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THE UNITED STATES TRADE REPRESENTATIVE
EXECUTIVE OFFICE OF THE PRESIDENT
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COMMISSION

September 29, 2020

The Honorable Jason Kearns
Chair
United States International Trade Commission
500 E Street SW
Washington, DC 20436

Dear Chair Kearns:

On September 1, 2020, the Office of the United States Trade Representative ("USTR") and the Departments of Agriculture ("USDA") and Commerce ("Commerce") announced a comprehensive plan to address threats that increased imports pose to American producers of seasonal and perishable fruits and vegetables. One of the actions included in this plan was for USTR to request the United States International Trade Commission ("Commission") to initiate an investigation under section 201 of the Trade Act of 1974 ("Trade Act") into the extent to which increased imports of blueberries are a substantial cause of serious injury, or the threat thereof, to domestic blueberry growers.

The plan resulted from hearings conducted by USTR, USDA, and Commerce on trade distorting practices that might be contributing to unfair pricing in the United States. We received more than 300 written submissions, and more than 60 witnesses testified at two days of hearings. A transcript of the hearings and copies of written submissions are available at www.regulations.gov under Docket ID: USTR-2020-0010.

U.S. import statistics indicate that blueberry imports have greatly increased in recent years and are sourced in major quantities from multiple countries. Witnesses at the hearings and submissions from interested persons reported that increased blueberry imports are driving down prices for domestically grown blueberries and leading to a drastic reduction in market share for domestic growers. Witnesses and submissions focused on the effects in the Southeastern United States, but noted that there were also effects outside of that region.

In light of this information, I request that the Commission promptly initiate an investigation under section 202 of the Trade Act of 1974 (19 U.S.C § 2252) to determine whether fresh, chilled, or frozen blueberries are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the following imported articles. The blueberries in question consist of all imports that fall within the product descriptions under the following statistical reporting categories in the Harmonized Tariff Schedule of the United States:

0810400029 (cultivated blueberries, including highbush, fresh or chilled); 0810400026 (certified organic blueberries, fresh or chilled); 0810400024 (wild blueberries, fresh or chilled); 0811902024 (wild blueberry, uncooked or cooked by steaming or boiling in water, frozen); 0811902030 (blueberries, certified organic, cultivated (including highbush), uncooked or cooked by steaming or boiling in water, frozen); and 0811902040 (blueberries, cultivated (including highbush), uncooked or cooked by steaming or boiling in water, NESOI, frozen).¹

Please be advised that if the Commission makes an affirmative determination under section 202(b)(1)(A) of the Trade Act, or a determination that the President may consider to be affirmative under section 330(d)(1) of the Tariff Act of 1930, as amended (19 U.S.C. § 1330(d)(1)) (“affirmative determination”), the President may request additional information from the Commission under section 203(a)(5) of the Trade Act.

Given the seasonal and perishable nature of these products, I respectfully request that the Commission conduct and conclude its investigation expeditiously. I appreciate your thoughtful consideration of this request and look forward to receiving the Commission’s report as soon as possible.

Sincerely yours,



Robert E. Lighthizer

¹ Before July 1, 2018, 0811902030 and 0811902040 were described under 0811902028 (blueberries, cultivated (including highbush), uncooked or cooked by steaming or boiling in water, frozen).