



September 9, 2019

Mr. P. Lee Smith
Deputy Assistant Secretary for Policy & Negotiations
U.S. Department of Commerce
International Trade Administration
Washington, D.C. 20230

RE: Case No. A-201-820

Dear Mr. Smith:

The Border Trade Alliance (BTA), an organization of public and private sector stakeholders involved in cross-border trade at the United States-Mexico and U.S.-Canada borders, welcomes the opportunity to provide comments regarding Case No. A-201-820, the Draft Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico.

The BTA in comments provided to the Department of Commerce dated July 10, 2019, expressed its strong concerns about any new fresh tomato import inspection protocol that would reduce freight capacity and thus increase costs for all goods—not just agricultural—imported or exported, as well as result in border congestion and delays that prevent just-in-time delivery for our organization's members who are a central part of the \$424 billion in freight that crossed the U.S.-Mexico border by truck in 2018, a 10.2 percent increase over 2017.

Further, in a letter to the Department dated March 6, 2019 signed by dozens of interested parties, including the BTA, we shared our desire that the administration engage in a negotiation with its counterparts in Mexico to preserve duty-free trade as reflected in the Tomato Suspension Agreement and to commit to ensuring that harm not be inflicted on our domestic agriculture industry, the agricultural supply chain, or on the 30,000 U.S. jobs and nearly \$3 billion in U.S. GDP generated by the importation of tomatoes.

We maintain these positions today, which is why we applaud the Department for its diligent work over the last several months to preserve duty-free fresh tomato trade between the U.S. and Mexico, as has been the case for decades. As we and our colleagues in the trade community have made clear, imposing duties on fresh tomato imports would not only have hurt U.S. competitiveness, but it would have run completely counter to the spirit of binational cooperation imbued in the North American Free Trade Agreement and now the United States-Mexico-Canada Agreement, and would have severely complicated the new agreement's fate as it awaits congressional consideration.

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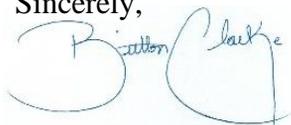
However, the BTA is equally concerned about the establishment of a new non-tariff, not-duty barrier to trade in fresh tomatoes, which is why we cannot support a new inspection protocol that will result in bottlenecks at U.S.-Mexico ports of entry, increased border-area congestion, and diminished product freshness, quality and shelf-life, all of which will result in higher costs that will be passed on to U.S. consumers.

The BTA readily acknowledges the need for thorough inspections at the nation's border ports of entry, and the need to preserve the phytosanitary integrity of the U.S. food supply. The proposed U.S. Department of Agriculture "quality and condition" inspection mandate, however, does not identify a specific security, safety, or health concern the administration is attempting to address. Further, the inspection proposal runs counter to concerted efforts by U.S. Customs and Border Protection to streamline the border inspection processes and to better concentrate limited border agency resources on those shipments and conveyances that deserve more invasive inspection.

The Border Trade Alliance urges the Department and its counterparts in Mexico to consider the negative impact the proposed new USDA inspection mandate would have on the trade community, border communities, and U.S. consumers' ability to shop for and enjoy fresh tomatoes imported from Mexico.

The BTA thanks the Department for the opportunity to provide these comments and for its successful efforts not to impose new permanent duties on fresh tomato imports. We remain hopeful that the proposed shortcomings regarding the inspection of tomatoes can be addressed in a manner that assures a positive outcome for stakeholders in both countries.

Sincerely,



Britton Clarke
President