequipped to  
3 counter Mexico's unfair trading practices, our  
4 state's economy will suffer. Not only does this  
5 add harm for Florida's farmers, but it is also  
6 detrimental to Americans who will be forced to  
7 rely on foreign sources for produce.

8 This is not just an agricultural trade  
9 issue but an issue of national security. The  
10 current pandemic has only served to highlight our  
11 reliance on foreign trade partners who may not  
12 always have our interest in heart.

13 The seasonality problem needs decisive  
14 and immediate action with a viable trade  
15 solution. We respectfully request that USTR  
16 investigate Mexico's unfair trade practices,  
17 subsidies, policies under Section 301 of the  
18 Trade Act of 1974. If another remedy is  
19 proposed, it must meet the same standard of real,  
20 effective, timely, enforceable, and  
21 industry-appropriate relief.

22 Thank you for your time today, and I

1 yield back.

2 CHAIR KIMMITT: Thank you, Mr.

3 Gonzalez.

4 We will now turn to our next witness,  
5 Mr. Joseph Cornelius, on behalf of J&B Blueberry  
6 Farms, Incorporated.

7 MR. CORNELIUS: Thank you for your  
8 time and concern to consider the troubles facing  
9 the southeastern fruit and vegetable growers. I  
10 am Joe Cornelius, Jr., owner of J&B Blueberry  
11 Farms of Manor, Georgia.

12 Though the land and my operation was  
13 owned by my great-grandfather, I am looking  
14 forward to my grandchildren farming beside me and  
15 my son. But the future has been darkened by the  
16 challenges my industry faced -- is facing by  
17 unfair competition from foreign production.

18 Mexico has dumped -- pumped billions  
19 of dollars into their agricultural system. Some  
20 examples, \$6,000 per acre on overhead irrigation  
21 systems, \$8,000 an acre on drip systems, \$162,000  
22 an acre for shade houses, about \$485,000 per acre

1 on greenhouses. And during this time, our  
2 country has lost more than 500,000 acres of fruit  
3 and vegetables and nut farms.

4 Just in the blueberry industry alone,  
5 Mexican imports have increased dramatically. In  
6 2010, Mexico exported 1.8 million pounds. By  
7 2020, that number has increased to 53.9 million  
8 pounds just in the southeastern production. In  
9 2010, during the calendar week 16, around April  
10 20th, domestic blueberries were bringing a  
11 USDA-reported price of \$6.42 per pound. This is  
12 the date to start -- this is the date of around  
13 the start of Georgia production window.

14 By 2020, Mexico shipped in 5.6 million  
15 pounds during the same week. As a result, the  
16 USDA-reported prices for domestic blueberries had  
17 fallen to \$2.68 per pound. This is a 58 percent  
18 decrease in farm gate value. While those dollars  
19 are not only lost in my operation, they are also  
20 lost in the regional support industries located  
21 in our rural communities.

22 At the beginning of the traditional

1 domestic production windows, our prices can  
2 easily be absorbed in the marketplace due to the  
3 limited supply. This has traditionally been a  
4 time when farmers are able to capitalize on  
5 limited supply to recoup some of their investment  
6 and production costs.

7           These market (audio interference) do  
8 not apply to the American -- or Mexican producer.  
9 Their primary goal is to move their product by  
10 any means necessary at any price they can  
11 receive. They are able to do this because of  
12 significantly lower input costs for their crop.

13           American marketers and brokers have  
14 made direct overtures to Mexican producers to  
15 sell their crop at higher prices to help  
16 stabilize the marketplace. Those overtures go  
17 unanswered. Mexican producers can make a  
18 significant profit even off of market prices that  
19 would drive American farmers out of business.

20           There is, frankly, no desire on the  
21 part of the Mexican producers to stabilize the  
22 marketplace that would only (audio interference)

1 up their competition, the American farmer.

2 In addition to subsidies, lower  
3 infrastructure costs, lower crop input costs, and  
4 significantly reduced regulations, Mexican  
5 producers are able to capitalize on a labor force  
6 that operates at a minimum federal wage of \$6.85  
7 per day. That isn't per hour; that's per day.

8 As more and more farms become reliant  
9 on federal H-2A guest worker programs, overall  
10 labor costs continue to skyrocket as compared to  
11 the general labor force. As a participant in  
12 this program, all of the employees on our farms  
13 are paid the federal adverse effect wage rate,  
14 currently at \$11.71 an hour here in Georgia.

15 My farm pays each employee almost  
16 twice as much per hour as a farm worker in Mexico  
17 makes in an entire day. For just the domestic  
18 production environment, (audio interference)  
19 allowed to the American marketplace. Profits are  
20 sky high and the risks are minimum. Since the  
21 implementation of NAFTA and the recent USMCA, the  
22 United States government has simply allowed our

1 critical domestic infrastructure of food  
2 production to go unprotected, unsupported, and at  
3 a significant risk of disappearing altogether.

4 This leads to another issue, which  
5 should be a top priority of all federal agencies  
6 -- food security. As the world continues to deal  
7 with the COVID-19 pandemic, we have seen  
8 firsthand how domestic and international supply  
9 chains have fallen apart.

10 The availability of a year-round  
11 supply of perishable goods has not come into  
12 fruition. As many nations are beginning to look  
13 internally to address their own needs, the time  
14 has come for the United States to do the same.  
15 If we are unable to secure the international  
16 supply of perishable goods for people, how can we  
17 rely on the domestic supply when our own farmers  
18 are going out of business?

19 Without significant oversight,  
20 regulatory enforcement, policy changes that  
21 protect the American producer, we face a future  
22 that makes America and Americans far less food

1 secure. It is hoped that my Federal Government  
2 addresses the needs of the American producer and  
3 protects us from unfair trade practices that are  
4 having such a negative impact on our industry.

5 Thank you again for your time.

6 MR. DOUD: Thank you, Mr. Cornelius.  
7 Good morning. Or, yeah, we're still at morning  
8 here on the east coast. One question for you.  
9 You talked about the capital investment being  
10 made in Mexico and in their industry. Can you  
11 give us some more detail on who is making that  
12 investment in Mexico? Is it -- is it the private  
13 sector or the government? Or can you give us any  
14 more detail on that?

15 MR. CORNELIUS: It's the government --  
16 the programs that they want. I pulled this all  
17 off of a webpage or Googled it just in a couple  
18 of hours. I mean, this is the programs that  
19 they've had in place for years, started I think  
20 in 2006. And this is total programs that they  
21 have in place.

22 MR. DOUD: Okay. Thank you very much.

1 CHAIR KIMMITT: Thank you, Mr.  
2 Cornelius.

3 We will now turn to our next witness,  
4 Mr. Russ Goodman, on behalf of Cogdell Berry  
5 Farm.

6 MR. GOODMAN: Good morning, gentlemen,  
7 and thank you for allowing me to testify today.  
8 My name is Russ Goodman, and I'm a seventh  
9 generation South Georgia farmer. Our family  
10 grows blueberries, cattle, pecans, and timber in  
11 rural Clinch and other counties in South Georgia.

12 Some of the land that we have in  
13 production agriculture has been in our family  
14 since 1822. Previous to 2000, our family  
15 concentrated on timber, pecans, and beef cattle  
16 as the staple crops in our operation. Twenty  
17 years ago, the health benefits of blueberries  
18 were really making the news, as was subsidized  
19 Canadian lumber.

20 With the negative effects the timber  
21 business experienced from unfair trade in regards  
22 to Canadian lumber, we began looking for

1 something to diversify some of our land away from  
2 timber and into another crop. Blueberries fit  
3 the bill perfectly. Our area of Georgia with our  
4 (audio interference) laden soils are perfect for  
5 blueberry production.

6 We started out with our first 15-acre  
7 field in 2000 and are now growing 650 acres.  
8 Unfortunately, due to unfair trade in regards to  
9 blueberries, we have begun planting more pecans  
10 to try and diversify our operation away from what  
11 has become an onslaught of Mexican blueberries.

12 In 2010, Mexico exported 1.8 million  
13 pounds of blueberries into our country. By 2019,  
14 that number was 53 million pounds. This deluge  
15 of Mexican blueberries threatens the future of  
16 our 200-year-old family operation and the rural  
17 American community we call home.

18 Blueberries account for \$750 million  
19 annual economic impact in South Georgia. That's  
20 \$750 million. Ninety percent of the total (audio  
21 interference) of our local hometown bank is  
22 comprised of blueberry loans.

1                   To put it bluntly, our little  
2                   community, and many others like it across South  
3                   Georgia, are scared senseless as to what the  
4                   future holds for us concerning where we stand and  
5                   the larger juggernaut of global trade. For our  
6                   country's sacrifice, our families and farms,  
7                   because if nothing is done to change the current  
8                   path we are on, that is exactly what our country  
9                   will be -- will be doing.

10                   The biggest issue facing our farm is  
11                   our inability to compete with countries like  
12                   Mexico due to our vastly different labor and  
13                   environmental regulations. The new USMCA  
14                   agreement failed families like mine in trying to  
15                   create a level playing field. And in all  
16                   honesty, that is all we have ever asked for -- a  
17                   level playing field.

18                   I often tell people it is hypocritical  
19                   of us as Americans and the American government to  
20                   expect the American farmer to grow our produce  
21                   under certain labor and environmental regulations  
22                   and then allow the free importation of

1 foreign-grown produce that isn't grown with the  
2 same set of standards.

3 I am a believer in free markets. The  
4 problem is, we have a free market on the sell  
5 side but not the costs. It is fairly common  
6 knowledge that on Mexican farms the average wage  
7 rate is less than \$1 an hour. Under the current  
8 American H-2A regulations, our wage rate would be  
9 reduced to \$12 an hour.

10 On our farm -- and I would think most  
11 American blueberry farms -- labor accounts for  
12 over a third of the total cost of the operation.  
13 Given enough time, it is pretty clear that the  
14 Mexican farms would have 90 percent advantage and  
15 a cost area that accounts for over 33 percent of  
16 overhead, would eventually put the competition  
17 out of business.

18 Another regulation that affects  
19 American growers and not Mexico is the Tier 4  
20 engines emissions mandate. When this regulation  
21 came into effect, it added \$15,000 to the  
22 purchase price of everything with a diesel engine

1 for the American farmer. That includes  
2 everything from tractors to combines, forklifts,  
3 irrigation, everything.

4 We also now bear the cost of increased  
5 maintenance and purchasing the diesel exhaust  
6 fluid needed to operate these new engines. The  
7 Mexican farmers aren't under this regulation.  
8 This is another example of an unfair cost  
9 advantage our neighbors to the south have over  
10 us.

11 In fact, the tractors that we have  
12 used to plant our pecan trees with for years are  
13 still being produced 10 miles across the border  
14 in Mexico and are being shipped all over the  
15 world, but we can't bring them into this country  
16 because they are equipped with a Tier 3 engine.

17 Even our diesel engines that are only  
18 used for frost protection during cold winter  
19 nights are now under these emission standards. A  
20 diesel engine in rural Georgia that runs only 80  
21 hours per year is under the same emissions  
22 regulations as a semi-truck that puts 200,000

1 miles a year on the interstate.

2 With production cost advantages like  
3 this, Mexican farmers would surely eventually put  
4 their competition out of business. Sadly, that  
5 competition comes in the form of the American  
6 family farm. I fear what inaction by our  
7 government will mean for American farm families  
8 like mine, but more importantly, what the long  
9 term implications are for our children and our  
10 grandchildren's food security.

11 In the wake of COVID-19, are we really  
12 going to risk becoming dependent upon other  
13 countries for our food supply? I fear if nothing  
14 is done, we will do just that. We will concede  
15 the facts that at least in terms of fresh fruits  
16 and vegetables our children will be less food  
17 secure than we were, and shame on us if we allow  
18 that to happen.

19 Thank you all for allowing me to  
20 testify. I would just like to add one more  
21 thing. We talk a lot about the value of  
22 agriculture in this country and what it means to,

1 you know, for the economies in rural America and  
2 what it means as far as our food security and  
3 everything else.

4 I think one of the greatest values, or  
5 possibly the greatest value, that agricultural  
6 brings are the values themselves. And so when  
7 you look at where we're at in the nation, a lot  
8 of the things that -- as far as the direction  
9 that our country goes in, I think it's paramount  
10 to the future of our country that we continue to  
11 keep rural America strong and vibrant because of  
12 the values that we do bring to the national  
13 stage.

14 Thank you all for allowing me to  
15 speak.

16 CHAIR KIMMITT: Thank you, Mr.  
17 Goodman.

18 Under Secretary McKinney, do you have  
19 any questions for Mr. Goodman?

20 MR. MCKINNEY: Yes. Just a couple of  
21 questions, quick ones. The first thing, thank  
22 you for your testimony. This is the first that

1 we have really heard certainly with any depth at  
2 all about the environmental regulations  
3 difference, so -- to always look for all of the  
4 new additions as important.

5 My question, though, really pertains  
6 to the movement you are making. You started with  
7 timber I think, then to blueberries, and now I  
8 think you said you're shifting, at least some, to  
9 pecans. Are you seeing this unfair competition  
10 for pecans as well? We know it's there with  
11 blueberries. Many have testified. How about  
12 "pecons" or pecans? I don't know how you guys  
13 pronounce it down there.

14 MR. GOODMAN: Yes, sir. Well, it  
15 depends on what the price is. It can be "pecons"  
16 or pecans. If they're cheap, they're pecans.  
17 But we are -- we are seeing -- you know, my  
18 understanding is in Mexico they are planting  
19 about 20,000 acres of pecans a year. One of the  
20 reasons -- with pecans, they are not as  
21 labor-involved as blueberries are. That's one of  
22 the reasons that we're looking to try to

1 diversify a little bit more out of -- out of  
2 blueberries.

3 But in regards to the Tier 4 engines  
4 emissions, I have reached out to people in  
5 Mexico. The tractors that we used for years, the  
6 CC-610s, they still make them over there, and you  
7 can buy that tractor for \$37,000 if you could  
8 bring it into the United States. And so you kind  
9 of have -- as a point of perspective, that same  
10 tractor with all of the Tier 4 apparatus on there  
11 and everything, if I buy that tractor in  
12 Blackshear, Georgia, it's going to be close to  
13 about \$54,000. It is a cost to the American  
14 farmer.

15 MR. MCKINNEY: Thanks so much.

16 CHAIR KIMMITT: Thank you, Mr.  
17 Goodman.

18 We will now turn to our -- turn to our  
19 next witness, Mr. Sam Watson, on behalf of Chill  
20 C Farms.

21 MR. WATSON: Thank you, Mr. Secretary,  
22 Mr. Ambassador, Under Secretary McKinney, USDA

1 Trade Commerce officials, thank you for letting  
2 me be here today.

3 My name is Sam Watson. I am a Georgia  
4 farmer, and I am also a state representative in  
5 the Georgia House of Representatives,  
6 representing one of the largest agricultural  
7 districts in my state. And I also own and  
8 operate Chill C Farms in South Georgia where we  
9 grow several vegetables.

10 I am submitting these comments in  
11 hopes that the United States Trade Office and its  
12 partners will work diligently to solve the  
13 problem of foreign fruit and vegetable products  
14 being dumped into the U.S. market at exponential  
15 rates.

16 The southeastern growers have lobbied  
17 extremely hard over the last several years to  
18 expand the renewal of USMCA. Ultimately, we were  
19 overpowered by much larger corporate growers who  
20 have realized they can grow or buy fruits and  
21 vegetables much cheaper in foreign countries such  
22 as Mexico.

1                   These foreign countries have cheap  
2 labor, lower input costs, very little regulatory  
3 environment, and the government is subsidizing  
4 many of the farmers. When you combine all of  
5 these advantages, I find it hard to believe that  
6 one can say that the American farmer participates  
7 in fair trade.

8                   Last week there were questions about  
9 differences between southwestern and southeastern  
10 growers and our lack of unity on this topic. In  
11 my opinion, our lack of unity is because of the  
12 geography and investment in foreign countries.  
13 Southeastern growers do not have the luxury of  
14 being in close proximity to a foreign country  
15 with substantially lower input costs, government  
16 subsidies, and minimal government regulation.

17                   I was recently made aware of a study  
18 that consists of a list of 50 American produce  
19 companies who have investments in the United  
20 States and Mexico. This report confirms that we  
21 had suspected and that many southwestern growers  
22 have substantial investments in farms south of

1 the border. Because of this investment, it is to  
2 their benefit to allow foreign produce to  
3 continue to flow into this country.

4 In the case of southeastern growers,  
5 we are operating solely in the United States,  
6 supporting many of the rural economies across  
7 this country. Agriculture is the number one  
8 industry in the State of Georgia, providing 76  
9 billion economic impact and over 399,000 jobs.  
10 And as a state official, I want to make sure that  
11 we protect those jobs.

12 It has also been suggested that the  
13 southeastern growers should just switch crops. I  
14 have invested 13 years of my life in a packing  
15 house, with coolers, packing lines that are  
16 specific to certain vegetables and customized for  
17 what I grow. I can't just switch and start  
18 growing other crops, such as corn, cotton, wheat,  
19 soybeans. And if I could, those markets aren't  
20 sustainable either.

21 We are not saying we won't stop the  
22 importation of the fresh fruits and vegetables

1 into this country. We just want protections and  
2 safeguards put into place that provide for fair  
3 trade. Legislation such as the pending Domestic  
4 Produce Protection Act is a step in the right  
5 direction.

6           Ambassador Lighthizer received a  
7 letter on April 4, 2019, signed by (audio  
8 interference) United States Senators and 33  
9 members of Congress. This letter requested  
10 Ambassador Lighthizer's support of this  
11 legislation or any other appropriate  
12 administrative action to establish equally  
13 effective enforceable and durable remedies  
14 through existing trade authorities.

15           This past spring, in 2019, I started  
16 dumping squash on my farm because of the lack of  
17 buyers. Having already sent multiple truckloads  
18 to the food bank, I had to dispose of thousands  
19 of boxes I could not sell. Every morning I start  
20 my day by spending hours on the phone with  
21 produce buyers across the country trying to sell  
22 my product, and I get the same answer. No, we

1 don't need any, they would say. At least they're  
2 honest.

3           They tell me they can get it cheaper  
4 in Mexico. Maybe try us next week. However, on  
5 one particular day, when we finished up our  
6 dumping operation, I was sent a photo of yellow  
7 squash that was on a shelf of a major retail  
8 grocery store in Georgia that said Produce of  
9 Mexico, 99 cents. This was in the end of May,  
10 and Georgia squash was in full swing and Florida  
11 was finishing up. While I was dumping thousands  
12 of perfectly good squash, the citizens of Georgia  
13 were only given one option at the grocery store:  
14 foreign produce.

15           What's interesting is the American  
16 consumer is still paying the same price. I  
17 firmly believe that if American consumers were  
18 given a choice between U.S.-grown and imported  
19 produce, they would choose to buy American.

20           The problem is is they have no choice  
21 anymore. We cannot become a country that is  
22 dependent on others for our food supply once all

1 the farmers go under, and that is exactly what  
2 will happen.

3 Lastly, as a fifth generation farmer  
4 and with four daughters who I pray every night I  
5 hope will come back to the farm, but due to the  
6 unfair trade practices during NAFTA and now  
7 USMCA, there is a very good chance I will be the  
8 last generation of farmers in my family. The  
9 outlook for the American -- the true American  
10 vegetable grower is grim, and that is a direct  
11 effect of our trade policies, or lack thereof.

12 I would love for this office to change  
13 my mind and share some encouraging news.

14 Otherwise, concerns of shortages of medical masks  
15 and medicine will pale in comparison to a serious  
16 shortage of food. If you don't change our trade  
17 policies, that is exactly what our country will  
18 experience when all of your domestic fruit and  
19 vegetable growers are gone and we are totally  
20 dependent on foreign nations for our food.

21 Thank you for the opportunity to  
22 speak, and I hope that you guys will be able to

1 provide some help.

2 CHAIR KIMMITT: Thank you,  
3 Representative Watson.

4 Assistant Secretary Kessler, do you  
5 have any questions for Representative Watson?

6 MR. KESSLER: Yes. Well, thank you  
7 very much for your testimony, Representative  
8 Watson. You warned of the consequences if trade  
9 policy doesn't change. Could you elaborate a  
10 little bit on exactly what changes you would like  
11 to see in trade policy and what you view as the  
12 policy solution to the difficulties that you  
13 describe?

14 MR. WATSON: Well, I think that there  
15 is a lot of tools that -- that the government has  
16 at their disposal. I think at this point in  
17 time, what we have going on in our country today,  
18 we need to utilize all of the tools that we have,  
19 whether it be 301 and 201, labor exemptions or  
20 requirements, food safety requirements. I mean,  
21 there are lots of options out there that we need  
22 to look at as a country to make sure that we not

1       only protect the American farmer, but that we  
2       protect that source of foreign product when we  
3       need it.

4                   CHAIR KIMMITT: Thank you,  
5       Representative Watson.

6                   We will now turn to our next witness,  
7       Mr. Steve McMillan, on behalf of Southern Grace  
8       Farms.

9                   MR. McMILLAN: Thank you very much.  
10       I appreciate the opportunity to speak with you  
11       today about blackberries. My name is Steve  
12       McMillan. I farm in a partnership with my  
13       brother, Tim, in Berrien County, Georgia. We are  
14       a family-run and operated farm. It includes my  
15       wife, Laura; daughter, Jennifer; my son, Steven;  
16       and Tim's son, Daniel. We grow peanuts and  
17       cotton. We own and operate a peanut-buying point  
18       and also own a country store and agri-tourism  
19       business that we operate out of it doing field  
20       trips, school field trips.

21                   We also grow 35 acres of citrus and 95  
22       acres of blackberries, which is what I'd like to

1 address this morning.

2 For several years, we have seen the  
3 Mexican blackberry market overlap with our  
4 harvest window here in Georgia, which is mid-May  
5 through mid-July. I assume that with the  
6 information I have sent in, you have the USDA  
7 import chart. It shows the poundage coming  
8 across the border with pricing for the last  
9 couple of years, and of interest and concern is  
10 the increased volume for that period, which is  
11 the second largest volume ever according to USDA  
12 import data.

13 And what is even of more concern to me  
14 and other blackberry growers, I believe, is the  
15 price that they are willing to pay for their  
16 crop. During the 2020 season, we saw Mexican  
17 blackberries being sold for a little over a  
18 dollar per pound, which is well below our break-  
19 even price of \$2 per pound.

20 According to USDA import data, Mexican  
21 blackberry prices have been trending down over  
22 the last several years during this time period.

1 Mexico's climate allows them to grow and offer  
2 blackberries for sale from September to the end  
3 of May. During this time, they usually see  
4 prices in the \$3 to \$3.50 range.

5 They have already made their profit by  
6 the time their season (audio interference). So  
7 if they can sell berries for enough to pay labor  
8 and just to pay for the packaging costs, they  
9 will continue to pick and ship them in here  
10 during our marketing window.

11 And part of the problem, too, is when  
12 they drive the price down, or offer these berries  
13 that are half of what our break-even cost is, or  
14 by the per-pound range, or a little above that  
15 even, the problem it has for us, they may get out  
16 of our window with volumes, but they drove that  
17 price down and it takes two to three weeks for  
18 the market to react back up to the loss in  
19 volume.

20 So we wind up going into our peak  
21 season maybe with not very many blackberry  
22 markets at -- Mexican blackberries out there, but

1 it impacts our market because it just takes a  
2 while for the market to react back up and to  
3 rebound from that.

4 Also, Mexican -- Mexico's climate  
5 allows them to grow and offer blackberries for  
6 sale -- I think I said that. I've already talked  
7 about that. I apologize.

8 USDA import data show that the price  
9 has been trending down. Also, there has been an  
10 increase in internal or greenhouse production,  
11 which protects berries from Mexico rainy season,  
12 which usually begins about the time our season  
13 starts, or maybe a week or 10 days into our  
14 season.

15 And what normally happens down there  
16 and that's why they can't grow them year around  
17 -- is they have a rainy season that moves in.  
18 And once that moves in, blackberries become soft,  
19 unpickable, and unmarketable.

20 But with this greenhouse production,  
21 internal production that has been going in, it  
22 allows them to extend that season a little bit

1 longer. And there is information out there that  
2 says that some of these programs at least are  
3 probably being paid for with subsidies from  
4 Mexico's Department of Ag -- their SAGARPA -- I  
5 suppose is how you would say that.

6 And I would add this. This is just  
7 not a problem on our farm or just the  
8 blackberries. According to a study from the  
9 University of Georgia Department of Agriculture  
10 and Applied Economics titled "The Impact of the  
11 United States-Mexican-Canadian Agreement,"  
12 Georgia would be on track to lose \$1 billion in  
13 economic output and more than 8,000 jobs if  
14 something is not done to slow the increasing  
15 import of cheap Mexican fruit and vegetables.

16 And I wouldn't dare try to tell you  
17 guys blackberries is super important to the State  
18 of Georgia's economy. I would say there is  
19 enough in Berrien County, Georgia, it's important  
20 to Berrien County's economy, certainly important  
21 to the other counties in Georgia that are growing  
22 blackberries, and it's certainly very important

1 to our farm.

2 I go back 20 to 22 years ago, we were  
3 tobacco growers here on our farm in Berrien  
4 County, and we went through all of the lawsuits  
5 that the tobacco country suffered. We had lost a  
6 lot of our tobacco quota. It cost us an awful  
7 lot of money because a lot of that tobacco quota  
8 we had paid for.

9 And we were really told when we  
10 visited Washington -- and with a lot of Senators  
11 and Representatives -- we were told, what you  
12 guys need to do is find you all something else to  
13 grow. So we took them at heart, and that's what  
14 we've done.

15 We were pioneers in the blackberry  
16 business. Us and one other grower in Georgia  
17 were the first ones to ship any commercially back  
18 about 20 years ago. And we found something that  
19 not only replaced tobacco, but it was healthy and  
20 we felt good about growing it, and it was very  
21 profitable. It has been very good to us.

22 I would hate to see that end and

1 Washington tell us again that you need to get out  
2 and find you something else to grow because we're  
3 going to allow Mexico to take this market and put  
4 you guys out of business.

5 I would say I appreciate the time. I  
6 really appreciate the opportunity to allow the  
7 blackberry growers to speak, because as I said,  
8 again, we're not a major impact on the economy of  
9 Georgia. We are -- we are a major impact in the  
10 blackberry market in the United States. It's  
11 just that there's not a lot of acres and not a  
12 blackberry -- not a lot of blackberries produced.  
13 Again, I appreciate the time very much.

14 MR. DOUD: Well, thank you, Mr.  
15 McMillan, for your testimony very much. Really,  
16 really helpful. What percentage of U.S.  
17 blackberry production is in Georgia? Can you  
18 help me with that right quick?

19 MR. McMILLAN: Well, are you talking  
20 about compared -- the percentage of blackberries  
21 within the United States?

22 MR. DOUD: Yeah. In the United

1 States.

2 MR. McMILLAN: The fresh market?

3 MR. DOUD: Yeah.

4 MR. McMILLAN: I don't have that  
5 figure. I can tell you this: Georgia's  
6 production is probably in the neighborhood of 10  
7 to 12 million pounds.

8 MR. DOUD: Okay.

9 MR. McMILLAN: Which is a pretty good  
10 impact in the -- in the domestic market during  
11 that time window. Generally what happens, Mexico  
12 has the market from September to May, and at some  
13 point they get out, hopefully early for our sake,  
14 but most years not. They overlap and get back  
15 into the -- where the prices go down and it takes  
16 a while to come back up.

17 But then we are -- where our market  
18 comes in in Georgia, with 10, 12 million pounds  
19 or so, and then North Carolina comes in, and  
20 Arkansas and some other southeastern states,  
21 after that. But I can't tell you the -- I don't  
22 know the total fresh market.

1                   MR. DOUD: That's fine. What --  
2 follow up question with you. Can you compare and  
3 contrast with me a little bit your relationship  
4 with retailers versus the Mexican producer and  
5 their supply chain, their relationship with  
6 retailers? Walk me through how that works a  
7 little bit.

8                   MR. McMILLAN: Well, I'm not sure I'm  
9 real versed on that. I can tell you what I think  
10 I know. A lot of -- some of the marketers --  
11 blackberry marketers are much more involved with  
12 the farms in Mexico than they are here. Here  
13 they pretty much serve I think just as a  
14 marketer.

15                   My understanding, down there they do  
16 some financing, probably have joined in and  
17 helped get that money from the government for  
18 those farmers. And in some instances, they have  
19 their own farms down there, unlike here which  
20 everything is privately owned I think.

21                   Does that answer -- does that answer  
22

1 MR. DOUD: No, that's helpful.

2 Under Secretary McKinney, do you have  
3 a quick question? We have just a little bit of  
4 time here.

5 MR. MCKINNEY: Just to say thanks. I  
6 did roster blackberries as an issue. I  
7 appreciate your integrity and your honesty saying  
8 it's important to you and some others. It's not  
9 so critical to the entirety of the U.S., but I  
10 have added that because we're trying to keep an  
11 accurate tally of the crops that might be  
12 affected, the points of subsidizing, or whatever  
13 -- whatever the unfair trade is.

14 So thank you so much, Steve.

15 MR. McMILLAN: Yes, sir. Thank you  
16 all.

17 CHAIR KIMMITT: Well, thank you, Mr.  
18 McMillan.

19 We will now turn to our next witness,  
20 Mr. William Brim, on behalf of Lewis Taylor  
21 Farms, Incorporated.

22 I think we are waiting for Mr. Brim to

1 return. So in the meantime, we will move to the  
2 next witness, Mr. Richard Minor, on behalf of  
3 Minor Brothers Farm.

4 MR. MINOR: Okay. Am I on?

5 MR. DOUD: You are, sir. We can hear  
6 you.

7 MR. MINOR: Okay. Can you see me or  
8

9 MR. DOUD: I think we can see you just  
10 a little bit. It could be a little clearer, but  
11 we can hear you just fine.

12 MR. MINOR: Okay. My name is Steve  
13 Minor. I'm a partner in Minor Brothers Farms, a  
14 diversified farming operation located in  
15 Southwest Georgia. Our farming operation  
16 produces numerous row crops along with specialty  
17 crops of turf grass and eight different  
18 vegetables.

19 We started our farming operation --  
20 our diversification of our farming operation in  
21 1986 when we planted our first crop of fresh  
22 market cucumbers. We have planted both a spring

1 and fall crop of cucumbers for the last 34 years.

2 Since 1986, we have watched the  
3 vegetable industry grow in Georgia and evolve  
4 into a \$1.1 billion segment of our state's  
5 agricultural economy, comprising some 30  
6 different vegetable crops. The last 34 years has  
7 presented many challenges to our vegetable  
8 farming operation.

9 However, none has presented a threat  
10 near the scale of the dramatic increase in  
11 low-cost Mexican vegetable imports. To  
12 understand this threat, you must first understand  
13 some of the general concepts on how the fresh  
14 market -- vegetables market functions in the  
15 United States.

16 I am going to -- I am going to use  
17 computers in my -- I am going to use cucumbers in  
18 my example. However, these concepts apply to  
19 most all of the fresh produce grown in the  
20 southern United States.

21 The production and marketing of  
22 cucumbers is influenced by several factors which

1 have evolved over a very long period of time.  
2 Probably the most important aspect of this market  
3 revolves around the fact that the majority of our  
4 customer base resides along the east coast of the  
5 United States and is more concentrated in the  
6 northern areas of the country.

7 In addition, there are also important  
8 components to the markets located around the  
9 midwestern population centers. The location of  
10 the major population centers in relation to the  
11 location of the major growing areas has a  
12 constant influence on the ultimate price we  
13 receive for a box of produce.

14 Grade is a major cost associated with  
15 the marketing of all fresh produce, and there is  
16 constant pressure to source produce from growing  
17 areas closer to the consumer in order to reduce  
18 transportation costs and preserve quality.

19 In contrast, cucumbers can only be  
20 produced during a very limited timeframe around  
21 these northern population centers. Therefore, it  
22 is not surprising that Florida, with its almost

1 year-round growing season, is the largest  
2 producer of market cucumbers, fresh market  
3 cucumbers, followed by Georgia, North Carolina,  
4 and Michigan.

5 In Georgia, we start harvesting spring  
6 cucumbers in May and finish in the end of June.

7 Border growers understand that when Georgia  
8 starts they need to be finished harvesting, and  
9 they plant accordingly. Georgia growers  
10 understand that North Carolina will start  
11 harvesting cucumbers in mid-to-late June, and we  
12 also plant accordingly. Each growing area  
13 understands its window and the factors which  
14 influence how much of the product they can  
15 produce and still maintain the probability of  
16 generating a profit.

17 The fall crop works the same way, only  
18 the sequence is in reverse order. The cucumber  
19 deal starts in South Florida, moves north as the  
20 weather warms, and returns south as the weather  
21 cools. The cucumber market is very volatile.  
22 One of the unique aspects of all fresh vegetable

1 crops is that the price changes daily with the  
2 changes in supply and demand.

3           Traditionally, demand has remained  
4 fairly inelastic, with just modest consumption  
5 growth. On the other hand, supply is the real  
6 factor which influences the daily price of fresh  
7 produce. Unlike other agricultural crops, we  
8 cannot store and put into warehouse or grain bins  
9 fresh produce. Fresh produce needs to be sold  
10 and shipped to markets as soon as it is  
11 harvested.

12           Vegetable growers assume the risk of  
13 the market and understand that there will be  
14 times when prices are below the cost of  
15 production. However, they also understand that  
16 the markets change very quickly and that there  
17 will be times when prices are extremely high and  
18 counterbalance those low prices.

19           These markets are very sensitive to  
20 changes in planted acres. Even the smallest  
21 increase can have a major impact on vegetable  
22 prices. In 2018, the combined acreage planted

1       into fresh market cucumbers for the top five  
2       producing states was less than 30,000 acres. A  
3       simple 10 percent increase in production is  
4       enough to totally devastate a marketing window  
5       and eliminate any chance of profitability.

6               Specialty crop growers, because of  
7       their small acreage requirements and the  
8       perishability of their product, are more  
9       vulnerable to market manipulation than any other  
10      farm commodity. I'll say that again. Specialty  
11      crop growers, because of their small acreage  
12      requirements and the perishability of their  
13      product, are much more vulnerable to market  
14      manipulation.

15              Mexico, over the last 10 years, has  
16      dramatically increased the production of  
17      cucumbers. They have expanded production with no  
18      regard for other production areas or without  
19      regard for the probability of making a profit.  
20      These producers began competing mainly in  
21      Florida's market window, but over the last four  
22      to five years have expanded production with the

1 goal of supplying cucumbers all year long.

2 Today, low-cost Mexican production is  
3 threatening every grower in the United States.  
4 Mexican farmers have been able to move outside of  
5 the traditional winter window with the help of  
6 Mexican government subsidies. These subsidies  
7 cover the cost of construction of greenhouses and  
8 hoop houses and shade houses, which allow growers  
9 to produce vegetables 12 months out of the year.  
10 These indoor facilities are viable because of  
11 cheap labor, which is not available in the United  
12 States.

13 In addition, Mexican growers have  
14 demonstrated a willingness to export product into  
15 the United States regardless of market price,  
16 often not even recovering the transportation  
17 costs to get a product into the market. Today,  
18 Mexican growers have control of most of the limes  
19 and avocados consumed in the United States. If  
20 we fail to act, they will soon control the  
21 balance of all of our fresh produce industry.

22 We are -- we, as growers, are

1 requesting the USTR to use the full resources  
2 available to investigate the unfair trade  
3 practices of the Mexican government and the  
4 actions of the Mexican growers which threaten the  
5 produce industry in the United States.

6 Thank you very much.

7 CHAIR KIMMITT: Thank you, Mr. Minor.

8 Assistant Secretary Kessler, do you  
9 have any questions for Mr. Minor?

10 MR. KESSLER: Yes. Thank you very  
11 much, Mr. Minor, for your testimony this morning.  
12 I wanted to ask you to give us a little bit more  
13 information about the condition of your business  
14 and perhaps other businesses in Georgia like  
15 yours. You know, you mentioned that  
16 profitability is very sensitive to increases in  
17 production. Can you just give us a picture of  
18 what your business' profitability is like and how  
19 it's doing in general? Are you hiring employees  
20 or not? Is the total acreage dedicated to  
21 farming increasing or decreasing? Anything that  
22 you can give us to help us understand what your

1 company and companies like yours are going  
2 through.

3 MR. MINOR: Yeah. Thank you. I think  
4 that's a good question because that kind of opens  
5 up an area that I wanted to discuss. We are a  
6 diversified operation. Like a lot of people that  
7 have talked to you in Georgia, a lot of the  
8 growers are diversified, and that is for a lot of  
9 different reasons, mainly for risk management.

10 But today we are growing corn, cotton,  
11 peanuts, which are all very cheap. You know, the  
12 traditional row crop commodities are cheap. We  
13 diversified into vegetables, like I said, in  
14 1986, so that's a part of our business, probably  
15 about 20 percent of our business, and it's a very  
16 important part of our business.

17 It has been a profitable part of our  
18 business. But through the diversification, we  
19 really strive on one crop may do well this year,  
20 one crop may not do so well. So it kind of  
21 counterbalances sort of a risk management aspect.

22 But I think the more important point

1 is, in our rural communities, 86 percent of  
2 Sumter County is agricultural-based. That's our  
3 economy -- agriculture. And when we look at  
4 growing specialty crops -- we built it to grow a  
5 crop of cucumbers where you're going to have a  
6 \$10,000-an-acre gross versus growing a corn -- a  
7 250-bushel corn crop where you've got  
8 \$1,000-an-acre growth, the economic impact for  
9 Sumter County for about 1,500 acres of vegetable  
10 crops that are grown in our country, the economic  
11 impact is so much greater than traditional row  
12 crops.

13 I mean, we -- it's sort of an amazing  
14 thing that we can put a seed in the dirt here in  
15 Sumter County, we can grow a crop, we can send it  
16 back to New York City, and they send us back  
17 dollars. I mean, we talk about rural development  
18 and rural programs, but this is the best rural  
19 program we've got. I mean, we're exporting  
20 things to New York. They're sending us dollars  
21 to Sumter County.

22 So it's important that this specialty

1 crop -- although small acres, but very high  
2 volume, very high dollars, very high value, lots  
3 of inputs, lots of, you know, trucks and labor  
4 and seed and chemical, a lot of money being  
5 turned over acres, which makes our land more  
6 valuable which increases our tax base which puts  
7 people to work. We've got five packing houses  
8 here in Sumter County that run seasonally, employ  
9 a lot of people, you know, generate a lot of  
10 economic activity, which peanuts, cotton, corn  
11 doesn't have that kind of impact on our economy  
12 here.

13 Our farming operation is possibly  
14 profitable, and mainly because of government  
15 programs and traditional row crops have helped us  
16 survive. But presently the farm -- the state of  
17 the farm economy is pretty bad. We hope it's  
18 going to change, but right now it's pretty tough  
19 on all crops across the board, as you're well  
20 aware.

21 MR. KESSLER: Thank you, sir.

22 CHAIR KIMMITT: Thank you, Mr. Minor.

1 I believe we now have Mr. William Brim  
2 available on behalf of Lewis Taylor Farms,  
3 Incorporated.

4 MR. BRIM: Good morning, gentlemen.  
5 How are you all doing this morning?

6 CHAIR KIMMITT: Just fine, sir. Thank  
7 you.

8 MR. BRIM: My name is William Brim  
9 with Lewis Taylor Farms in Tifton, Georgia.  
10 Thank you for the opportunity to talk directly  
11 with you today (audio interference). I'm here to  
12 ask you for your help in solving the crisis that  
13 threatens to destroy the southeastern produce  
14 farmer. It is my deepest hope that today marks  
15 only the beginning of a collaboration between you  
16 and our industry and our government to solve this  
17 problem.

18 The problem is complicated; we realize  
19 that. It involves imports into our market at  
20 very low prices. It also involves imports that  
21 appear targeted at the precise season when  
22 southeastern farmers must market their own

1 produce, and it involves a pattern of subsidies  
2 by the Mexican government. These problems  
3 require a comprehensive approach.

4 For today, let us start with what is  
5 happening in our markets. My family farm  
6 operation began in 1950. We produce about 5,500  
7 acres of strawberries, cantaloupes, watermelons,  
8 and numerous vegetable crops through our packing  
9 facilities. We use both conventional and organic  
10 growing practices. We employ full-time -- 75  
11 people full-time and about 380 H-2A workers.

12 We are a family-owned business, and we  
13 contribute to a local economy that depends on a  
14 strong vegetable -- fruit and vegetable sector.  
15 Our success is their livelihood, but our future  
16 is in serious jeopardy. In 2015 when we began to  
17 see markets and prices change due to Mexican --  
18 the increase in Mexican imports, by 2018, the  
19 import pressure was so strong that we almost had  
20 to shut down. We are barely holding on today.

21 We are a year-round operation. Our  
22 seasons now overlap with Mexico's imports. In

1 the spring and fall, everything we grow falls in  
2 synch with Mexican products. I believe this is  
3 because Mexican producers can use subsidies to  
4 build protected agricultural structures and plant  
5 more acres which increases the produce that goes  
6 to market at the same time as our produce goes.

7 As a result, our marketing challenges  
8 and channels, in the Midwest, retailers have all  
9 but disappeared. Our marketing vendors have told  
10 me that many of our most reliable retail buyers  
11 are now pulling away because they can buy cheaper  
12 products from Mexico.

13 The market for broccoli is a good  
14 example. Mexico sends broccoli to New York for  
15 \$4 a box, less than half of the U.S. cost of  
16 production by itself.

17 How did I determine that price? As  
18 far as I can tell, Mexico sent product on -- at  
19 price after sale bases, when the U.S. importers  
20 essentially name a price that is lower than he  
21 has to pay for U.S. product, and the Mexican  
22 seller simply accepts it no matter how low, and

1 often it is extremely low. It isn't even worth  
2 carrying in the system or dumping it.

3 To be clear, U.S. producers are  
4 sometimes forced to use a price after sale  
5 arrangement as well, as our only alternative to  
6 letting our crop not rot in the field. For us it  
7 is a loss mitigation strategy. For Mexican  
8 shippers, it seems to be a first sale strategy.

9 How do they do it? Again, I can't  
10 believe Mexican government subsidies are a major  
11 reason why they're doing it. The government is  
12 bankrolling their expansions into our markets.  
13 The question we need to ask -- get asked is --  
14 answered is: what are we going to do about it?

15 We do not have the organization to  
16 monitor and analyze all of the foreign practices  
17 that affect our markets. We do not have the  
18 legal resources to identify the optimal time to  
19 file a trade dispute. Even if we did, the  
20 central problem we are facing affects many kinds  
21 of produce, but it is derived from a common  
22 source. It is larger than any single dumping or

1 anti-subsidy investigation. That is why we need  
2 your help, please.

3 Our colleagues in Florida have asked  
4 us to pursue a Section 301 investigation. Our  
5 growers also support a Section 301. I understand  
6 that Section 301 offers the tools to address  
7 situations like ours when a foreign government  
8 and its exporters are engaged in a pattern of  
9 unfair trade that is burdening -- burdening U.S.  
10 commerce. That is what is happening here.

11 I also know you may have additional  
12 tools to consider in addressing these problems.  
13 You have to analyze exactly what has been  
14 happening in Mexico and exactly what it is doing  
15 to our markets. That is a necessary need. As we  
16 know our markets, but -- we know better than we  
17 do what policy tools offer the best way to solve  
18 the problems. That is why we must work together.

19 Now that USMCA is in force, we worry  
20 deeply that the problems we get much worse --  
21 will get much worse. In fact, it already is much  
22 worse than it was last year, and USMCA has only

1       been in effect for one month.  If action is not  
2       taken very soon, USMCA will terminate our state  
3       economy -- decimate our state economy, farm  
4       economy.

5                   I am here because I believe in Georgia  
6       farmers, and I believe our industry is worth  
7       fighting for.

8                   Thank you for holding these hearings  
9       today.  Thank you.  Help us to win this fight,  
10      please.  I look forward to working with you and  
11      would love to have you come down to my farming  
12      operation anytime, if you would like to, and I'd  
13      love to show you what we do down here in South  
14      Georgia.  Thank you so much.

15                   CHAIR KIMMITT:  Thank you, Mr. Brim.

16                   Under Secretary McKinney, do you have  
17      any questions for Mr. Brim?

18                   MR. MCKINNEY:  I do.  I do.  And thank  
19      you very much.  Coming up on a farm myself from  
20      Indiana, I can appreciate the work required.  We  
21      were corn, soy, feed corn, seed soy, and you have  
22      all kind -- 2,500 acres or more of veggies.  So

1 my hat's off to you.

2           You said import -- excuse me. You  
3 said there is a pattern of subsidies. If I am  
4 sounding like a broke record I apologize, but  
5 we're really trying to get at the source of the  
6 problem as you all see it. Could you take the  
7 next level of detail on what those subsidies are  
8 that you hear or that you know of, okay?

9           MR. BRIM: I think we have to look  
10 back at the Department of Agriculture in Mexico  
11 and see what they are really doing. They are  
12 actually instituting programs where they can put  
13 in wells. They can put in these microclimate  
14 covers. They can put in these greenhouse  
15 operations. They are paying and giving them the  
16 infrastructure money to set all of this up --  
17 these problems up that create problems for us.

18           I think the subsidy part of it is what  
19 is making it worse for all of us here, Under  
20 Secretary. It is -- they are flowing so much  
21 crop across the borders now that they didn't used  
22 to in 2015 when we -- when we first started

1 feeling the effects of it, and by '18 and '19, it  
2 started devastating us. They were sending prices  
3 of cucumbers and broccoli and tomatoes over here  
4 below our production costs, and we just can't  
5 compete in that level playing field. We just  
6 need a level playing field that we can keep  
7 going. I've been doing this for 35 years, and it  
8 seems like that, you know, each year it gets  
9 worse and worse and we just don't know how much  
10 longer we're going to be able to hang on if we  
11 don't get some help from USTR and Commerce. We  
12 have to find out what we need to do to get a  
13 level playing field.

14 MR. MCKINNEY: Thanks. I heard that,  
15 and I've taken those notes. Appreciate that.

16 MR. BRIM: Yes. Under Secretary, it's  
17 nice to see you again. I was with you in  
18 Savannah down there.

19 MR. MCKINNEY: Yes, I recall that.  
20 And sometime I'll tell you about my trek to  
21 Tifton years ago. It's a good story.

22 MR. BRIM: We'd love to have you come

1 back down anytime.

2 MR. MCKINNEY: Thank you.

3 MR. BRIM: Any other questions?

4 CHAIR KIMMITT: Thank you, Mr. Brim.

5 Appreciate your testimony today.

6 We'll now turn to our final witness of  
7 Session 2, Mr. Fred Leitz, on behalf of Leitz  
8 Farms LLC.

9 MR. LEITZ: Good morning, Secretary  
10 McKinney and Assistant Secretary Kessler. (Audio  
11 interference) fifth generation working for and  
12 with us. We farm in southwest Michigan, a few  
13 miles from Lake Michigan. We specialize in  
14 blueberries, cucumbers, grape tomatoes, Roma  
15 tomatoes, round tomatoes, and apples, all grown  
16 and packed for fresh consumption.

17 Over the past 30 years, we have  
18 stopped growing tart cherries, strawberries,  
19 raspberries, zucchini, summer squash, peppers,  
20 and cantaloupes, all because of the loss of  
21 market share from foreign competition (audio  
22 inference) grower on the panel.

1           And I'd just point out that this is  
2 not just a southeast U.S. problem, this is a  
3 Midwest problem, a U.S. problem. Once the  
4 International Produce Bridge was proposed, and  
5 then it opened in 2009 in Pharr, Texas, the  
6 Mexican government built roads to make it easier  
7 to ship Mexican produce and products into the  
8 U.S.

9           If we look at just tomatoes, imports  
10 from Mexico almost tripled during my season, July  
11 to October. Since 2005 -- imports from Mexico  
12 almost tripled during my season, July to October,  
13 since 2005. And U.S. production during that time  
14 has been cut in half, with the biggest increases  
15 starting in 2012, 2013, and that was right after  
16 the bridge was opened.

17           We used to ship cucumbers, peppers,  
18 tomatoes, and zucchinis all over the Midwest and  
19 east coast, even into Florida and Texas, during  
20 our season. That is no longer possible. Free  
21 trade, not fair trade, has allowed that to  
22 happen.

1                   Looking at tradingeconomics.com, and  
2 they have data from the Bank of Mexico, wages  
3 were stagnant in Mexico from 1960 until late  
4 2018. Most trade agreements result in a rising  
5 middle class and a poorer country at a much  
6 quicker pace than this. Something else is at  
7 work in Mexico to keep wages depressed. I'm not  
8 an economist, but my theory is it's the narco  
9 state.

10                   During the lifespan of NAFTA, the  
11 production of fresh fruits and vegetables  
12 increased dramatically. U.S. production and U.S.  
13 producers' share of that consumption increase has  
14 fallen during the same time. Mexico and Canada  
15 have moved into our markets. They can produce  
16 cheaper, and in Mexico's case, much cheaper than  
17 we can.

18                   My farm, Leitz Farms, was looking to  
19 expand packing and storage facilities. We  
20 started growing plants in 2011 and 2012, but we  
21 saw our market share decline. When President  
22 Trump became president and started to renegotiate

1 NAFTA and the USMCA, we decided to go ahead with  
2 our plan. Financing and down payments were in  
3 place.

4 When we saw Mexico and Canada walk  
5 away from negotiations in 2018, and only come  
6 back when fresh fruits and vegetables were  
7 specifically excluded from negotiations, we  
8 immediately stopped the expansion. We knew that  
9 we would not get anywhere; we would not get any  
10 relief.

11 We were disappointed to learn the  
12 seasonality clause was taken out, and only after  
13 intense lobbying from Mexico and Canada. We also  
14 learned the Mexican government contributes 50  
15 percent of a grower's project up to a maximum of  
16 \$10 million U.S. And I know that to be a fact  
17 because I know a grower who just expanded into  
18 Mexico. He laughed about it. He had a \$2  
19 million expansion in Baja, and he is laughing  
20 because he said that they are going to give me \$1  
21 million back.

22 If we had (audio interference) --

1 CHAIR KIMMITT: Mr. Leitz, I think  
2 we're having a little bit of trouble hearing you.

3 MR. LEITZ: -- Mexico will spend 36  
4 (audio interference).

5 CHAIR KIMMITT: You just came back.  
6 I'll allow you to finish, sir.

7 (Pause.)

8 CHAIR KIMMITT: I do apologize, Mr.  
9 Leitz. I think the connection was bad. We  
10 appreciate your testimony, and apologies for the  
11 technical issues that seem to have cut it short.

12 At this time -- Mr. Leitz was our  
13 final witness for Session 2. So at this time we  
14 will break for lunch, and we will reconvene at  
15 1:00 p.m. to begin Session 3.

16 Thank you, everyone.

17 (Whereupon, the above-entitled matter  
18 went off the record at 12:02 p.m. and resumed at  
19 1:00 p.m.)

20 CHAIR KIMMITT: Welcome back,  
21 everyone. We will now begin our third session of  
22 the day, and it's my pleasure to introduce our

1 next witness, Congressman Doug Collins of  
2 Georgia.

3 REP. COLLINS: Thank you. Is  
4 everybody good to go now?

5 CHAIR KIMMITT: Yes, sir, we can hear  
6 you.

7 REP. COLLINS: Super. Thank you.  
8 Well, good afternoon, and thanks for the  
9 opportunity to speak today on these important  
10 issues facing the seasonal and perishable produce  
11 industry in Georgia and throughout our country.

12 Ambassador Lighthizer, Secretary  
13 Perdue, Secretary Ross, thank you for having me  
14 today to share my views and concerns on behalf of  
15 our Georgia's agriculture industry, which is so  
16 important to us here.

17 Before I begin my testimony, I want to  
18 commend the efforts of the Administration in  
19 coming together to achieve a momentous trade  
20 deal, the USMCA. There is no denying that this  
21 historic trade deal will increase our global  
22 competitiveness, strengthen our economy for our

1 farmers.

2 I am grateful for these efforts and  
3 the outcome. I know that Georgians will  
4 appreciate the effects of this agreement on our  
5 economy and appreciate the President and his  
6 Administration for working hard to get America a  
7 better deal.

8 Over the last few months, we have seen  
9 our nation's farmers, growers, and producers  
10 struggle due to the economic downturn wrought by  
11 the coronavirus pandemic. At the federal level,  
12 it has been a priority of mine to safeguard the  
13 livelihoods of Georgia's hardworking farmers who  
14 have never stopped working to put food on the  
15 tables of families across the country. And this  
16 would include my work with the Administration to  
17 ensure that the H-2A workforce many of our  
18 Georgia growers depend on was not unnecessarily  
19 reduced. Unfortunately, this pandemic has been  
20 unforgiving, but I will continue to work with my  
21 colleagues in the Georgia delegation to make sure  
22 our farmers, growers, and producers are taken

1 care of.

2           Unfortunately, however, Georgia's  
3 growers and producers of seasonal and perishable  
4 goods to continue to face the threat outside of  
5 the coronavirus, and that threat must be  
6 highlighted and addressed at the federal level,  
7 which is why I'm glad I'm here today.

8           Over the past several years, the  
9 agricultural market for seasonal and perishable  
10 goods has seen a growing saturation of Mexican  
11 products as a result of that country's unfair  
12 trade practices. It is my hope that this hearing  
13 is the Administration's first step in addressing  
14 this unfair trade dynamic.

15           As you may know, Mexico's increased  
16 market share of produce and perishable goods at  
17 record low prices in the United States has  
18 severely and negatively impacted the Southeast  
19 seasonal and perishable produce farmers,  
20 especially here in Georgia. To provide an  
21 example of one commodity that is disastrously  
22 struck by Mexico's practice, Mexico's share of

1 the U.S. blueberry market has gone up by 2,111  
2 percent over the last 10 years. I didn't make a  
3 mistake there. That's 2,000 percent in 10 years.  
4 Such an increase obviously affects our growers of  
5 one of Georgia's top commodities, blueberries,  
6 and also deprives Georgia and the country of the  
7 benefits a thriving American majority blueberry  
8 market could have on my State's economy and the  
9 nation's economy as a whole.

10 Why has Mexico attained such a massive  
11 stake in our produce market? Because the  
12 government of Mexico began to subsidize the  
13 development of Mexico's produce industry. These  
14 subsidies have operated to distort trade and,  
15 coupled with Mexico's unfair pricing practices,  
16 have resulted in Mexico obtaining an undeniable  
17 advantage in the U.S. market. This has continued  
18 to happen over the last decade, and the expense  
19 has been to my farmers here in Georgia and across  
20 the Southeast.

21 While the USMCA will make great  
22 advances in trade for many industries across the

1 country, recent studies indicate that, even with  
2 full implementation, Georgia stands to lose  
3 nearly \$1 billion in annual economic output of  
4 the grower industry. In the same study, it shows  
5 that the industry could lose over 8,000 jobs. It  
6 goes without saying what this could mean to many  
7 of the families in my State and those that I  
8 represent whose paycheck depends on receipts from  
9 growing and producing.

10 The outlook is grim and the  
11 consequences would be devastating. For many  
12 growers, the consequences of continuing to allow  
13 Mexico to get away with trade-distorting  
14 practices will be earthshattering. In Georgia,  
15 we are lucky to have a growing economy made of  
16 many smaller growers that produce a diverse  
17 portfolio of commodities. For these smaller  
18 growers, it's up to us, the federal officials in  
19 the Legislative and Executive Branches, to work  
20 together to make sure these voices are heard and  
21 their needs are met.

22 I'm committed to finding a solution to

1 this issue and hope that the USTR, USDA, and  
2 Department of Commerce will work with my office  
3 to ensure Georgia farmers, growers, and producers  
4 will no longer be negatively impacted by Mexico's  
5 unfair trade practices. And then, we can regain  
6 control of the U.S. seasonal and perishable goods  
7 markets, which is such a vital interest in the  
8 State of Georgia.

9 I'd like to echo the testimony of  
10 Georgia stakeholders in requesting that a Section  
11 301 investigation be undertaken, so that the  
12 Executive Branch can wield its full power in  
13 addressing Mexico's trade practices, including  
14 its use of the subsidy programs. I stand ready  
15 to support such an investigation in any way I  
16 can.

17 With the country in the early months  
18 of the USMCA implementation, I am glad to see  
19 that USTR is continuing these conversations with  
20 Georgia farmers, and I am hopeful we can come  
21 together and find a solution as the Georgia  
22 growers face this needless economic damage.

1                   Thanks again for hearing me today, and  
2                   thank you, more importantly, for hearing the  
3                   concerns of our growers and their supporters as  
4                   we look forward to finding a solution for this.

5                   CHAIR KIMMITT: Thank you, Congressman  
6                   Collins, and I appreciate your testimony here  
7                   today.

8                   We'll now be rejoined by Mr. Fred  
9                   Leitz, who we heard from, but had some technical  
10                  issues before the break. And Mr. Leitz will  
11                  return to provide his additional comments that he  
12                  was not able to finish.

13                  So, Mr. Leitz, please proceed.

14                  MR. LEITZ: Thank you. Can you hear  
15                  me?

16                  CHAIR KIMMITT: We can, sir.

17                  MR. LEITZ: Okay. Thank you.

18                  Okay. If we had the same profit  
19                  margins as Mexico, we wouldn't be here today. It  
20                  takes about the same amount of manhours to grow a  
21                  tomato whether it's in Mexico, Florida, or  
22                  Michigan. It all comes down to what they pay for

1 their labor. I want to break this down for you.

2 My labor cost is going to be \$17.86  
3 per hour this year, right in that range. Mexico  
4 is \$9.00 per day. That's a proven fact.

5 Breaking this down by each package -- everything  
6 I do goes in packages out my loading docks -- I  
7 will spend \$5.26 per package in labor cost.  
8 Mexico will spend 36 cents. I'm \$5.25; they're  
9 36 cents. And Canada will spend \$4.41. This is  
10 all U.S. dollars.

11 Mexico is only one to two days farther  
12 away from my U.S. markets, and Canada is actually  
13 closer in the Northeast. U.S. producers are the  
14 high-cost producers on this continent. We need  
15 import relief under U.S. trade laws, and if not,  
16 we need a Section 301 investigation.

17 Again, I want to say that this is a  
18 U.S. problem, not just a Southeast U.S. problem.  
19 Once the bridge was built into Texas, the  
20 International Bridge into Pharr, they took over  
21 all the markets on the East Coast. And this has  
22 happened in the last 10 years.

1           So, again, I don't want to be -- you  
2 know, we're trying to make a living here. We've  
3 lost a lot of money the last couple of years  
4 because of what's going on. And I don't want to  
5 be known as the fourth and final generation to  
6 farm Leitz farms.

7           Thank you.

8           MR. DOUD: Well, thank you, sir.

9           Right before you were cut off, you  
10 made the comment in your testimony that you are  
11 not expanding, but the person, the farmer, you  
12 talked to in Mexico was. And the subject of  
13 subsidies came up in Mexico, and you cut off  
14 about the time that you were commenting about  
15 what this gentleman in Mexico said. Could you  
16 speak and elaborate? I think that's what you  
17 were talking about when we lost you. Where are  
18 these subsidies coming from in Mexico, and what  
19 they're doing down there with those subsidies  
20 based on your conversation?

21           MR. LEITZ: The gentleman I'm  
22 referring to is a California farmer, a U.S.

1 producer. And a year ago, he said he was moving  
2 parts of his operation into Mexico from San  
3 Diego, and that he was going to spend \$2 million,  
4 and that he would get a million dollars of it  
5 back from the Mexican government once he spent  
6 the \$2 million. He was just kind of laughing  
7 about that. He said there's all kinds of  
8 subsidies to be had for irrigation projects,  
9 packing lines, buildings. You name it, he said  
10 they would subsidize it.

11 MR. DOUD: Okay. Thank you.

12 CHAIR KIMMITT: Thank you, Mr. Leitz,  
13 and thank you for rejoining us to complete your  
14 testimony.

15 MR. LEITZ: Yes. Yes. Thank you.

16 The other thing is the U.S. consumer  
17 will miss us when we're gone because this will be  
18 like oil or anything else. When somebody else  
19 controls it, prices are going to go up.

20 CHAIR KIMMITT: Thank you, sir.

21 We will now turn to our next witness,  
22 Mr. Brian Kuehl from Farmers for Free Trade.

1 MR. KUEHL: Thank you. Can you hear  
2 and see me? Hello?

3 CHAIR KIMMITT: We can hear you. I  
4 don't think we can see you, sir.

5 MR. KUEHL: Well, that's probably just  
6 as well. I'm not much to look at. So, let's  
7 just go with oral testimony. And I can see you.  
8 So, that probably works fine.

9 So, thank you for the opportunity to  
10 testify here today, and good morning to each of  
11 you, the representatives of the U.S. Trade  
12 Representative, U.S. Department of Commerce, and  
13 U.S. Department of Agriculture.

14 For the record, my name is Brian  
15 Kuehl. I'm Co-Executive Director of Farmers for  
16 Free Trade. Farmers for Free Trade is a  
17 nonprofit dedicated to informing the public about  
18 the benefits of free trade and mobilizing farmers  
19 and ranchers to support trade agreements that  
20 expand export opportunities for American farms  
21 and ranches. Farmers for Free Trade is supported  
22 by America's leading agricultural businesses and

1 organizations, in addition to individual American  
2 farmers and ranchers.

3 Farmers for Free Trade strongly  
4 opposes any efforts to place quotas or tariffs on  
5 imported agricultural products, except as  
6 necessary to enforce trade agreements. We are  
7 concerned that taking unilateral action on  
8 imports from Mexico at this time could violate  
9 the spirit and letter of the United States-  
10 Mexico-Canada Agreement and, critically, we are  
11 concerned that it could lead to retaliation  
12 against U.S. agricultural products by Mexico.

13 I don't need to tell anyone who's  
14 listening today that the last few years have been  
15 incredibly difficult for American agriculture.  
16 The trade war with China, trade disputes with the  
17 European Union, the 232 steel and aluminum  
18 tariffs have caused significant damage to U.S.  
19 agriculture and injected considerable uncertainty  
20 into domestic and international markets.

21 In each of these cases, U.S. food and  
22 ag companies and producers have been subject to

1 retaliation by foreign governments. If the U.S.  
2 attempts to implement protectionism in the guise  
3 of seasonality, the U.S. will once again invite  
4 retaliation against America's farmers, including  
5 their dairy farmers and fruits and pork and corn  
6 producers.

7 American farmers count on a global  
8 trading system to drive sales of our world-class  
9 products, lower expenses, and provide a reliable  
10 way to do business with our key trading partners.  
11 The disruptions to this trading system have  
12 significantly hurt our farmers, placing downward  
13 pressure on commodity prices, disrupting markets  
14 years in the making, and increasing farm  
15 bankruptcies, insolvencies, and, tragically,  
16 suicides throughout the United States.

17 Ratifying USMCA was a top priority for  
18 the Farmers for Free Trade and the nation's  
19 agricultural community. USMCA provided a crucial  
20 victory for America's agricultural producers.  
21 Critically, the USMCA continues duty-free access  
22 to Canada and Mexico, which has been the bedrock

1 in U.S. agricultural export growth for over 25  
2 years.

3 Last year, Farmers for Free Trade  
4 embarked on a 30-state, 20,000-mile, 100-stop  
5 tour across America in support of USMCA. In blue  
6 states and red states, we found the same support  
7 for ensuring American farmers can continue to  
8 export free of tariffs and unnecessary regulatory  
9 burdens.

10 Gains made through USMCA could be  
11 undone by unilateral punitive measures leveraged  
12 against seasonal fruit and vegetable imports from  
13 Mexico. This could open the door to retaliation  
14 by U.S. trading partners. We should not be  
15 undoing USMCA's successes before the ink is even  
16 dry on the agreement.

17 American farmers, ranchers, and  
18 consumers are the economic lifeblood of rural  
19 America and benefit greatly from free trade. The  
20 food we export and the agricultural products that  
21 we ship to other countries support over 1 million  
22 U.S. jobs. Fully 20 percent of American farm

1 revenue comes from our exports. Rural America  
2 cannot afford additional retaliatory tariffs or  
3 further loss of market demand.

4           If the United States improperly places  
5 tariffs or quotas on seasonal produce from  
6 Mexico, the retaliation from Mexico will  
7 undoubtedly target U.S. agricultural products, as  
8 was the case with the 232 tariffs and in the  
9 U.S.-Mexico trucking dispute. The adverse  
10 effects of these retaliatory tariffs cannot be  
11 overstated. The U.S. food and agricultural  
12 industry is already facing major crisis due to  
13 trade wars and now disruption from COVID.  
14 America's farmers and ranchers cannot withstand  
15 one more blow.

16           Having said all of that, let me say we  
17 appreciate the difficulty faced by fruit and  
18 produce growers in Florida, Georgia, and other  
19 parts of our country. We believe the U.S.  
20 Government should provide material support to  
21 American growers who are struggling consistent  
22 with our obligations under our trade agreement,

1 and we strongly support efforts to enforce  
2 existing trade agreements, including the  
3 antidumping provisions.

4 We also support efforts to negotiate  
5 outcomes that will maximize benefits to all of  
6 U.S. agriculture. We no way want to see one part  
7 of U.S. agriculture pitted against another. We  
8 should be striving to help all American farmers.

9 Rather than taking unilateral action  
10 on this issue, Farmers for Free Trade urges the  
11 U.S. Government to pursue a negotiated bilateral  
12 resolution. We must avoid starting a new trade  
13 dispute with Mexico that would wreak further  
14 havoc on U.S. agriculture and drive up farm  
15 bankruptcies.

16 Thank you for the opportunity to  
17 provide this testimony today, and I welcome the  
18 opportunity to answer questions.

19 CHAIR KIMMITT: Thank you, Mr. Kuehl.

20 Assistant Secretary Kessler, do you  
21 have any questions for Mr. Kuehl?

22 MR. KESSLER: Yes. Thank you, Mr.

1 Kuehl, for your testimony.

2 And I understand the notes of caution  
3 that you're sounding about possible retaliation.  
4 Let me ask you, what is your view on the  
5 allegedly unfair trade practices that we've heard  
6 about from Mexico from many of the other  
7 witnesses? Do you agree that Mexico is engaging  
8 in unfair trade practices?

9 MR. KUEHL: I'm not sure that's true.  
10 And I think that's a really delicate question. I  
11 think that, before we say something is unfair,  
12 you have to first say, well, or is it the nature  
13 of the market? If something is demonstrated as  
14 unfair, then that kind of changes the calculation  
15 and the discussion, obviously.

16 I don't know at this point that there  
17 is evidence that, for example, their subsidies  
18 have exceeded allowable subsidies. I also think  
19 that it's a cautionary note for U.S. producers to  
20 throw stones on the issue of subsidies.  
21 Obviously, in recent years, we have provided  
22 significant subsidies to our own producers, which

1 is a good thing. Without it, we would have a lot  
2 more bankruptcies and a lot more farm suicides.

3 So, I think we need to tread very  
4 carefully. If something is improper or unfair,  
5 that's something that obviously changes the  
6 discussion, but I don't know that at this point  
7 that's been established.

8 MR. KESSLER: Well, let me just follow  
9 up and ask one more question, if I may. What  
10 does the situation look like in your view? You  
11 suggested that we seek a negotiated bilateral  
12 resolution to the issue. What would that look  
13 like?

14 MR. KUEHL: Well, I mean, I think, to  
15 me, an interesting point is that, in the context  
16 of USMCA, I mean, let's acknowledge we just  
17 finished a trilateral negotiation with Canada and  
18 Mexico, and the Administration is to be commended  
19 for that accomplishment. That trilateral  
20 agreement passed Congress by a historic margin,  
21 bipartisan support from the left and the right.  
22 I mean, truly a historic trade deal.

1           It seems to me that, if this were a  
2           significant issue, that the Administration really  
3           wanted to drive forward, the context for driving  
4           that point forward would have been in the context  
5           of that trilateral negotiation. It concerns me  
6           that the ink is not yet dry on the U.S.-Mexico-  
7           Canada Agreement and we've now placed tariffs on  
8           Canadian aluminum and we're now talking about  
9           potentially taking unilateral action against  
10          Mexico.

11           I think, for the integrity of U.S.  
12          trade and for recognizing us as a dependable  
13          trading partner, our word has to be our bond. We  
14          can't negotiate an agreement over two years, and  
15          then, turn right around and undercut that  
16          agreement. We need to give the agreement a  
17          chance to work, including the labor requirements  
18          that we've now put on Mexico.

19           CHAIR KIMMITT: Thank you, Mr. Kuehl,  
20          and thank you for your testimony.

21           We'll now move on to our next witness,  
22          Mr. Jaime Castaneda, on behalf of the National

1 Milk Producers Federation and the U.S. Dairy  
2 Export Council.

3 MR. CASTANEDA: Good afternoon. Can  
4 you all hear me?

5 CHAIR KIMMITT: We can, sir.

6 MR. CASTANEDA: Okay. Great.

7 Good afternoon, Ambassador Doud, Under  
8 Secretary McKinney, Assistant Secretary Kessler.  
9 My name is Jaime Castaneda, and I'm the Senior  
10 Vice President for Policy, Strategy, and Trade  
11 with the National Milk Producers Federation and  
12 the U.S. Dairy Export Council. I appreciate the  
13 opportunity to testify on behalf of American  
14 dairy farmers and farmers for dairy cooperatives,  
15 proprietary processors, and exporters.

16 You may wonder why America's dairy  
17 industry is before you today. We clearly do not  
18 represent the produce sector and our interest  
19 lies more in cheese than tomatoes and  
20 blueberries. As my organizations also represent  
21 farmers, we sincerely understand producers'  
22 anguish due to lower prices and unfair

1 competition. In fact, we have also encouraged  
2 the U.S. Government to pursue actions against  
3 countries that are not fulfilling their  
4 commitment.

5 In fact, dairy farmers have endured  
6 four years of low prices, partly resulting from  
7 an uneven playing field against European products  
8 and dairy policies pursued by Canada. While  
9 these pressures have battered our farmers and  
10 many left the industry, those remaining have  
11 counted on the bright spot of our exports to  
12 Mexico and other foreign markets to help maintain  
13 opportunities.

14 As the Administration weighs potential  
15 next steps on measures related to the topic of  
16 seasonal products, it is critically important  
17 that you fully consider the potential for  
18 unintended consequences for other U.S.  
19 agriculture sectors, including the U.S. dairy  
20 industry. In particular, we urge you to avoid  
21 steps that would, once again, place U.S. dairy  
22 producers and processors in the crosshairs of a

1 trade dispute with Mexico.

2 As you know, this is not an unfounded  
3 concern, as U.S. dairy exports have been a  
4 frequent target of tariff retaliation by Mexico,  
5 another way for retaliation to put at risk many  
6 jobs in key dairy states, such as Wisconsin,  
7 Pennsylvania, Michigan, and others. Retaliation  
8 would have serious consequences for the economic  
9 well-being of U.S. dairy farmers and  
10 manufacturers during an already extremely  
11 volatile time for our industry.

12 Mexico is by far the largest and most  
13 important export market for the U.S. dairy  
14 industry. A trade dispute that targeted U.S.  
15 dairy would put those exports at risk with a  
16 severe economic fallout in many of our dairy  
17 states, as I say, Wisconsin, Pennsylvania,  
18 Michigan, Ohio, and many others.

19 The impact of retaliation by Mexico  
20 was most recently spotlighted in the imposition  
21 of Mexico's Section 232 retaliation on U.S.  
22 cheeses in 2018, a move that was quickly followed

1 by a decline in dairy market prices that NMPF  
2 estimated to amount to about \$1.8 billion in lost  
3 revenue for U.S. dairy farmers. Correspondingly,  
4 2018 saw a record number of dairy farmers go out  
5 of business. Similarly, the NAFTA trucking trade  
6 dispute case of a few years back resulted in  
7 Mexico's retaliation against our dairy products,  
8 leading to a decline of over 50 percent in U.S.  
9 cheese exports.

10 Compounding those were many voices in  
11 the Lopez Obrador Administration who are  
12 clamoring for more protectionist measures against  
13 U.S. exports to Mexico. There are many Mexican  
14 dairy farmers and politicians who are actively  
15 urging Mexico's Congress to slap tariffs on U.S.  
16 dairy products or impose additional technical  
17 barriers to trade.

18 We strongly sympathize with the  
19 farmers you heard from on last and this week's  
20 panels who are pleading for help. We simply urge  
21 the Administration to find ways to support those  
22 producers without opening the door to negative,

1 spillover impacts that, in turn, hurt dairy  
2 farmers/producers across the country, but, in  
3 particular, those dairy states of Wisconsin,  
4 Pennsylvania, Michigan, and Ohio, that depend  
5 heavily on the Mexican market.

6 It is, therefore, essential that USTR  
7 investigate the allegations brought by producers  
8 in this hearing. Yet, any step that the U.S.  
9 takes in connection with the seasonal and  
10 perishable products issue should not provide  
11 grounds for Mexico to again impose restrictions  
12 on U.S. dairy exports.

13 I appreciate the opportunity to  
14 provide comments on this important issue, and I  
15 look forward to working with you to continue  
16 advancing fair trade rules for the U.S. dairy  
17 industry and for the wider American agricultural  
18 community. Thank you.

19 CHAIR KIMMITT: Thank you, Mr.  
20 Castaneda.

21 Under Secretary McKinney, do you have  
22 any questions for Mr. Castaneda?

1                   MR. MCKINNEY: I do. Jaime, good to  
2 hear your voice, even though I can't see you  
3 there.

4                   I have two quick questions, I think.  
5 The first one is, on the possibility of  
6 retaliation, should there be some adverse  
7 movement taken by the U.S., have you heard Mexico  
8 cite dairy as a target? Or, for that matter,  
9 have you heard Mexico cite any other targets?  
10 That's the first question.

11                   And the second might get a little more  
12 complex. It is true you guys are oftentimes a  
13 target on some retaliation. Would you, from that  
14 experience, have suggestions on how we might  
15 address the Southeast seasonal issue?

16                   Thanks.

17                   MR. CASTANEDA: Thank you for those  
18 two questions. And too bad you cannot see me. I  
19 even shaved for you and Ambassador Doud.

20                   But the first question, yes, sir, I  
21 heard it directly from Mexican officials more  
22 than one time that they will immediately. As

1 soon as the United States takes any actions that  
2 do not go through a due process and that are not  
3 legitimate, in their view legitimate, under USMCA  
4 and WTO rules, they will actually impose  
5 retaliatory tariffs on dairy products. That's  
6 the first question.

7 On the second question, again, we  
8 understand perfectly the anguish. I mean, dairy  
9 farmers, anybody can ask about dairy farmers, how  
10 much they have suffered and how many of my  
11 friends, dairy farmers, have gone out of business  
12 over the past few years. But I think that  
13 subsidies, they talk -- I heard a lot of the  
14 unfortunate subsidies that Mexico is providing to  
15 their farmers. I heard the last speaker that  
16 talked about getting a million dollars. Well,  
17 certainly, the U.S. is providing a lot of support  
18 to our many farmers across the country. I think  
19 that could be easily a way to support those  
20 farmers.

21 MR. MCKINNEY: Thanks, Jaime.

22 MR. CASTANEDA: Sure. You're very

1 welcome, sir.

2 CHAIR KIMMITT: Assistant Secretary  
3 Kessler, do you have any questions for Mr.  
4 Castaneda?

5 MR. KESSLER: Yes, let me just  
6 piggyback off of Under Secretary McKinney's  
7 question and your response there at the end.

8 So, what exactly do you suggest that  
9 we do to support the seasonal and perishable  
10 producers? Is it subsidies?

11 MR. CASTANEDA: Well, it's not my role  
12 to suggest. I was responding to a question and I  
13 was just indicating that producers across the  
14 country, whether they are on the crop side or in  
15 the case of dairy, there are programs that  
16 actually can support in times of low prices. I  
17 am responding to a question. It is not my role  
18 to suggest how the U.S. Government should support  
19 seasonal producers in Georgia or in other parts  
20 of the country. I'm just indicating that there  
21 are other producers in the United States that are  
22 receiving different types of support.

1 MR. KESSLER: Okay. Understood. And  
2 thank you for clarifying.

3 MR. CASTANEDA: Sure.

4 CHAIR KIMMITT: Thank you, Mr.  
5 Castaneda.

6 We'll now move on to our next witness,  
7 Mr. John Bode, on behalf of the Corn Refiners  
8 Association.

9 MR. BODE: Good afternoon, Ambassador  
10 Doud, Under Secretary McKinney, Assistant  
11 Secretary Kessler, and representatives of your  
12 offices. Thank you for the opportunity to  
13 testify today, and thank you for your government  
14 service.

15 My name is John Bode. I'm President  
16 and Chief Executive Officer of the Corn Refiners  
17 Association. The Corn Refiners Association  
18 represents the entirety of the corn refining  
19 industry in the United States, which purchases  
20 over 10 percent of America's corn crop. We  
21 manufacture sweeteners, starch, corn oil, feed  
22 products, and corn components, such as starch,

1 oil, protein, and fiber. And increasingly, our  
2 members are producing advanced products, such as  
3 biochemicals and bioplastics. Our members are  
4 pivotal suppliers of animal feed and food  
5 ingredients. So, we are affected by exports of a  
6 broad range of U.S. agricultural commodities and  
7 products.

8 I know you're having a lot of fun in  
9 these hearings. So, I hope you won't be too  
10 disappointed as I use only a portion of my time  
11 to emphasize just two points.

12 First, we support federal government  
13 action to ensure our trading partners comply with  
14 their obligations. We note with great  
15 disappointment that there are abusive  
16 developments in Mexico regarding trade in various  
17 important U.S. exports. We appreciate that you  
18 should do your job in that respect.

19 We urge that federal government action  
20 to address abuses be calibrated to the character  
21 of the alleged trade violation to avoid  
22 collateral damage. We respectfully submit that

1 you will be most effective if you take care to  
2 not overplay your hand.

3 Mexico is the central market for U.S.  
4 corn and refined corn products, wheat, soybeans,  
5 meat, poultry, and, as Jaime just reported,  
6 dairy. There is potential for great collateral  
7 damage to farmers and the industry that are  
8 already experiencing tremendous stress,  
9 particularly in the Midwest.

10 Much of the -- pardon me. I'm having  
11 a little problem here.

12 MR. DOUD: John, we can still hear  
13 you. Keep going.

14 MR. BODE: Much of the previous  
15 testimony in this hearing alleged that the  
16 Mexican produce industry is receiving subsidies.  
17 So, USTR should use Section 301 authority to  
18 address that abuse. We have no information to  
19 submit regarding the alleged subsidies, but,  
20 respectfully, disagree with the proposed  
21 invocation of Section 301 authority. We submit  
22 that the appropriate trade remedy for subsidies

1 would be an antidumping and countervailing duty  
2 case. Aggrieved parties should file such a  
3 complaint which can be addressed expeditiously  
4 and with high effectiveness. Moreover, it's  
5 likely to be completed without retaliation.

6 Regrettably, experience shows that a  
7 Section 301 action could be expected to trigger  
8 retaliation. Thus, an AD/CVD complaint is the  
9 most appropriate, calibrated means of addressing  
10 the core complaint that has been brought forward  
11 in these hearings.

12 Other abuses have also been alleged,  
13 and there has been a suggestion that U.S.  
14 producers lack the means to bring an appropriate  
15 AD/CVD complaint. We note that the Commerce  
16 Department has recently taken the initiative to  
17 file AD/CVD complaints, a move without precedent  
18 until you go back to the 1970s. We recommend  
19 that any U.S. Government-initiated action,  
20 including to address alleged subsidy abuses, to  
21 be addressed, at least initially, through  
22 bilateral negotiations.

1 I appreciate your consideration of our  
2 views.

3 MR. DOUD: Well, thank you, John.  
4 Good to see you.

5 I will note for the record that our  
6 previous person testifying, Mr. Castaneda, said  
7 he shaved for us today. I notice that you  
8 probably haven't gotten as close to your razor as  
9 he has in recent days.

10 MR. BODE: I'm partially shaving,  
11 Ambassador.

12 (Laughter.)

13 MR. DOUD: Well, here's my questions  
14 for you. Just a couple of quick questions to  
15 clarify what you said, John.

16 Do you know whether or not Mexico is  
17 in violation of its trade commitments to the  
18 United States?

19 MR. BODE: I do not.

20 MR. DOUD: Okay. Well, in that case,  
21 shouldn't the Trump Administration take a closer  
22 look at this to see what the situation is? Or

1 should we just turn a blind eye?

2 MR. BODE: I appreciate the  
3 opportunity to clarify. The intention of my  
4 remarks was to say you should take action as  
5 appropriate and it should be calibrated to the  
6 facts. And so, our recommendation is that you  
7 make an inquiry, as you are now, commendably,  
8 through these hearings, to gather facts and  
9 assess those facts.

10 My further recommendation is that, if  
11 further action is warranted, that should be  
12 addressed through bilateral negotiations with  
13 Mexico. And I have noted that producers who feel  
14 they are aggrieved by subsidies, as has been  
15 alleged here, have the ability to bring an AD/CVD  
16 complaint on their own.

17 But, for government action, I believe  
18 that the appropriate step is what you are doing  
19 now to get the facts, and then, follow that up  
20 with bilateral negotiations with Mexico, so that  
21 you can have the benefit of sitting down with a  
22 critically important trading partner and listen

1 respectfully to one another's concerns and views  
2 and try to work that out in a less volatile  
3 environment.

4 CHAIR KIMMITT: Okay. Thank you. I  
5 think we have time for one more question.

6 Assistant Secretary Kessler, do you  
7 have any questions for Mr. Bode?

8 MR. KESSLER: Sure.

9 Hi, Mr. Bode.

10 I noted your comments about trade  
11 remedies. And we've heard from many witnesses  
12 today and last week about what they believe is  
13 the inadequacy of the remedies available under  
14 the trade remedies laws as they exist right now.  
15 And I think, in particular, many of them see  
16 problems establishing injury with the way they  
17 are defined right now under the statute. And  
18 many of them are also calling for changes to the  
19 statute for that reason.

20 How do you respond to them? Because  
21 you seem to be offering trade remedies as one  
22 possible element of a solution for their

1 problems.

2 MR. BODE: All right. Our experience  
3 has been that AD/CVD cases are highly effective.  
4 It is a very effective tool. It is a very  
5 substantial burden to defend those actions when  
6 they're brought. And I see that as a very  
7 effective remedy and appropriate for the leading  
8 allegation that has been brought forward in these  
9 hearings.

10 I guess some concern is we should  
11 confine ourselves to the law as it exists today,  
12 and in addressing this issue, Congress is quite  
13 capable, and the Administration input would be of  
14 vital importance regarding changes in the law.  
15 But, with the remedies that are available today,  
16 I think that the appropriate action to address  
17 alleged subsidies is for the aggrieved parties to  
18 bring an AD/CVD case.

19 Am I addressing your point, Assistant  
20 Secretary Kessler?

21 MR. KESSLER: Yes, yes. Thank you.

22 CHAIR KIMMITT: Thank you, Mr. Bode,

1 and thank you for your testimony.

2 We'll now move on to our next witness,  
3 Mr. Lance Jungmeyer, on behalf of the Fresh  
4 Produce Association of the Americas.

5 MR. JUNGMEYER: Hi. Good afternoon.  
6 Can you hear me?

7 CHAIR KIMMITT: Yes, we can, sir.

8 MR. JUNGMEYER: Great.

9 Good morning, Mr. Chairman and Members  
10 of the Committee. Thank you for the opportunity  
11 to testify today.

12 My name is Lance Jungmeyer, and I am  
13 President of the Fresh Produce Association of the  
14 Americas. We are a 76-year-old trade  
15 organization in Nogales, Arizona, representing  
16 American-owned distributors of fresh fruits and  
17 vegetables.

18 I'm here today to support American  
19 consumers, businesses, and agricultural producers  
20 who would see their livelihoods and well-being  
21 diminished if a small group of politically-  
22 connected agricultural businesses are able to

1       manipulate U.S. trade policy. In so doing, they  
2       would ensure themselves a virtual monopoly on  
3       certain fruits and vegetables. Furthermore,  
4       American jobs throughout the Southwest would be  
5       lost and billions of U.S. farm exports will  
6       likely be damaged as other nations enact their  
7       own tariffs and reciprocal trade remedies.  
8       America's farmers, ranchers, and the businessmen  
9       should not be put further at risk, especially  
10      after China's retaliation over 301s, which would  
11      be a death knell.

12                 To the detriment of everyday  
13      Americans, putting tariffs, quotas, or other  
14      limits on imported produce would cause huge  
15      spikes in supermarket prices during the fall,  
16      winter, and spring. This is when America simply  
17      cannot grow or harvest enough fruits and  
18      vegetables to satisfy the marketplace.

19                 So, why are we having the hearings?  
20      For decades, the Southeast has continued to use  
21      outright falsehoods and misleading rhetoric such  
22      as unfair trade or unfair subsidies in an attempt

1 to paint themselves as victims and draw sympathy.  
2 Florida and Georgia growers present policy  
3 briefings that are misleading and inaccurate and  
4 have been challenged by academics and the U.S.  
5 Department of Agriculture. For the record of  
6 this proceeding, we have submitted memos  
7 detailing in the errors in the Florida and  
8 Georgia briefings.

9 U.S. Secretary of Agriculture Sonny  
10 Perdue stated that the University of Georgia  
11 policy brief regarding the impact of USMCA on  
12 Georgia's small fruit and vegetable industries  
13 was flat wrong where, quote, "Researchers came up  
14 with imagined scenarios in which they say a set  
15 of fruit and vegetable farmers would be  
16 vulnerable to competition."

17 Similarly, several presenters on  
18 August 13th referenced subsidies of about \$200  
19 million. They repeated this as if it's a big  
20 number, but the reality is it represents about 2  
21 percent of Mexico's amber box spending limits for  
22 the entire country. We have found on the record,

1 and you should have before you, a comparison of  
2 U.S. and Mexican agriculture support programs  
3 analyzed by the University of Arizona.

4 Since NAFTA, data shows Mexico's  
5 development spending, which includes cost-share  
6 programs for greenhouse structures and  
7 irrigation, at 2 percent of non-exempt WTO amber  
8 box spending compared to 41 percent in the U.S.  
9 Clearly, this is not trade-distorting activity by  
10 either party. In fact, the investments conserve  
11 water in arid regions and reduce chemical usage  
12 in structures that keep out pests and disease.  
13 These are crucial ways to be a steward of the  
14 environment.

15 With the ink barely drying on USMCA,  
16 the USTR should avoid embarking upon a  
17 potentially disastrous trade action without a  
18 full, end-up analysis of the underlying markets  
19 and the ramifications of those actions. Simply,  
20 you have to look at the "why". The "why" is that  
21 the market needs diverse supply regions to  
22 prevent bare shelves after weather or crop

1 damage. The "why" is also because shoppers are  
2 choosing items from suppliers that invest in  
3 technology and variety to meet consumer demands.

4 Up until recent history, people bought  
5 what farmers grew. Now consumer preferences  
6 drive what farmers are growing. Improved taste  
7 and quality are the norm, and growers have to  
8 keep up or become irrelevant. See the Red  
9 Delicious apple which lost favor when apples like  
10 Gala and Fuji took over. And now, Jazz and Envy  
11 are the new apples on the block. Successful  
12 businesses look at trends and they adapt.

13 In conclusion, changing U.S. trade law  
14 to create seasonal produce trade remedies or  
15 contorting existing law to initiate unjust trade  
16 investigations would ultimately serve to make a  
17 few large market distributors even larger. It  
18 would foster a monopolistic trade environment  
19 that increases prices for fresh produce for  
20 hungry American consumers, and it would result in  
21 other nations bringing reciprocal or retaliatory  
22 actions that harm the rest of U.S. agriculture.

1           When an individual state or region can  
2           initiate a trade war, where does that lead us?  
3           Many members of the Fresh Produce Association of  
4           the Americas are domestic growers and exporters,  
5           and they have told me they're worried about  
6           losing global market share if the USTR proceeds  
7           with unwarranted trade actions that cause  
8           retaliation.

9           To help American farmers, the  
10          government could expand the H-2A guest worker  
11          visa programs. The two H-2A users are Florida  
12          and Georgia at 64,000 guest workers. The CARES  
13          Act already expanded this program, so it grows  
14          year after year. This must be considered in the  
15          balance.

16          Rather than using trade remedies to  
17          bring down the level of competition, the U.S.  
18          Federal Government should provide seasonal  
19          growers with research and development to help  
20          them succeed.

21          Thank you for your time today. I look  
22          forward to any questions from the panel.

1 CHAIR KIMMITT: Thank you, Mr.  
2 Jungmeyer.

3 Under Secretary McKinney, do you have  
4 any questions for Mr. Jungmeyer?

5 MR. MCKINNEY: Yes. Thanks for your  
6 testimony, Mr. Jungmeyer.

7 I wanted to come back. One of the  
8 things that was so stark to me after the last  
9 hearing -- and we're sitting and hearing a  
10 similar theme here -- is the incredible starkness  
11 of what we hear from the Southeast almost  
12 unilaterally, that they're being driven out of  
13 business. And I may have missed the word, but I  
14 think you said that the Southeast is providing  
15 "falsehoods". That's a real black-and-white.  
16 Are you saying that there is no false activity,  
17 no nefarious activity going on in Mexico?  
18 Elaborate, please, on the word "falsehood," if  
19 you don't mind.

20 MR. JUNGMEYER: Falsehoods being the  
21 rhetoric, things that are repeated to Congress,  
22 to the media, things like saying the words

1 "unfair subsidies," "unfair trade". And when you  
2 look at the numbers, as I've described, and as  
3 the analysis of the WTO amber box subsidies  
4 looks, Mexico over time has been at about 2  
5 percent. And so, that's a pattern of subsidies,  
6 yes, at 2 percent. That's since 1995.

7 MR. MCKINNEY: Okay. Very good.

8 Let me tie your comments -- and I  
9 appreciate your candor very much -- tie back to  
10 what the previous testimony by Mr. Bode said. He  
11 was raising the question, the possibility of not  
12 chasing a 301, but pursuing a AD/CVD. Your  
13 reaction?

14 MR. JUNGMEYER: Well, there are  
15 elements in the law right now to allow growers to  
16 bring such cases, and they have brought them.  
17 And I believe that is the appropriate method and  
18 that's the bar that the United States should set  
19 and ask other countries to follow that lead.

20 MR. MCKINNEY: Thank you very much for  
21 joining us. I really appreciate it.

22 MR. JUNGMEYER: Thank you.

1                   CHAIR KIMMITT: Thank you, Mr.  
2 Jungmeyer.

3                   We'll now turn to our next witness,  
4 Mr. Jaime Chamberlain, on behalf of the Greater  
5 Nogales Santa Cruz County Port Authority.

6                   MR. CHAMBERLAIN: Thank you, Mr.  
7 Chairman and Members of the Committee. My name  
8 is Jaime Chamberlain, and I am Chairman of the  
9 Greater Nogales Santa Cruz County Port Authority.  
10 Our Board is made up of the governments of the  
11 City of Nogales, Arizona; the County of Santa  
12 Cruz; the Fresh Produce Association of the  
13 Americas, and the Nogales Customhouse Brokers  
14 Association, and many other pillar industries of  
15 our community.

16                   Nogales, Arizona has been one of the  
17 most important gateways for the importation of  
18 fresh produce from Mexico for over 100 years.  
19 And from the very beginning, the produce that has  
20 come through Nogales has been considered  
21 complementary and essential for our nation's food  
22 supply. We are extremely proud of the role that

1 we play in the North American food supply chain.

2 This sentiment and our work has no  
3 more important meaning than in the last six  
4 months. American importers and marketers of  
5 Mexican fruits and vegetables are considered  
6 essential and critical in keeping our country's  
7 retail food service and wholesale distribution  
8 chain supplied with wholesome and healthy  
9 produce.

10 Our industry distributors and our  
11 community did the same during every war, every  
12 crisis, and every economic recession and  
13 depression since the early 1900s. And now,  
14 during this COVID pandemic, we are again critical  
15 and extremely valuable to our American  
16 distributor partners.

17 For decades, American importers have  
18 been threatened by U.S. Southeastern growers who  
19 think Mexican produce possesses a threat to them.  
20 It is unfortunate they don't realize that,  
21 without the importation of fruits and vegetables  
22 from all over the world, our American consumers

1 would not have the produce of their choice  
2 available to them at all seasons of the year.

3 This consistent availability has  
4 contributed to the overall growth of produce  
5 consumption in the United States. Our own  
6 American government has worked tirelessly to  
7 assure Americans have ample food supply through  
8 negotiations of great trade agreements like the  
9 most recent USMCA.

10 Foreign farmers have listened to  
11 consumer demands for year-round availability of  
12 all fruits and vegetables. This demand has led  
13 to the creation of thousands of new jobs in  
14 Arizona and hundreds of thousands of jobs  
15 throughout the United States over the past 100-  
16 plus years.

17 Many farmers in Mexico have entered  
18 into joint venture partnerships with American  
19 distributors and farmers from California,  
20 Arizona, Texas, and Florida. In many instances,  
21 the largest Mexican fruits and vegetables  
22 importers are, in fact, wholly-owned subsidiaries

1 of American farms.

2 Just recently, a Georgia farm was  
3 featured in a CBS news report that highlighted  
4 how Georgia farmers were fearing losing their  
5 crops because they could not get enough workers  
6 from Mexico due to COVID-19. They speak of labor  
7 from foreign countries who often compete with  
8 domestic-grown produce. So, they want the labor  
9 from those countries, but not the competition for  
10 valuable shelf space. It's ironic how growers  
11 look toward the American government to solve all  
12 their issues, when all American importers and  
13 distributors want is the opportunity to fulfill  
14 the produce demands of American consumers.

15 Growers in Georgia and Florida would  
16 have you believe that they are being run out of  
17 business, but, in reality, they have failed to  
18 make the necessary investments to make their  
19 farms more productive and attractive to  
20 consumers. Mexican producers have adopted and  
21 invested in new and innovative farm technologies,  
22 like sophisticated drip irrigation systems, and

1 new soil conservation policy. They've also  
2 invested and partnered with global seed breeders  
3 to identify the most productive seeds for  
4 specific types of soils and different climates.

5 But the most significant investments  
6 have been made in protected agriculture  
7 structures like glass, plastic, and mesh  
8 greenhouses. These structures protect the crops  
9 from harmful pests, animals, and from rain.

10 The goal of these investments being  
11 that the American consumer is assured of a  
12 consistent supply of healthy produce 365 days a  
13 year. Those who invest in technology and  
14 increased productivity, efficiency, and reduced  
15 costs should not be penalized.

16 On July 1st, 2020, the USMCA agreement  
17 was signed. While speaking about this historic  
18 agreement, U.S. Secretary of Agriculture Sonny  
19 Perdue said this: "The University of Georgia  
20 recently published a study claiming the new USMCA  
21 would cost some Georgia vegetable and fruit  
22 growers revenue and jobs. The sensational

1 assertions are flat wrong. As a proud UGA  
2 alumnus, I'm here to tell you USMCA is good for  
3 Georgia's farmers and all American agriculture."  
4 Secretary Perdue's statement is correct, as he  
5 knows that Mexico is our country's No. 1 trading  
6 partner.

7 It is imperative the USTR keep in mind  
8 that, should you implement any provisions to  
9 protect a small number of producers in two  
10 states, that these provisions will have severe  
11 repercussions.

12 First, these provisions will punish  
13 hundreds of U.S. companies in multiple states and  
14 may cost thousands of U.S. jobs for those who  
15 import, market, and distribute the produce to  
16 American consumers. Adverse provisions would  
17 severely harm U.S. companies and their  
18 significant financial investments in Mexico. And  
19 most importantly, imposing these provisions will  
20 ultimately punish the U.S. consumer who will end  
21 up paying higher prices for food while  
22 availability contracts.

1                   This is not the time to enter into a  
2 trade war with our largest trading partner,  
3 especially since over the last six months so many  
4 of our citizens have been subjected to so much  
5 food insecurity.

6                   All of the above consequences are a  
7 direct affront to the principles of the USMCA.  
8 The last thing our country needs right now is a  
9 vulnerable and jeopardized food supply. Now is  
10 the time to value our food partners in Mexico and  
11 throughout the world.

12                   I thank you for your attention, and I  
13 look forward to any questions you may have for  
14 me.

15                   MR. DOUD: Mr. Chamberlain, thank you  
16 for your testimony today. I appreciate it very  
17 much. It's well done.

18                   MR. CHAMBERLAIN: Thank you.

19                   MR. DOUD: But I do have one question  
20 for you. You're the Port Authority guy. I'm not  
21 sure you can help me with this, but I'm going to  
22 pose this question to you.

1                   We've heard nearly 50 people testify  
2                   at this point, and many of them are saying that  
3                   the Mexican produce comes in, and on the West  
4                   Coast it sells for one price. And then, we've  
5                   heard our Georgia blueberry guys say, right on  
6                   top of their season, it goes into the East Coast  
7                   right into their market for a much lower price,  
8                   lower than what they can produce it, including  
9                   the cost of transportation. How do you reconcile  
10                  all of that?

11                  MR. CHAMBERLAIN: Well, I can tell you  
12                  my day job. I am the President and owner of  
13                  Chamberlain Distributing. My family has been an  
14                  importer of Mexican fruits and vegetables for 49  
15                  years, almost 50 years now. So, I do have direct  
16                  knowledge to this.

17                  I'll tell you what. We sell our  
18                  produce not only on the West Coast, but we sell  
19                  it in the Midwest. We sell our produce on the  
20                  East Coast, all over Canada, into Europe, and  
21                  into Asia as well.

22                  I can tell you that we wouldn't be in

1 business for 49 years with the group of growers  
2 that we represent if our products were not wanted  
3 by American consumers and, for that matter, North  
4 American consumers.

5 So, we're very proud of what we do.  
6 And I think it's important that we understand the  
7 value that all foreign imports bring to the U.S.  
8 market.

9 MR. DOUD: I'm not disputing that.  
10 But you didn't answer my question. Are you  
11 selling it into the East Coast for a lower price  
12 than what you sell it into the West Coast?

13 MR. CHAMBERLAIN: No, sir. It would  
14 be impossible to do that.

15 MR. DOUD: Well, that was kind of my  
16 thinking. So, I've heard all this --

17 MR. CHAMBERLAIN: Right.

18 MR. DOUD: -- and I'm trying to get  
19 this in my head. You're a good guy to answer  
20 this question.

21 MR. CHAMBERLAIN: Well, like I said,  
22 it would be impossible to do that and stay in

1 business for very long. So, there are markets  
2 that are high markets; there are low markets, and  
3 we sell for -- the majority of our product is  
4 actually contracted before the season starts, or  
5 a good portion of it. And that's good for  
6 American consumers, so they have a consistency in  
7 pricing throughout the year.

8 CHAIR KIMMITT: Assistant Secretary  
9 Kessler or Under Secretary McKinley, do you have  
10 a question? Go ahead, Assistant Secretary  
11 Kessler.

12 MR. KESSLER: Thank you. And thank  
13 you, Mr. Chamberlain, for your testimony.

14 I was going to follow up on your  
15 comment that the problem is supposedly really  
16 that farmers in the Southeast are failing, I  
17 think you said failing to make the necessary  
18 investments to keep up with consumer demand. Is  
19 there any evidence to back that up?

20 MR. CHAMBERLAIN: Well, like I said,  
21 one of the greatest investments that Mexican  
22 producers have been making over the years has

1       been in protected agriculture. So, whether it's  
2       a glasshouse, or plastic tunnels, or mesh  
3       greenhouses, that makes your farm more efficient  
4       in many, many different ways and reduces your  
5       cost. And those are some of the things that  
6       Florida and Georgia growers have not been doing,  
7       unfortunately.

8                     Did I answer your question?

9                     MR. KESSLER: Well, in a way. I was  
10       asking for evidence, but I understand your  
11       response.

12                    MR. CHAMBERLAIN: Okay.

13                    CHAIR KIMMITT: Thank you, Mr.  
14       Chamberlain, and thank you for your testimony.

15                    We'll now move on to our next witness,  
16       Mr. Walter Ram, on behalf of The Giumarra  
17       Companies.

18                    MR. RAM: Thank you for the  
19       opportunity to comment at this hearing.

20                    My name is Walter Ram, and I'm Vice  
21       President of Food Safety at The Giumarra Company.  
22       Giumarra is a vertically-integrated produce

1 company based in California, and we are growers,  
2 shippers, importers, exporters, wholesalers, and  
3 we breed grapes.

4 Giumarra is a major table grape grower  
5 in California, and we also farm citrus, stone  
6 fruit, and other fresh produce. Additionally, we  
7 supply about five dozen different fresh produce  
8 commodities from farmers throughout the U.S. and  
9 imported from over a dozen countries. We offer  
10 the year-round supplies of many high-quality  
11 fruits and vegetables that our customers demand,  
12 but we also meet consumer demands for quality,  
13 taste, and other desired attributes, like organic  
14 certification, that drive consumer sales.

15 We export domestic fruit to markets in  
16 the U.K., many countries in the Pacific Rim,  
17 Canada, Mexico, Australia, New Zealand. We're  
18 constantly looking to broaden our export markets.

19 Agricultural exports are a bright spot  
20 in the U.S. balance of trade. Like many other  
21 sectors of U.S. agriculture, we have invested a  
22 great deal of time and money into our export

1 business. We fear that if individual states or  
2 regions are able to start trade wars with other  
3 countries, it will lead to significant damage of  
4 export markets, and not just from countries where  
5 we erect trade barriers, but also from any other  
6 companies looking for an excuse to limit the  
7 amount of U.S. agricultural products in their  
8 markets.

9 Imports and exports are also  
10 responsible for millions of American jobs. The  
11 U.S. Economic Research Service states that U.S.  
12 agricultural exports support 1.2 million full-  
13 time American jobs. A Wilson Center study showed  
14 that trade with Mexico alone has created 4.9  
15 million U.S. jobs. Now that means that 1 out of  
16 every 29 American jobs is related to trade with  
17 Mexico.

18 As domestic growers, we agree that  
19 U.S. farmers should be protected against  
20 predatory trade practices from other countries.  
21 We need to be very careful, however, what we  
22 define as predatory or unfair trade practices. A

1 region of the U.S. that has undergone hard times  
2 due to weather, unlawful competition, disease, or  
3 other circumstances should get assistance, but  
4 erecting trade barriers is a strategy that is  
5 likely to do much more harm to domestic  
6 industries than good.

7           The U.S. has led the world in many  
8 areas for the past century, and agriculture is a  
9 shining example of that. Americans have  
10 developed modern farming methods, farm equipment,  
11 fruit and vegetable varieties, and much more that  
12 has resulted in some of the world's best  
13 agricultural products that often carry premium  
14 prices.

15           If we decide to reward a struggling  
16 region simply by denying or limiting access to  
17 competition, that's a recipe for mediocrity in  
18 U.S. agriculture. We support assistance for  
19 Southeastern farmers looking for help, but we  
20 believe that a positive approach will be a more  
21 effective, long-term solution for those farmers  
22 seeking help, and would do so without damaging

1 other U.S. agricultural sectors.

2           Instead of creating a seasonal  
3 monopoly, training in long-term business  
4 planning, technical innovation, and understanding  
5 the importance of changing consumer preferences  
6 are all key components of successful business  
7 models that could serve these farmers well. We  
8 can say with experience that, when consumer  
9 preferences no longer supported demand for our  
10 seeded grapes, we responded by switching to  
11 seedless grapes, but we found that the  
12 competition was fierce. So, we responded again  
13 by developing better-tasting, crunchier grapes.  
14 We also forged strategic alliances to ensure that  
15 we could supply these grapes year round.

16           The same success stories are told by  
17 other grape growers, U.S. apple growers, and  
18 growers in many other sectors of the U.S. ag  
19 industry. This success did not come overnight,  
20 however. It was the result of planning,  
21 research, and hard work.

22           In conclusion, we support assisting

1 Southeastern farmers, but we strongly believe  
2 that rewarding a region that in some cases has  
3 largely ignored innovation, diversification, and  
4 long-term planning by erecting trade barriers is  
5 a very bad idea that will serve to harm U.S.  
6 agriculture. On a positive note, we do believe  
7 that providing assistance to these farmers in a  
8 more positive manner can add success not only to  
9 the region, but to U.S. agriculture as a whole.

10 Thank you very much for this  
11 opportunity to comment.

12 CHAIR KIMMITT: Thank you, Mr. Ram.

13 Under Secretary McKinney, do you have  
14 any questions for Mr. Ram?

15 MR. MCKINNEY: Yes. Thank you very  
16 much.

17 I want to pick up on the very last point you  
18 made, and I may have characterized or said it  
19 wrong, but let me try -- that you want to  
20 support, spiritually support, the Southeast  
21 grower in helping them in some way. That's a  
22 broad statement. We've heard 301 many, many

1 times. Once we heard AD/CVD. How would you  
2 support, how would you help? Do you have an  
3 idea? I don't mean to put you on the spot,  
4 because I think that's our role, but I didn't  
5 know if you're close enough to the market and  
6 these trade practices to have an idea.

7 MR. RAM: Well, there are a lot of  
8 examples. Diversification is an enormous part of  
9 business planning, long-term business planning.  
10 The Southeastern tomato farmers that have to plow  
11 fields, you know, we're American farmers, too.  
12 We really feel for them. But they had a single  
13 market, and that was the food service business,  
14 restaurants. And when the restaurants closed  
15 during the COVID-19 pandemic, you know, it was  
16 devastating to them, and we realize that.

17 Other areas that were growing  
18 specialty tomatoes, vine-ripened tomatoes, that  
19 retailers were preferring or consumers were  
20 preferring didn't suffer those same consequences.  
21 I mean, some of the Florida growers have even  
22 alluded to that. Tony DiMare was quoted as

1 talking about exactly that, was quoted as saying  
2 so.

3 Other things doing is when long-term  
4 planning on production, not unlimited growth that  
5 you can't plan on big spikes during short periods  
6 of time. It's a matter of planned production  
7 that you can actually market and keep prices  
8 high. And there is an awful lot more to that.  
9 Variety differences. A company that's not us,  
10 and there's a number of companies in the berry  
11 industry that have these terrific varieties that  
12 are extremely competitive. These are breeding  
13 programs.

14 You know, there's an awful lot to what  
15 makes U.S. agriculture great, and I'm talking  
16 about just offering assistance, education,  
17 planning, and all this to really help them with  
18 their future success.

19 MR. MCKINNEY: Thanks very much.

20 CHAIR KIMMITT: Well, thank you, Mr.  
21 Ram. We appreciate your testimony. We'll now  
22 move on to our next witness, Mr. Rene Romero on

1       behalf of the San Diego Customs Brokers  
2       Association.

3                   MR. ROMERO: Greetings and good  
4       afternoon. Thank you for allowing me to testify  
5       today. My name is Rene Romero, and on behalf of  
6       the members of the San Diego Customs Brokers  
7       Association, we stand together to oppose the  
8       political pressure we are facing to tweak  
9       existing U.S. trade law to carve out special  
10      protections for seasonal and/or regional  
11      agriculture production.

12                   These would unduly apply tariffs to  
13      imported seasonal agriculture items from Mexico.  
14      This effort is against the spirit of the new  
15      USMCA and will undermine many business sectors.

16                   U.S.-licensed customs brokers, like  
17      myself, play an important role in the import and  
18      export of agriculture products from and to  
19      Mexico. Agriculture between the two countries  
20      has benefitted from trade agreements, previously  
21      NAFTA and now USMCA. Customs brokers provide  
22      services to meet the compliance requirements for

1 imports and exports.

2 The imported produce is subject to  
3 scrutiny by U.S. agencies, namely FDA and USDA.  
4 Direct produce imports meet strict compliance for  
5 each entry into the United States. Otherwise,  
6 they are refused entry. Mexican growers must  
7 meet good agriculture practices and good  
8 manufacturing practices to stay in business.  
9 Many are participants in CTPAT, which -- supply  
10 chain security to thwart cartel activity.  
11 Produce companies are active participants in this  
12 trusted trader program.

13 When I travel to Mexico and visit the  
14 ranches, I'm amazed of the personal growing  
15 techniques implemented from technology and  
16 innovation, much of it sourced or purchased from  
17 the United States. My agriculture customers in  
18 Mexico import millions of dollars in agriculture  
19 inputs, packing material, and other goods from  
20 the U.S. This is a true cycle of the economic  
21 activity.

22 U.S. retailers are visiting the fields

1 in Mexico to assure it meets and exceeds all  
2 criteria. It's safe, it looks good, it tastes  
3 good, and it's healthy. This is the standard all  
4 suppliers are judged by. As a U.S. business  
5 owner, the extent of U.S. jobs created has a  
6 significant positive impact on the local and  
7 regional economic sectors. These jobs range from  
8 entry-level minimum wages to professional  
9 careers. The related industry's extensive  
10 services in produce importers and produce  
11 brokers; transportation and trucking, rail, air,  
12 and ocean; warehousing; logistics; wholesalers;  
13 retailers; law firms; consultants; and let's not  
14 forget the men and women from CBP, FDA, USDA, to  
15 name a few. Tens of thousands, more likely  
16 hundreds of thousands of U.S. jobs.

17 As businesses who are engaged in  
18 commerce between the United States and Mexico, we  
19 fear that if you succumb to political pressure to  
20 benefit Southeastern or other seasonal regional's  
21 U.S. produce, you will, by extension, be harming  
22 our U.S. businesses. Under your leadership,

1 while working with Congress and a broad base of  
2 U.S. industries, our country was able to  
3 negotiate, finalize, and implement a  
4 comprehensive trade agreement with Canada and  
5 Mexico, creating the largest trading bloc in the  
6 world.

7 Over the last 25 years, U.S. and  
8 agricultural exports to Canada and Mexico have  
9 more than quadrupled, growing from \$9 billion in  
10 '93 to nearly \$40 billion in 2018. These gains  
11 support more than 900,000 American jobs in food,  
12 agriculture, and related sectors of the economy.  
13 USMCA builds on that success and brings important  
14 improvements to further enhance U.S. food and  
15 agriculture exports to our neighbors, delivering  
16 an additional 2.2 billion in the U.S. activity.

17 The International Trade Commission's  
18 report on USMCA confirmed that the agreement will  
19 improve market access for U.S. farmers, ranchers,  
20 and food producers, as well as positively impact  
21 both the U.S. agriculture sector and the broader  
22 national economy.

1                   If trade remedies in perishable  
2                   seasonal produce are applied to our closest  
3                   trading partners, Canada or Mexico, this would  
4                   further fracture the foundation of USMCA,  
5                   resulting in potential retaliation and  
6                   significant economic damage to U.S. agriculture  
7                   and other sectors that rely on export markets for  
8                   their survival. We strongly oppose the special  
9                   trade provisions outside of the USMCA to appease  
10                  seasonal and regional growers in the Southeast,  
11                  just as this was roundly rejected during the  
12                  USMCA negotiation. As customs brokers, we are  
13                  passionate to ensure compliance with the USMCA,  
14                  and we do not want to see our efforts to create  
15                  stability and economic strength destroyed by the  
16                  actions of a few.

17                         Thank you for your attention and your  
18                         favorable response. I remain respectfully Rene  
19                         Romero, Chairman of the Agriculture and FDA  
20                         Committee of the San Diego Customs Brokers  
21                         Association. I yield back.

22                                 MR. DOUD: Mr. Romero, thank you for

1 your testimony. And, you know, at this point in  
2 the process, we've heard over 60 people testify.  
3 We're rapidly approaching the end of this process  
4 of two different hearings, and, you know, it's  
5 really interesting the contrast we hear between  
6 the folks in the Southeast and the folks out in  
7 your part of the world. Under Secretary McKinney  
8 has noted it. We all see it, we all note it.  
9 And it's interesting. It's been an interesting  
10 discussion.

11 But as we come to the end of this,  
12 I'll ask you the same question I asked one of the  
13 folks earlier this afternoon, just a simple  
14 question. Do you know whether or not Mexico is  
15 in violation of its trade commitments with the  
16 United States?

17 MR. ROMERO: Sir, I would say just the  
18 opposite. I would say that they're in compliance  
19 with our trade agreements. I travel to Mexico.  
20 I have relationships with the Mexican government  
21 entities, whether it's Mexican customs or SADER,  
22 which used to SAGARPA. I've been in conferences

1 with them, I've been in meetings, I have spoken  
2 at their conferences. Everything is about  
3 compliance and adhering to the laws of both  
4 countries, not just the U.S. There are lots of  
5 education processes going in Mexico that are done  
6 by both the government and the organizations that  
7 represent these growers in Mexico. I see a lot  
8 of efforts into compliance. That's my personal  
9 view and my experience.

10 MR. DOUD: I appreciate those comments  
11 very much. You do appreciate, though, from the  
12 Trump administration's perspective, there's a  
13 very different view in a very different part of  
14 the world. And so, you know, we have a  
15 responsibility here. Do we take a closer look at  
16 this, or do we turn a blind eye?

17 MR. ROMERO: Well, I think you are  
18 taking a closer look, and you're giving the  
19 people who know what's going on the attention.  
20 We're here. We're not in Washington, D.C. We  
21 see what happens here. I have first-hand  
22 knowledge of how our government agencies, as I

1 mentioned before, whether it's CBP, FDA, or USDA,  
2 all the things that they're doing to make sure  
3 there's compliance with food safety. One of the  
4 main criteria that you're talking about about the  
5 human consumer here or the U.S. consumer is it --  
6 is it safe, and they're complying with that. And  
7 as far as meeting all the other criteria for  
8 imports, I see that, I live it because we educate  
9 them.

10 I'm not sitting in Washington to see.  
11 I'm here on a daily basis everyday seeing this  
12 happen. The people that have spoken that  
13 represent the importers from Mexico, let alone  
14 some of the growers, some of those are my  
15 clients. I have clients who are growers in the  
16 U.S. and also importers from Mexico. By the way,  
17 they also export to Mexico. This is something  
18 that goes both directions. Just because -- it's  
19 not just a one direction trade here, it's both  
20 directions.

21 MR. DOUD: Thank you.

22 CHAIR KIMMITT: Yes, thank you for

1 your testimony, Mr. Romero. We'll now turn to  
2 our next witness, Mr. Daren Bakst of The Heritage  
3 Foundation.

4 MR. BAKST: Thank you. Can you see me  
5 and hear me okay?

6 CHAIR KIMMITT: Yes, sir, we can.

7 MR. BAKST: Thank you. So my name is  
8 Daren Bakst, and I'm a Senior Research Fellow at  
9 The Heritage Foundation. The views I express in  
10 this statement are my own and shouldn't be  
11 considered as representing any official position  
12 of The Heritage Foundation.

13 I want to commend the USTR, DOC, and  
14 USDA for their commitment to agricultural trade.  
15 Agricultural trade provides many benefits to  
16 American farmers, ranchers, and consumers.  
17 According to USDA, 95 percent of world's  
18 consumers live outside of the United States.  
19 This makes it possible for American farmers and  
20 ranchers to export their goods to new markets,  
21 increasing revenues, creating jobs, and building  
22 stronger businesses.

1                   There's also the other side of the  
2                   agricultural trade equation, and that's imports.  
3                   Agricultural imports make it possible for  
4                   Americans and their families to purchase more  
5                   affordable, better quality agricultural products,  
6                   such as staple items like fruits and vegetables,  
7                   more readily throughout the year. Unfortunately,  
8                   there are numerous trade barriers that should be  
9                   eliminated to foster greater agricultural trade  
10                  among individuals and businesses across the  
11                  globe. These barriers cover both tariffs and  
12                  non-tariff trade barriers.

13                  While much needs to be done to remove  
14                  agricultural trade barriers, the subject of  
15                  today's hearing is not one of those necessary  
16                  actions. In fact, the focus on seasonal and  
17                  perishable produce is problematic. The USMCA  
18                  properly excluded a provision that would have  
19                  created a separate domestic industry provision  
20                  for perishable and seasonal products in AD/CVD  
21                  proceedings. The agency shouldn't enshrine the  
22                  seasonality provision under other means.

1 Under existing law, domestic  
2 industries can seek help from the federal  
3 government to address alleged economic harms from  
4 dumping by foreign producers or countervailable  
5 subsidies provided to foreign competitors by  
6 their home country. This help can come in the  
7 form of a U.S. imposing duties on foreign  
8 imports.

9 The seasonality provision, though,  
10 would allow a subcategory of an industry, in this  
11 case seasonal and perishable products, to bring  
12 cases against foreign imports, thus effectively  
13 creating an end-run around the current and  
14 appropriate requirement for an action to be on  
15 behalf of an entire industry. It would allow  
16 agriculture producers by state or region of  
17 seasonal and perishable commodities to petition  
18 for redress and utilize seasonal data to prove  
19 injury, not multi-year data as is currently  
20 required.

21 Through this change in longstanding  
22 policy, one state's growers of seasonal produce

1       could bring a case even as growers in other  
2       states are flourishing and strongly oppose the  
3       petition. The petition process helps to ensure  
4       that there are some democratic principles in  
5       place to properly reflect the will of an  
6       industry. The seasonality provision would  
7       undermine these protections.

8               Further, the seasonality provision has  
9       long appeared to be a concern not of whether  
10       foreign countries or its producers are taking  
11       inappropriate actions, but whether a small set of  
12       growers within the industry are able to  
13       effectively compete in the marketplace. For  
14       example, Florida tomato growers have pointed to  
15       Florida's less friendly weather conditions for  
16       growing tomatoes as compared to that in Mexico.  
17       That's an agriculture production problem, not a  
18       trade problem. The agency shouldn't use trade  
19       remedies as a way to address a non-trade issue.

20               But what other problems would a  
21       seasonality provision cause? Imposing duties  
22       that would restrict imports based on this

1 controversial seasonality approach, especially  
2 based on weak to no evidence of trade-distorting  
3 policies, would inevitably lead to retaliatory  
4 tariffs by affected countries. This would then  
5 hurt other agriculture producers by limiting  
6 export opportunities. Ironically, it would even  
7 hurt the sub-industry of a commodity that brought  
8 a case, but, even worse, it would hurt those  
9 commodity growers within the entire industry who  
10 didn't want to bring a case in the first place.

11 It's, therefore, not surprising that  
12 CRS in a 2017 report wrote most U.S. food and  
13 agriculture groups, including some U.S. food and  
14 vegetable producer groups, also oppose seasonal  
15 proposals. The report also states the seasonal  
16 proposal has divided the U.S. food and vegetable  
17 industry.

18 The harm to exports, though, won't be  
19 limited to agriculture. Inevitable retaliatory  
20 tariffs would target numerous sectors across the  
21 economy. There are, of course, many trade-  
22 distorting policies imposed by other countries

1 that do hurt American farmers and ranchers. I  
2 strongly encourage the agencies to focus on those  
3 genuine issues that affect domestic industries,  
4 not a small subset of individual businesses  
5 within that industry.

6 Thank you for this opportunity to  
7 provide testimony today.

8 CHAIR KIMMITT: Thank you, Mr. Bakst.  
9 Under Secretary McKinney, do you have any follow-  
10 up questions for Mr. Bakst?

11 MR. MCKINNEY: Yes. Sorry, I couldn't  
12 get my mute off. Tell us a little bit more about  
13 your background. My sense, knowing a little  
14 something about Heritage, is it's a policy think  
15 tank. What is your depth of work in agriculture  
16 generally and, even more specifically, in the  
17 produce/vegetable industry? Could you elaborate  
18 just a bit?

19 MR. BAKST: The Heritage Foundation,  
20 as you said, is a policy think tank. It's a  
21 nonprofit organization, (c)(3). And then we have  
22 individual analysts that work on different areas,

1 and I'm the analyst that primarily works in  
2 agricultural policy, and that includes a decent  
3 amount of work on this specific, very specific  
4 issue regarding the seasonality provision. I  
5 don't specialize in specialty crops.

6 MR. MCKINNEY: I understand. If I can  
7 follow-up then, as you have dived into this, and  
8 it sounds like this has been a bit more of a  
9 focus than perhaps other aspects of agriculture,  
10 have you come across, seen, observed, had  
11 confirmed any of the subsidies, I think is the  
12 favorite word that's used, that are alleged to be  
13 occurring in Mexico? Support of well water  
14 irrigation systems, buildings in construction,  
15 greenhouses, et cetera, those kinds of things.

16 MR. BAKST: I think the research and  
17 what we've heard is that, yes, those subsidies do  
18 exist, but they're not significant, and they're  
19 comparable to the EQIP program that we have here  
20 in the U.S., the subsidies that we also provide.  
21 Those subsidies are also not commodity specific.  
22 They're generally provided, so they're, you know,

1 they're kind of these capital assistance programs  
2 that are provided by Mexico.

3 So we're not arguing that those  
4 subsidies don't exist. The question is whether  
5 or not those are trade-distorting, and, you know,  
6 based on the information, it doesn't appear that  
7 they are.

8 MR. MCKINNEY: Thank you. That's  
9 exactly what I was looking for. Appreciate it.

10 MR. BAKST: Thank you.

11 CHAIR KIMMITT: Thank you, Mr. Bakst.  
12 We'll now turn to our final witness of the day,  
13 Ms. Gabriella Beaumont-Smith also on behalf of  
14 The Heritage Foundation.

15 MS. BEAUMONT-SMITH: Hello. Thank  
16 you. My name is Gabriella Beaumont-Smith, and  
17 I'm a macroeconomic policy analyst at The  
18 Heritage Foundation. The views I express in this  
19 statement are my own and shouldn't be construed  
20 as representing any official position of The  
21 Heritage Foundation.

22 The topic of trade-distorting policies

1 is an important one, and the agency should be  
2 commended for recognizing that barriers exist to  
3 agricultural trade. Agricultural trade provides  
4 many benefits to American farmers, ranchers, and  
5 consumers. Today, I would like to focus on the  
6 trade-distorting policies and the benefits that  
7 agricultural trade has brought Americans,  
8 including American farmers.

9           So what are the trade-distorting  
10 policies in question? There have been vague  
11 allegations of improper subsidization by Mexico,  
12 but it is unclear which subsidies are being  
13 referred to. For agricultural subsidies in  
14 general, based on support to producers as a  
15 percentage of gross farm receipts, Mexico has a  
16 lower percentage of support than the United  
17 States. Of course, the question or issue is the  
18 subsidies for fresh produce and whether those  
19 subsidies are trade-distorting. Based on a  
20 University of Arizona study, Mexico has a small  
21 amount of noncommodity-specific capital  
22 investment assistance programs awarded to fruit

1 and vegetable farmers which are comparable to the  
2 Environmental Quality Incentives Program in the  
3 United States.

4 Mexico has also invested in large-  
5 scale greenhouse production facilities and other  
6 types of technological innovations, and some  
7 claim that these investments are supported by  
8 government subsidies. There may be available  
9 support as part of Mexico's rural and business  
10 development and other productivity improvements  
11 in horticultural sectors, which could be  
12 assisting the investments in greenhouses and  
13 shadehouses, but this cannot be confirmed.

14 However, according to a Congressional  
15 Research Service report published in 2017, the  
16 available information indicates that Mexico does  
17 not provide direct financial support to its  
18 produce growers, which is similar to the  
19 situation that prevails in the United States.  
20 Most of the complaints by growers highlight  
21 issues surrounding competition, but that's not  
22 evidence of trade-distorting policies. In fact,

1 when we look at U.S. trade, we find that, since  
2 1994, U.S. fresh fruit exports increased from  
3 around \$2 billion to \$4.4 billion in 2019 in  
4 nominal terms. U.S. fresh vegetable exports have  
5 increased from \$1 billion to \$2.5 billion in 2019  
6 in nominal terms.

7 While exports are important to  
8 farmers, imports are important for American  
9 families and businesses and other industries.  
10 USTR has explained it's important to remember the  
11 United States agricultural imports benefit  
12 consumers with lower prices and expanded choices.  
13 And USDA has noted that U.S. consumers benefit  
14 from imports because imports expand food variety,  
15 stabilize year-round supplies of fresh fruits and  
16 vegetables, and temper increases in food prices.

17 American families depend on  
18 agricultural imports, especially when it comes to  
19 fresh fruits and vegetables. If the agency were  
20 to create barriers to these imports, families  
21 would suffer. There would be higher prices,  
22 fewer choices, and less healthy food.

1                   Furthermore, increased food prices  
2 would have a disproportionate impact on low-  
3 income households. The lowest-income households  
4 spend 33 percent of their after-tax income on  
5 food, whereas the highest-income households spend  
6 only 8.7 percent. The current pandemic only  
7 magnifies these concerns. The last thing the  
8 federal government should do is make it more  
9 difficult for Americans to purchase fresh fruits  
10 and vegetables.

11                   Food supply chains should not be  
12 disrupted, but, instead, the federal government  
13 should be doing what it can to help remove  
14 obstacles that slows them down. The critical  
15 benefit of imports should not get lost, nor  
16 should the interests of American families and  
17 other industries be forgotten in any effort to  
18 help a small subset of growers compete in the  
19 marketplace.

20                   There are, of course, many trade-  
21 distorting policies imposed by other countries  
22 that do hurt American farmers and ranchers. I

1 encourage the agencies to focus on those genuine  
2 issues and, in fact, to be proactive in helping  
3 to shape the rules of the game, so that  
4 agricultural trade can flourish.

5 Thank you for this opportunity to  
6 provide testimony today.

7 CHAIR KIMMITT: Thank you, Ms.  
8 Beaumont-Smith. Assistant Secretary Kessler, do  
9 you have any follow-up questions for Ms.  
10 Beaumont-Smith?

11 MR. KESSLER: Sure. Thank you for  
12 your testimony, Ms. Beaumont-Smith. Some of the  
13 points that you made are a little bit puzzling to  
14 me. It seems like in the beginning of your  
15 testimony you seemed to acknowledge the  
16 possibility that Mexico does provide subsidies to  
17 its domestic farmers. Then you addressed the  
18 question of whether increased competition is due  
19 to trade-distorting policies, but I'm not clear  
20 why you cited export statistics for the United  
21 States as a whole to support the point that, you  
22 know, farmers in Florida and Georgia aren't

1 suffering from increased import competition as a  
2 result of unfair policies and practices from  
3 Mexico, like the subsidies that you discussed at  
4 the beginning.

5 And then you closed by saying that you  
6 encouraged the agencies to focus on genuine  
7 trade-distorting policies and, you know, I would  
8 interpret that as encouragement to look further  
9 into those subsidies that you described.

10 Would you like to comment on any of  
11 that?

12 MS. BEAUMONT-SMITH: Yes. So I think  
13 that it's clear that Mexico does provide  
14 subsidies, but there doesn't seem to be any  
15 evidence that the subsidies Mexico provides are  
16 trade-distorting. So I do not believe that the  
17 harms that Southeastern growers are experiencing  
18 are because of any trade distortion.

19 As we've heard from many witnesses  
20 today, trade has actually increased many  
21 opportunities for American farmers, and that was  
22 the point of citing the increase in exports. And

1 I would argue that the problems Southeastern  
2 growers are facing is due to increased  
3 competition, not due to trade-distorting  
4 practices that are pushing them out of the  
5 market.

6 MR. KESSLER: Well, I guess I'm still  
7 a little confused. I mean, maybe part of it is a  
8 semantic question. I'd be interested to know how  
9 you define trade-distorting because maybe I don't  
10 understand exactly the distinction that you're  
11 drawing there.

12 But also, you know, one theme of the  
13 hearing -- that there are different orientations  
14 towards Mexico's policies from different parts of  
15 the country, right, and different regions compete  
16 with Mexican imports in different degrees.  
17 Shouldn't we be focusing more on that, rather  
18 than statistics from the United States as a  
19 whole?

20 MS. BEAUMONT-SMITH: To address the  
21 definition of trade-distorting, I don't have a  
22 personal definition, but the WTO has an agreement

1 on agriculture that classifies different programs  
2 that countries have for their subsidies. And  
3 Mexico is well within their limits for their  
4 subsidization. Most of the subsidies that were  
5 discussed today, the capital investments and the  
6 greenhouses, fall in either the green box or  
7 amber box limit, and that means that they are not  
8 considered to be so trade-distorting that they  
9 would be prohibited under WTO regulations.

10 I would also echo my colleague's  
11 points about being wary of carving out special  
12 provisions a for sub-industry. The anti-dumping  
13 and countervailing laws, I think, provide  
14 industries with more than enough should they be  
15 facing harm from trade-distorting policies, which  
16 I, again, would like to emphasize there does not  
17 seem to be evidence that Mexico is providing  
18 subsidies that are trade-distorting.

19 MR. KESSLER: Okay. I think we could  
20 continue this conversation further, but I'll  
21 leave it there.

22 CHAIR KIMMITT: Okay. Thank you, Ms.

1       Beaumont-Smith, for your testimony today. This  
2       concludes the testimony at today's hearing. I  
3       would like to thank everyone who participated. I  
4       certainly would like to thank Secretary Perdue  
5       for his opening remarks today. I'd also like to  
6       thank our panelists, Ambassador Doud, Under  
7       Secretary McKinney, and Assistant Secretary  
8       Kessler. I'm going to put them on the spot a  
9       little bit, but I'll ask, Under Secretary  
10      McKinney, do you have any remarks you want to say  
11      as we close?

12                   MR. MCKINNEY: Just, you know, yes, we  
13      sat here all day, but that is our responsibility,  
14      that's our job and happy to do that. So I want  
15      to thank all of the people who prepared the  
16      testimony and were thoughtful in their comments.  
17      So that's the first thing.

18                   I'm still walking away with this  
19      dichotomy of there's serious, serious problems on  
20      one hand and there's none on the other, so we'll  
21      have to rectify that. But I think there's a lot  
22      of good that came from this, even if we need to

1 get back to some people to get clarification, do  
2 a deeper dive, and so, in that sense, I'm very  
3 grateful.

4           You know, one of the things that USDA  
5 does, we do not apply the remedies on these  
6 things. That's left to USTR and Commerce. But  
7 the one thing that's valuable to us is it tells  
8 us where we can add emphasis, work harder. And I  
9 think the Secretary, I think he mentioned this at  
10 the outset, that in recent months we did get  
11 access to three new countries for U.S.  
12 blueberries, and we've already connected some of  
13 the Southeast producers with those potential  
14 buyers. And I extend that offer again.

15           So to the degree that you can take an  
16 area that needs some help and lift them up, I  
17 think that's the role of the public servant, and  
18 we remain happy to do that. So please follow-up  
19 if that is of any interest.

20           Beyond that, I'll work with the team,  
21 and we'll try to come up with some sort of a  
22 joint or shared solution. And to my colleagues,

1 Greg Doud and you, Assistant Secretary Kessler,  
2 thank you so much.

3 CHAIR KIMMITT: Thank you, Under  
4 Secretary McKinney. Assistant Secretary Kessler,  
5 any closing comments?

6 MR. KESSLER: Well, Under Secretary  
7 McKinney's comments were well put, and I agree.  
8 You know, I also just want to thank everybody for  
9 all the time and thought and preparation that  
10 went into their testimony. It was very useful  
11 and educational for us to hear from so many  
12 people on, you know, so many different aspects of  
13 the issue that we're examining.

14 You know, as officials in this  
15 administration, we are always concerned about  
16 unfair trade in any form, unfair policies and  
17 practices from other governments in any form, and  
18 you all have given us a lot to think about, and  
19 we will give everything, all the information that  
20 you provided very careful thought and consider  
21 what we should do next. So thank you all again.

22 MR. DOUD: Thank you. I just want to

1 close by thanking my two colleagues for the time  
2 and effort to listen to all of this, and I  
3 completely concur with you that what I take away  
4 from this is the stark contrast, the dichotomy in  
5 views between one side and the other here. And  
6 everybody has put a lot of thought and effort  
7 into their testimony here, and the next step in  
8 this process is for the administration to put  
9 some thought and effort on how to move this  
10 forward. And that's exactly what we will do.

11 So with that, we will conclude our  
12 hearings and thank everybody for listening.

13 CHAIR KIMMITT: I will also add that  
14 a transcript of today's hearing, as well as last  
15 week's hearing, will be posted to USTR's website  
16 and the public docket associated with these  
17 hearings. So thank you to everyone, and this  
18 hearing is adjourned.

19 (Whereupon, the above-entitled matter  
20 went off the record at 2:31 p.m.)  
21  
22

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This is to certify that the foregoing transcript

In the matter of: Trade-Distorting Policies Affecting  
Seasonable and Perishable Products

Before: USTR

Date: 08-20-20

Place: teleconference

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