

Congress of the United States

Washington, DC 20515

May 22, 2025

The Honorable Howard Lutnick
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Lutnick:

We write in opposition to the Department of Commerce's recent announcement of its intent to withdraw from the 2019 Tomato Suspension Agreement (TSA) and to underscore the critical importance of cross-border trade in fresh tomatoes for the economies of several Southwestern states, including Arizona, Texas, Utah, and California.

As you know, many fresh fruits and vegetables are unavailable domestically in sufficient volume during certain months of the year. International trade, particularly with Mexico and Canada, is critical to the U.S. food supply and enables the U.S. agricultural industry to meet consumer demand for affordable, healthy, and quality fresh produce year-round. This is especially true of tomatoes. Multiple sectors have grown dependent on year-round access to tomatoes and other fresh produce varieties not grown domestically, and all Americans benefit from the hard-working grocers, restaurant staff, truckers, warehouse operators, and others who move and sell fresh produce to meet consumer demand.

A stable, mutually beneficial trading relationship with Mexico supports tens of thousands of U.S. jobs and contributes to the economic vitality of our agricultural industry across the supply chain. In fact, a recent study from Texas A&M University found that imports of Mexican tomatoes contribute over \$8 billion annually to the U.S. economy, supporting jobs across multiple sectors—retail, trucking, warehousing, packaging, and more.

Ports like Nogales, Arizona—second only to Hidalgo, Texas, in volume—serve as an economic lifeline to our states. According to economists at Arizona State University, the job losses resulting from termination of the TSA could exceed 50,000 in Arizona and Texas alone, while U.S. grocery retailers could face revenue losses surpassing \$7.5 billion. Additionally, a University of Arizona study found that Mexican tomato imports contribute nearly \$3.4 billion to U.S. GDP through agribusiness supply chains. In addition, removing the TSA would lead to price spikes and make a dietary staple less accessible for many Americans.

Since the TSA went into effect in 2019, Commerce and the U.S. Department of Agriculture (USDA) have implemented it rigorously, and, as a result, fresh tomatoes from Mexico are among the most heavily scrutinized U.S. imports. Commerce has issued over 320 audit questionnaires, awarded over 14,000 quarterly certifications, and conducted three in-depth administrative reviews of some of Mexico's largest growers. It speaks volumes that these comprehensive, overlapping oversight mechanisms have not found a single violation of the TSA. Additionally,

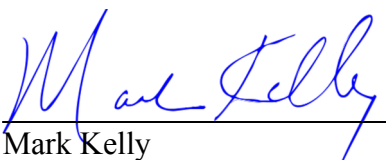
since April 2020, lots inspected by the USDA at ports of entry have passed inspections with a 99 percent success rate. These metrics demonstrate how Mexican growers, their selling agents, and customers in the U.S. overwhelmingly comply with every facet of the agreement.

We recognize and support the strict enforcement of U.S. trade law, and antidumping orders play a vital role in leveling the playing field to protect American industry and workers from the effects of unfair trade practices. These orders serve as essential mechanisms for U.S. businesses and workers to seek relief from predatory pricing by foreign competitors. However, applying a one-size-fits-all approach risks undermining the intent of these trade priorities. The domestic tomato industry has benefited from over two decades of protection via minimum floor prices under successive suspension agreements. While some segments of the North American tomato supply chain have innovated to meet evolving consumer preferences, others have not. It is clear to us that imported tomatoes are not the root cause of the challenges that some portions of our domestic tomato industry face. We note that Commerce's April 14 press release on this issue referenced being "flooded with comments" urging the termination of the TSA, and we request more information about the substantive arguments made in those comments and what efforts Commerce undertook to check the veracity of these claims.

The tact currently being taken jeopardizes the spirit of cross-border commerce with one of our key trading partners; the results of which are likely to be higher prices, reduced availability, and diminished selection and quality of products for American consumers. The effects of U.S. withdrawal would also extend into Mexico, potentially leading to decreased tomato production, job losses, and increased migration pressures. Terminating the TSA now would be profoundly disruptive and run counter to the administration's goals.

We urge you to reconsider instituting the antidumping order on July 14, subjecting imports of tomatoes from Mexico to duties of 17.09 percent, and ask you to recognize the importance of cross-border trade and consider the full scope of economic consequences to the agricultural industry, American consumers, and the vast network of U.S. businesses and workers that rely on these imports. We look forward to working with you to resolve this vital concern by pursuing an alternative approach that addresses any legitimate concerns with the current effectiveness of the TSA while taking into consideration the effects on all U.S. stakeholders.

Sincerely,



Mark Kelly
United States Senator



David Schweikert
Member of Congress



Greg Stanton
Member of Congress



Ruben Gallego
United States Senator



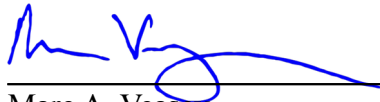
Veronica Escobar
Member of Congress



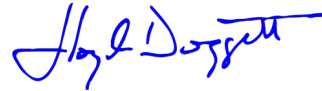
Nanette Diaz Barragan
Member of Congress



Mike Thompson
Member of Congress



Marc A. Veasey
Member of Congress



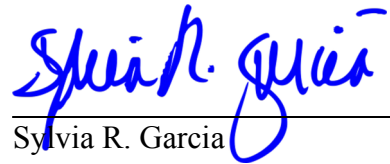
Lloyd Doggett
Member of Congress



Vicente Gonzalez
Member of Congress



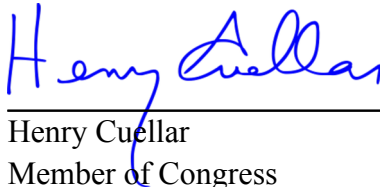
Jimmy Panetta
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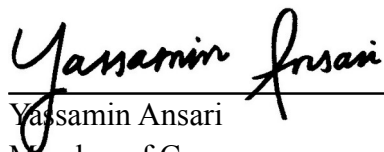
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