

United States Senate

WASHINGTON, DC 20510

March 9, 2022

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

RE: Circumvention Petition to Impose Tariffs on Crystalline Silicon Photovoltaic
Solar Cells and Panels from Malaysia, Vietnam, Thailand, and Cambodia

Dear Secretary Raimondo:

We are writing to express our concerns regarding the latest solar tariff petition filed with the Department of Commerce (Commerce) that would severely harm the U.S. solar industry and its 250,000 American solar workers. Given the significant repercussions of imposing new tariffs on imported solar products, we implore you to carefully consider: 1) the validity of this petition, 2) whether it is more appropriate for the U.S. International Trade Commission (USITC) to consider this matter as separate antidumping and countervailing duty (AD/CVD) cases, and 3) if it is appropriate to initiate the investigation called for in this petition.

On February 8, 2022, a single company filed a circumvention petition to expand the scope of existing AD/CVD orders to include all crystalline silicon photovoltaic (CSPV) solar panels and cells imported from Malaysia, Vietnam, Thailand, and Cambodia. This petition comes in the wake of Commerce's decision to reject three similar anonymous circumvention petitions on November 10, 2021. Expanded tariffs on products from these countries would threaten thousands of American solar jobs.

As you know, the AD/CVD process requires petitioners to establish harm from imports during a full U.S. International Trade Commission (USITC) investigation and public hearing before the USITC Commissioners. While imperfect, this process affords interested parties the opportunity to contest petitioners' claims. This recently filed circumvention petition would instead avoid the thorough AD/CVD review process and bypass assessment of other important factors that are worthy of consideration in a matter of this scope and magnitude.

Although we are working to develop greater domestic solar manufacturing capacity, U.S. demand for panels and cells far exceeds domestic production capacity. Currently, there is no domestic cell production, and U.S. panel manufacturing capacity can only fill 15% of domestic demand. Last year, imports from Malaysia, Thailand, Vietnam, and Cambodia accounted for more than 80% percent of all CSPV imports and nearly 60% of total U.S. panel supply. New tariffs on solar products from these four countries would stall many ongoing and planned U.S. solar projects, negatively impacting every segment of the U.S. solar industry and resulting in

significant job losses. In particular, the tariffs would have direct impact on the almost 90% of solar jobs in the United States that are not in the manufacturing sector.

Given the likely impact of these proposed tariffs and the procedural questions identified above, we ask that you give careful consideration to the validity of this petition and whether it is appropriate to initiate a formal investigation in this matter.

Thank you in advance for your attention to these important issues.

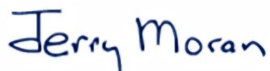
Sincerely,



Jacky Rosen
United States Senator



Martin Heinrich
United States Senator



Jerry Moran
United States Senator



Michael F. Bennet
United States Senator



Thom Tillis
United States Senator



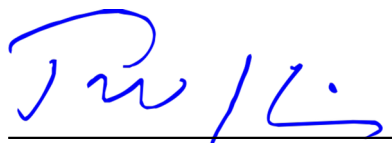
Thomas R. Carper
United States Senator



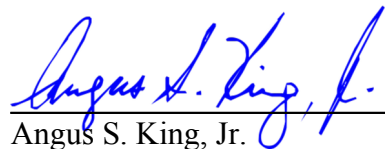
Dianne Feinstein
United States Senator



John Hickenlooper
United States Senator



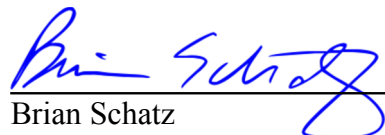
Tim Kaine
United States Senator



Angus S. King, Jr.
United States Senator



Sheldon Whitehouse
United States Senator



Brian Schatz
United States Senator



Chris Van Hollen
United States Senator



Catherine Cortez Masto
United States Senator