

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 13, 2020

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

HEARING COMMITTEE

WILLIAM KIMMITT, Office of the U.S. Trade
Representative, Chair

CAMERON BISHOP, Deputy Assistant U.S. Trade
Representative

GREGG DOUD, Chief Agricultural Negotiator,
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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

ROBERT LIGHTHIZER, U.S. Trade Representative
SONNY PERDUE, Secretary, U.S. Department of
Agriculture

WILBUR ROSS, Secretary, U.S. Department of
Commerce

WITNESSES:

SESSION ONE:

SEN. MARCO RUBIO, Florida

REP. VERN BUCHANAN, Florida 16th Congressional
District

REP. DARREN SOTO, Florida 9th Congressional
District

REP. ROSS SPANO, Florida 15th Congressional
District

REP. GREG STEUBE, Florida 17th Congressional
District

REP. TED YOHO, Florida 3rd Congressional
District

NIKKI FRIED, Commissioner, Florida Department of
Agriculture and Consumer Services

DAN SLEEP, Florida Department of Agriculture and
Consumer Services

SESSION TWO:

JOHN HOBLICK, Florida Farm Bureau Federation

ZHENGFEI GUAN, PhD, University of Florida

MIKE JOYNER, Florida Fruit & Vegetable
Association

SERGIO CONTRERAS, Border Trade Alliance

SCOTT VANDERVOET, Vandervoet & Associates

SKIP HULETT, NatureSweet

DEMETRIO KYRIAKIS, Nogales U.S. Customs House
Brokers Association

GEORGE TUDOR, Desert Grape Growers League of
California

KENT STENDERUP, Delano Growers Grape Products
Cooperative

SESSION THREE:

JEROME CROSBY, Georgia Blueberry Commission
BRITTANY LEE, Florida Blueberry Growers
Association
MICHAEL HILL, H&A Farms
KENNETH PARKER, Florida Strawberry Growers
Association
JOHN SIZEMORE, Sizemore Farms
HILDA CASTILLO, Castillo Family Farms
JOEL CONNELL, Grimes Farms
DUSTIN GROOMS, Fancy Farms
GENE McAVOY, University of Florida

SESSION FOUR:

MARK GREEFF, Driscoll's, Inc.
DAN BALBAS, Reiter Affiliated Companies
PAUL ALLEN, R.C. Hatton Farms
JAMES ALDERMAN, Alderman Farms
SAL FINOCCHIARO, S&L Bean
MARIE BEDNER, Bedner Farms
RICK ROTH, Roth Farms
PATRICK CARROLL, Clear Springs
CHRIS SPENCER, Florida Executive Office of the
Governor

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

9:10 a.m.

MR. LIDTHIZER: Well, good morning and thank you, everyone, for joining us here today to discuss trade policies affecting our seasonal fruit and vegetable producers.

It is unfortunate that we have been forced to hold today's hearings and next week's hearings virtually instead of in-person in Florida and Georgia as we had originally planned. On behalf of the Trump Administration, I welcome all those participating today and the many more who are watching from home.

I will make a few brief remarks and then, Secretary Purdue and Secretary Ross will make some remarks. After that, we will hear from several distinguished members of Congress. We will then receive testimony from the state officials, experts, and affected farmers.

We are having these hearings because this administration is concerned about the state of the market for seasonal fruits and vegetables

1 in the United States. Our farmers are the most
2 productive in the world and they have every right
3 to expect fair trade in their home market.

4 Secretary Purdue and I spent a great
5 deal of time meeting with members of Congress
6 from Florida, Georgia, and other states, hearing
7 about the nature of the problems our farmers
8 face. I would like to commend those members for
9 their diligence in representing the interests of
10 this important sector of our economy.

11 I committed in a letter to Senator
12 Rubio, Senator Scott, Representative Buchanan,
13 and other members of the Florida and Georgia
14 delegation to release a plan articulating
15 remedies necessary to address any trade-
16 distorting practices that may be contributing to
17 unfair prices in the U.S. market and harming our
18 producers.

19 We agreed to have this plan ready by
20 September 1. Secretaries Purdue, Ross, and I are
21 working on this and each will play a significant
22 role in our strategy.

1 As everyone knows, the health of our
2 agricultural economy is among the highest
3 priorities for President Trump. I look forward
4 to hearing testimony, reviewing the record, and
5 working with all those concerned to come up with
6 a successful, fair plan.

7 In addition to Secretary Purdue and
8 Secretary Ross's, testimony will be taken by
9 Ambassador Doud of USTR, Undersecretary McKinney
10 of the Agriculture Department, and Assistant
11 Secretary Kessler of the Department of Commerce.
12 William Kimmitt of USTR will moderate.

13 Thank you to everyone. And now, I
14 would like to turn it over to Secretary Purdue.

15 SECRETARY PERDUE: Well, thank you,
16 Ambassador Lighthizer, and good morning to all of
17 you. I really regret the fact that we're not
18 able to meet in-person, because I know that I
19 have many friends on these calls and I was
20 looking forward to seeing you all, so we could
21 really talk about this subject in-person.

22 But as Ambassador Lighthizer said,

1 this is a serious issue for the President. I
2 think all of us on this call understand how pro-
3 American he is and he wants a strong, vibrant
4 agricultural economy. I think he's demonstrated
5 that in so many ways.

6 This is a difficult challenge,
7 frankly, in this particular topic in which you
8 all are involved, and I can assure you, I've told
9 many of you before and I want to tell you again
10 that Ambassador Lighthizer, this was on his Top
11 Five list, on the seasonal fruits and vegetables
12 and the negotiations of USMCA.

13 He kept it there as long as he
14 possibly could. It became very apparent that it
15 was a redline for Mexico at the end and they need
16 negotiation, while we would love to get 100
17 percent of everything we want, this was something
18 that was very difficult to get across the line.

19 But the fact is, he nor Secretary Ross
20 nor I have given up on that, and that's why we
21 want to have this conversation today, to give you
22 an opportunity to tell us and submit comments

1 about how we can help you all to be more
2 competitive.

3 You know the United States really is
4 focused, so productive in agriculture, we're
5 focused primarily on exports, and that somehow
6 puts you at a disadvantage and we want to know
7 how we can make you more competitive vis-a-vis
8 the Mexican imports that are coming in.

9 We are not a protectionist society in
10 the United States, we've got confidence in our
11 growers, but this is one of those areas that is
12 very troubling for us, very problematic. And
13 Ambassador Lighthizer, Secretary Ross, and I have
14 been working to figure out how we can level the
15 playing field in here.

16 We fully understand the competitive
17 situation that you're in, we recognize that, and
18 we want to know what we can do, aside from
19 closing the borders here. We certainly are doing
20 more in inspections on the sanitary,
21 phytosanitary issues, as was negotiated by
22 Secretary Ross on infection, and we're fulfilling

1 that.

2 But we've got to get down to the
3 fundamentals of how we can do that from a USTR,
4 US Secretary of Agriculture prospective. We're
5 focusing on more markets overseas, the Japan
6 market, which come in in your season next year,
7 and other places that, even China, for lowering
8 tariffs on blueberries and other fruits and
9 vegetables.

10 Obviously, these are perishable
11 commodities, which are better consumed right here
12 domestically. That's where your challenge is and
13 we need you all to help us figure out how to do
14 that.

15 So, we want to continue to listen and
16 the plan that Ambassador Lighthizer talked about
17 has got to be productive in how we can best
18 understand the real challenges and the
19 fundamental parts of that to make you all feel
20 like you're competitive in that.

21 We want to look at any kind of
22 unfairness and whether it's subsidies, we know

1 that the labor issue is huge and that's very
2 difficult, obviously, based on the economies of
3 our country and the adverse wage rate that you
4 all have to pay under H-2A versus what Mexico's
5 paying, we know that's fundamental to the issue.

6 But we've got to figure out how we can
7 make our American economy both in the blue -- I
8 know there's a lot of blueberry growers, tomato
9 growers, other vegetable growers here, that we
10 want to do.

11 The challenge, obviously, in the
12 negotiations was, I think as you folks in the
13 Southeast know, we've got people here on this
14 call from the West as well, and unfortunately,
15 there was not unanimity that gave Ambassador
16 Lighthizer a strong stand on which to negotiate,
17 even in the United States.

18 So, we've got to find out where that
19 difference is. Our Western colleagues differ on
20 these opinions and our Southeastern colleagues
21 and growers do as well.

22 So, hopefully we can get some of those

1 answers and have a proposal that can make you
2 feel that you are fairly treated in this domestic
3 market and competitive and continue doing what
4 you all do best.

5 So, I look forward to hearing your
6 remarks and your comments as we go forward. So,
7 thank you, Ambassador Lighthizer, Secretary Ross,
8 and members of Congress for allowing me to join
9 today.

10 MR. LIGHTHIZER: Thank you very much,
11 Mr. Secretary. And now, I would ask Secretary
12 Ross to make his comments.

13 SECRETARY ROSS: Thank you, Ambassador
14 Lighthizer, for your steadfast commitment and
15 devotion to American producers and American
16 workers, and a warm welcome to the many panelists
17 and witnesses that will testify over the two days
18 of hearings.

19 The amount of interest shown in this
20 hearing by those dedicated to preserving and,
21 indeed, strengthening this essential American
22 industry is an indication of the importance of

1 domestic food production and our domestic
2 farmers.

3 We're here today because the Trump
4 Administration recognizes the economic importance
5 of this country's seasonal and perishable produce
6 industry.

7 At the Commerce Department, we're
8 acutely aware that U.S. agriculture faces rising
9 foreign competition, particularly from Mexico.
10 In the past ten years, total agricultural imports
11 from Mexico have skyrocketed, increasing almost
12 threefold to \$28.3 billion in 2019.

13 Imports of fresh fruits from Mexico,
14 excluding bananas, has increased from \$2.3
15 billion in 2010 to \$6.9 billion in 2019. Fresh
16 vegetable imports from Mexico have almost doubled
17 over the past decade to \$6.3 billion.

18 It's imperative that the U.S.
19 Government listens to the concerns of our growers
20 and at the Commerce Department, we take concerns
21 of unfair trade practices seriously and we use
22 every tool available to counter them whenever and

1 wherever they exist.

2 In fact, the Trump Administration has
3 already delivered some results for the domestic
4 tomato industry. We did this by successfully
5 leveraging the threat of tariffs.

6 Both the Commerce Department and the
7 USITC investigated alleged dumping. And while
8 the investigation was pending, Commerce imposed a
9 17 percent cash deposit requirement on tomatoes
10 from Mexico. Meanwhile, we negotiated on behalf
11 of the U.S. industry. And ultimately, in
12 September 2019, we finalized the strongest
13 agreement in history protecting U.S. tomato
14 producers.

15 We know that no two crops have exactly
16 the same facts, but we believe that understanding
17 the details of each is the key to finding a
18 solution. Whether it ends up as a result of the
19 process in enforcement or it ends up in
20 negotiations, we really need the facts.

21 In the case of tomatoes, the end
22 result was we established reference prices for

1 Mexican tomatoes and contained strong monitoring
2 and enforcement provisions, largely carried out
3 by the Department of Agriculture, that included
4 border inspections to prevent the importation of
5 low quality, poor condition tomatoes from Mexico
6 that can have price-suppressive effects on the
7 market.

8 The agreement also closes loopholes
9 that have effectively permitted sales below the
10 prior reference point. That was a victory for
11 American growers and generated \$426 million in
12 revenue for Florida tomato farmers in 2019 alone.

13 Since the beginning of the current
14 administration, Commerce has negotiated 281 new
15 antidumping and countervailing duty
16 investigations, a 260 percent increase from the
17 comparable period of the previous administration.

18 We currently administer 531 AD/CVD
19 orders against unfairly traded foreign goods, an
20 all-time high. No other administration has ever
21 come close to this level of trade enforcement
22 activity.

1 But we rely on American producers,
2 their workers, and their representatives in
3 Congress to alert us to unfair foreign trade
4 policies and unfair pricing in the U.S. market.

5 Over the two days of these hearings,
6 trade enforcement teams from Commerce will listen
7 to the oral testimony and will further study all
8 of your written submissions. We're eager to hear
9 from you about the obstacles you face in your own
10 market and what the administration can do to
11 address them.

12 Thank you again for the many long
13 hours of hard work you do to feed our families
14 with the highest quality food. Now, I turn the
15 platform back over to walk you through the agenda
16 for today's hearing and introduce the panelists.
17 Thank you.

18 MR. LIGHTHIZER: Great. Thank you very
19 much, Secretary Ross. And let me just say that
20 all of us in the administration couldn't have two
21 better people in those enforcement jobs than
22 Secretary Purdue and Secretary Ross, in their

1 extraordinary work in expanding markets for U.S.
2 agriculture, but also insisting on fair trade in
3 the United States.

4 So, with that, we will turn to our
5 witnesses. Our first witness will be Congressman
6 Vern Buchanan, and we look forward to your
7 testimony, Congressman.

8 REP. BUCHANAN: Can you hear me all
9 right, Ambassador?

10 MR. LIDTHIZER: Yes, you're coming
11 through. Unfortunately, we can see you also.

12 (Laughter.)

13 REP. BUCHANAN: Okay. Well, thank you
14 for your leadership on this issue, it's a big
15 thing, as you know, in Florida, we've had many
16 discussions about it.

17 My name is Vern Buchanan and I
18 represent Florida's 16th Congressional District.
19 I want to thank you for allowing me the
20 opportunity to address how Mexico's unfair trade
21 practices are harming Florida growers of seasonal
22 fruits and vegetables and affecting their ability

1 to survive.

2 Since 2000, Mexico has given the
3 Florida fruit and vegetable industry the short
4 end of the stick, because Florida and Mexico
5 share a similar growing season and produce a
6 number of the same fruits and vegetables.

7 Producers have been very hard hit by
8 Mexico's unfair trade practices that have enabled
9 unfairly priced Mexican produce to flood across
10 the borders.

11 While we grow the highest quality
12 produce in the world and can compete with anyone
13 in a global marketplace, our produce industry is
14 struggling against these unfair trade practices.

15 Mexico has systematically eroded the
16 Florida industry's revenues, market share, job
17 numbers, and ultimately, its ability to be
18 competitive.

19 The livelihood of Florida farmers and
20 families they support have been forever altered,
21 with many of the multi -- including many
22 multigenerational families being shuttered for

1 good.

2 Via the after study confirms that
3 absence effective and timely and lasting relief,
4 jobs and revenues will continue to be lost in
5 high numbers. And with agriculture representing
6 the state's second largest commercial sector, no
7 other industry competes at that level.

8 As the co-chairman of the 29-member
9 delegation, third largest delegation in the
10 country, I can tell you, every member, Democrat
11 and Republican, all 29, including the two
12 Senators, are very committed to making sure
13 something happens here.

14 I know, personally, I'm committed to
15 leveling the playing field for our farmers as one
16 of my top priorities, along, I could honestly,
17 candidly say, all the other members as well.

18 For the last 20 years, from 2000 to
19 2019, Florida has lost \$1 to 3 billion each year,
20 \$1 to 3 billion for 20 years. The Mexican fruit
21 and vegetable industry has carved out more and
22 more of the U.S. marketplace.

1 Eighty-five percent of our growers
2 have suffered sizable market share declines over
3 that period, while Mexico sector, in terms of
4 their increase, has been a massive 217 percent.
5 So, we're losing \$1 to 3 billion for the last 20
6 years, average, so it's tens of billions of
7 dollars, and they're up 217 percent.

8 The hardworking men and women of
9 Florida that produce the fresh, nutritional
10 produce that Americans consume every day are
11 suffering growing losses as Mexico continues to
12 dramatically increase its market share. We owe
13 it to Americans to provide Florida farmers with
14 the necessary tools to compete in a fair
15 marketplace.

16 In recent years, Mexico exports of
17 bell peppers, tomatoes, watermelons, sweet corn,
18 lettuce, and similar products have enjoyed
19 double-digit annual growth.

20 In fact, just this year, in 2020,
21 Mexico produce shipments have been so
22 substantial, the USDA had to revise its

1 projection to reflect another \$300 million
2 increase of Mexican produce.

3 Florida farmers for the past winter
4 and spring marketing period were forced to plow
5 their crops under and sustained staggering losses
6 as Mexican's competition intensifies and many of
7 our outlets are shutting down.

8 This year's experience serves as a
9 renewed reminder that Mexican's industry aims to
10 continue expanding its control over the U.S. fall
11 and spring produce market, until the Florida
12 industry simply ceases to exist.

13 If this were to happen, our country
14 would have to rely solely on foreign producers to
15 satisfy our fruit and vegetable demand from fall
16 to spring.

17 Mexico unfair trade practices are a
18 direct threat to the produce industry. Florida
19 farmers need to know that we have their back and
20 will do what it takes to save the industry.

21 I, therefore, respectfully urge USTR
22 to launch in the near future a trade action that

1 can reliably stop these unfair trade practices
2 and enable our Florida producers to compete in
3 U.S. market on a fair and lasting basis. And
4 with that, Mr. Ambassador, I yield back.

5 MR. LIGHTHIZER: Thank you very much,
6 Congressman. I would just testify myself to the
7 diligence that you have had and that Senator
8 Rubio and Senator Scott and Congressman Soto, and
9 I could go right down the list of those who are
10 testifying, have had.

11 Because I know, I've met with you many
12 times, I've talked to you on the phone many times
13 with the other people, we've had group meetings,
14 I know Secretary Purdue has been involved in
15 them, Secretary Ross.

16 So, as I said in my opening statement,
17 we're so grateful for the diligent way you are
18 representing this important part of our U.S.
19 economy.

20 I think our next witness is, there's
21 some technical issue, but is Congressman Soto is
22 our next witness. Thank you very much,

1 Congressman Buchanan.

2 REP. BUCHANAN: Thank you.

3 REP. SOTO: Good morning and thank you
4 for having me here today. Can you all hear me?

5 MR. LIGHTHIZER: Yes, yes --

6 REP. SOTO: Okay, great.

7 MR. LIGHTHIZER: -- we can.

8 REP. SOTO: Thank you. You said
9 technical issues, so I just wanted to make sure.
10 I'm Congressman Darren Soto, representing the
11 Central Florida area, broadcasting to you live
12 from Kissimmee, Florida.

13 As many of you know, Central Florida
14 is home to cattle, citrus, tomatoes,
15 strawberries, and blueberries. Throughout the
16 history of Florida agriculture, we have primarily
17 focused on producing winter fruits and vegetables
18 that are first in the market from early winter
19 through early spring. In short, this is our
20 window of opportunity, this is our traditional
21 season.

22 Many discussions with -- I want to

1 thank U.S. Trade Representative Lighthizer for
2 the many discussions he's had with our delegation
3 and also his commitment to Florida's second
4 largest industry.

5 Over the last 25 years, the issue of
6 seasonality has threatened the very existence of
7 Florida's fruit and vegetable industry. I'll
8 focus my discussions on blueberries,
9 specifically.

10 As many of you many know, the
11 University of Florida, our land-grant college,
12 developed blueberry varieties that grow in our
13 world famous warm climate.

14 This industry has come to prominence
15 over the last 40 years and has become a popular
16 crop for Florida's farmers. And late in the year
17 to early winter, our local farmers roll up their
18 sleeves, cultivate these growth, and produce
19 world class blueberries.

20 So, what's the problem? In short,
21 Mexico growers utilize unfair trade practices,
22 such as government subsidies, cheap labor, and

1 suspect environmental practices, among other
2 unfair practices, to produce an artificially low
3 priced blueberry.

4 Add Mexico growers' dumping practices,
5 flooding the market with cheap subsidized
6 product, and the result has spelled disaster for
7 Florida's blueberry industry.

8 The economic damage has been
9 particularly acute within the last 15 years. For
10 example, in 2007, Florida growers had nearly one-
11 third of the blueberry market share, while the
12 market share for Mexico growers was negligible.
13 As of 2019, Mexico accounts for nearly 30 percent
14 of the blueberry market and Florida's market
15 share shrunk to about 16 percent.

16 However, market shares don't encompass
17 the entire problem. Price and supply costs are
18 leveraged aggressively by Mexican growers,
19 leaving Florida growers at a distinct
20 disadvantage.

21 Florida and Mexico had near parity for
22 price per flat at about \$24 between 2015 to 2019.

1 However, sometimes, Mexico's pricing can be as
2 low as \$10 to \$15 per flat, for the reasons
3 discussed above, the unfair trade practices
4 already outlined.

5 These prices force Florida to charge
6 similar prices during the same growing season,
7 essentially setting an artificial floor, severely
8 reducing revenues, profitability, and long-term
9 viability.

10 For example, the average number of
11 pounds exported from Mexico between 2015 and 2019
12 was 46.8 million pounds, while Florida produced
13 an average of 20.4 million pounds. Coupled with
14 lower flat prices and fixed shipping costs, this
15 has been a disaster for Florida blueberry
16 growers.

17 Furthermore, under previous and
18 current trade policies, Florida specialty crop
19 farmers, especially seasonal and perishable
20 farmers, do not have any current legal remedy to
21 challenge these overly aggressive tactics.

22 This is where we think we can do

1 better, by giving them either standing or by
2 monitoring by the USTR, to actively police these
3 areas, could make a huge difference in the long
4 run. These aggressive tactics have forced our
5 local farmers to choose between their
6 multigenerational farms and their livelihood.

7 My constituent growers have
8 consistently told me over my 13 years as a state
9 legislator, combined with my Congressional
10 career, that they can compete with anyone, as
11 long as their hands aren't tied behind their
12 backs, as long as it's a fair and level playing
13 field.

14 These unfair trade practices and a
15 lack of legal remedy do just do this, without
16 continued oversight of any Mexican grower bad
17 actors, the robust Florida seasonal produce
18 industry will be eliminated forever.

19 Therefore, in order to save the
20 specialty crop industry and Florida's food
21 producers, including blueberry growers, we
22 respectfully urge the USTR's full and fair

1 consideration of an investigation into any
2 possible Mexican trade practices and policies
3 that are burdening and restricting U.S. commerce
4 under the Trade Act of 1974.

5 We also ask you all to look to the
6 Defending Domestic Produce Production Act,
7 H.R.101, a bipartisan bill that grants standing
8 to those who are in the seasonal and perishable
9 producer industry, to bring important relief
10 based upon unfair trade practices and harm that
11 they uniquely suffer during their discrete
12 seasonal periods.

13 These mechanisms would ensure that
14 they have the unique ability to bring claims
15 based upon these violations during their seasonal
16 and perishable product windows.

17 And with that, I just want to thank
18 Trade Representative Lighthizer once again and
19 your esteemed team for the great work you did on
20 USMCA and let's work together to see if we can
21 improve it from there. Thank you.

22 MR. LIGHTHIZER: Great. Thank you very

1 much, Congressman, we appreciate the comments and
2 we will certainly consider your testimony very
3 heavily.

4 Our next witness is Senator Rubio, who
5 I believe is hooked up. Senator, you have the
6 floor.

7 SEN. RUBIO: Yes, can you hear me?
8 Thank you. I'm sorry about that, I tried to do
9 that video link, but I guess I needed to down the
10 app, I was having trouble with it. But I hope
11 you can hear me fine.

12 And I want to thank you Ambassador and
13 Secretary Purdue and Secretary Ross for putting
14 together this important hearing and for the
15 opportunity you've given all of us to be on this
16 call to advocate on behalf of our constituents
17 and from my perspective and Senator Scott's, our
18 home state.

19 And I think I can say on behalf of
20 Florida and all the growers, we want to thank you
21 for the serious and strong attention that you're
22 paying to the harm that Florida seasonal growers

1 are suffering from, I don't think it can be
2 called anything but unreasonable trade-distorting
3 practices on the part of Mexico.

4 And you're here, let me just say this,
5 I know you're here because you respect these
6 growers. And for the people of Florida, these
7 growers and the people they employ, the people
8 they serve, and I believe the people of this
9 country that depend on these growers for fresh
10 produce, especially during the winter months,
11 this is a really important topic.

12 And so, like I said, I wanted to begin
13 by expressing my gratitude for giving them the
14 respect I believe that they deserve.

15 I also want to acknowledge that you're
16 here because you made a promise to us that you
17 would hold these hearings and I thank you for
18 keeping that. You made it publicly, you made it
19 privately, that this would be examined, and today
20 is part of keeping that promise and we're
21 grateful for that.

22 So, as I'm sure you're all aware, as

1 part of the materials submitted to you for the
2 testimony you'll hear today, Florida is obviously
3 the country's leader in producing seasonal
4 products, such as the fresh tomatoes and squash,
5 et cetera. It's second in producing other
6 seasonal and perishable produce, think bell
7 peppers, strawberries, and many other things.

8 And of course, I'm biased, but I think
9 our produce, we produce the best fruit and
10 vegetables in the country. And during the winter
11 and spring, in particular, when other producers
12 are not yet harvesting, our South Florida growers
13 are feeding more than 150 million people.

14 So, as you can see, this industry
15 really has a very viable argument to make that
16 they're critical to our national food supply, and
17 I think we have learned here over the last few
18 months that the ability to provide for ourselves,
19 especially in a time of great need, is something
20 that, unfortunately, over the previous years,
21 administrations in both parties have neglected,
22 and I'm glad to see this administration takes

1 seriously.

2 So, you will hear from those who are
3 impacted directly. You'll hear about over how
4 the last 20 years, their ability of these growers
5 to provide for the nation has been eroding and
6 it's been due in large part to unfair pricing,
7 coming from Mexico.

8 Unlike growers in other parts of the
9 country, Mexico's growers don't share our
10 seasons.

11 So, I want to -- there's a quote that
12 I think you have from the Florida Fruit &
13 Vegetable submission to you. It talks about how
14 in 2009, our fruit and vegetable farming sector
15 contributed 39,000 jobs, over \$6 billion to our
16 economy.

17 By 2018, the numbers for the sector,
18 while still very important, had tumbled to 27,000
19 jobs and down to half, \$3.2 billion to our
20 economy. And these losses perfectly correspond
21 with these radical increases in Mexican produce
22 shipments and Mexican market share during the

1 same period of time.

2 And these imported products are priced
3 unfairly low and it's largely due to the fact
4 that these growers in Mexico are receiving
5 significant subsidies, that are provided directly
6 to their industries.

7 These subsidies, which are directed to
8 capitalizing these growers and to directly
9 enhancing their ability to export and to make
10 them competitive and dominant in the export field
11 is over 200 million annually.

12 If our growers had 200 million
13 annually of direct government assistance, they
14 would be able to compete, but they don't, because
15 we believe in fairness and freedom, in terms of
16 the trade situation, but that's not what Mexico's
17 practicing.

18 And so, this is not a matter of
19 Florida growers needing to adjust to a more
20 competitive global market, or even some failure
21 on their part to modernize.

22 This is simply a matter of the fact

1 that these growers and Florida produce is in the
2 direct crosshairs of these unfair trade
3 practices. They are, in essence, deliberately
4 trying to put them out of business by heavily
5 subsidizing the domestic industry inside of
6 Mexico.

7 And you think about what's happened
8 during the pandemic, as I said, it's been even
9 harder on the growers, they've been slammed by
10 it. Their economic maintain the course
11 exacerbated by the same unreasonable and trade-
12 distorting trade practices that have been harming
13 them for many years.

14 And the Mexican market share is
15 meaningfully up in 2020, relative to the same
16 month last year. Meanwhile, the subsidy activity
17 is up in 2020 as well, demonstrating that even a
18 global emergency is not going to stop this
19 assault on our seasonal produce.

20 They are being targeted for
21 elimination by these practices, that's what
22 they're trying to do.

1 And by the way, once that happens,
2 then I predict, as market conditions generally
3 behave, once you kind of corner the market, then
4 you can price it at any time you want. And so,
5 anybody arguing that this is good for American
6 consumers, because of lower prices, that's only
7 until there's no competition left.

8 So, I believe that as we turn towards
9 economic recovery from the pandemic, our Florida
10 producers, they desperately need this problem to
11 be addressed, to have any hope of sharing in that
12 recovery, if we even hope to have an industry in
13 five, seven, ten years.

14 All the seasonal produce growers in
15 the Southeast are hurting and they require real
16 help. And here's -- what we basically are asking
17 for is fair trade with our neighbors, nothing
18 more, nothing less.

19 Again, I want to thank you for your
20 attention to this issue and I'd also like to
21 remind you that there's nothing less than real,
22 effective, timely, enforceable relief that really

1 is suitable for the particular needs of these
2 growers.

3 The remedy, in my view, and it serves
4 to see that best fits that description is a 301
5 action. If another remedy is proposed, it would
6 have to meet the same standards of real,
7 effective, timely, enforceable, and industry
8 appropriate relief in order to be meaningful.

9 The USMCA, I think the administration
10 needs to be commended, it was a victory for our
11 economy in general. But -- and I do believe that
12 it puts us on a more even playing field,
13 generally speaking, with regards to protecting
14 American workers and promoting opportunities for
15 dignified work, and it strengthens our
16 relationships with our neighbors in Canada and
17 Mexico.

18 However, as I said at the time and I
19 repeat now, Florida growers were not protected by
20 this agreement. It may be good for the overall
21 economy, but for this important industry, they're
22 not protected. In fact, I could argue that they

1 were sort of left out of the agreement.

2 And as you guys have assured us on
3 multiple occasions that that situation would not
4 be the final word on this, that the livelihood of
5 Florida growers would not be one of the embedded
6 price tags of the USMCA.

7 So, we're truly hoping that that can
8 be followed up by some action that can help save
9 and support an industry.

10 And again, look, I want to thank you
11 all for inviting me to participate, for hosting
12 this hearing. I know we've been waiting to have
13 it, and through no fault of anybody on this call,
14 have been delayed, but I'm glad we were able to
15 get it off the ground and I'm grateful that
16 you've given me the opportunity today to have my
17 voice heard on it. So, thank you again for the
18 chance to be a part of it.

19 MR. LIGHTHIZER: Thank you very much,
20 Senator, for your testimony. We'll certainly
21 take it under consideration. Thank you also for
22 your steadfastly representing this important part

1 of the U.S. economy and engaging with us so often
2 on it.

3 Our next witness is Congressman
4 Steube. Congressman, you're on the screen and
5 you have the floor.

6 REP. STEUBE: Thank you, sir. I'm Greg
7 Steube and I represent Florida's 17th
8 Congressional District, an area that represents
9 many of Florida's fruit and vegetable producers,
10 one of Florida's largest agricultural districts.

11 Thank you for the time and taking the
12 time to hear the background and information on
13 crucial issues that deeply affect all Americans.

14 As you know, the entire Florida
15 delegation signed the letter in July, led by my
16 team which requested that your agency hold these
17 hearings and continue addressing the unfair
18 Mexican trade practices that have severely harmed
19 the Florida produce industry for the last 20
20 years.

21 I greatly appreciate USTR's commitment
22 to addressing the issue and urge USTR to take

1 actions immediately that will provide a
2 sustainable, long-term solution.

3 Seasonable produce is vital to the
4 state of Florida, which ranks as the largest
5 producer of many seasonable and perishable
6 products in the country.

7 The Florida fruit and vegetable
8 industry is especially vital to the health of my
9 Congressional district, as I'm proud to represent
10 the largest citrus producing district in the
11 nation and many other growers of nutritious
12 seasonal produce.

13 Although our state produces many of
14 the same crops as Mexico, the imbalance of the
15 market landscape continues as unending stream of
16 Mexican produce floods our U.S. markets at prices
17 and in volumes that Florida farmers simply cannot
18 compete with.

19 For too long, Florida farmers of fresh
20 produce have suffered from Mexico's unreasonable
21 trade-distorting practices. Over the past ten
22 years, for example, Mexico increased imports to

1 the U.S. by 551 percent, creating
2 disproportionately hard hitting impacts to
3 Florida and Florida's economy.

4 From 2000 to 2019, we lost upwards of
5 200 million in tax revenue for our state's
6 economy and 1.1 to 1.2 billion in sales and
7 nearly 40,000 Florida jobs, as a result of the
8 Florida produce industry's dwindling market
9 share.

10 Of course, as you know, this hasn't
11 been earned fairly. Mexico's government heavily
12 subsidizes virtually all aspects of its specialty
13 crop production, amounting to an average of 200
14 million per year.

15 Program subsidies continued to surge
16 aggressively each year. As a result, produce is
17 priced artificially low and floods the market
18 during the same market window for Florida
19 growers.

20 Because of this, Mexico is now the
21 largest exporter of fruits and vegetables to the
22 U.S. market during Florida's winter growing

1 season. This has given some Florida farmers no
2 choice but to shut down, since there's no trade
3 mechanism available to combat these unreasonable
4 practices that are systematically taking over
5 U.S. markets.

6 If we lose Florida farmers, the U.S.
7 could be forced to rely solely on foreign produce
8 imports to feed Americans during the fall,
9 winter, and spring months, which I think would be
10 disastrous on a lot of different levels, not just
11 for the impact that it would have on our
12 communities, but the impact it would have on our
13 national security.

14 With the increase of Mexican imports
15 seen during the onset of the COVID-19 pandemic,
16 the Florida industry's level of concern and
17 frustration over Mexico's unfair fruit and
18 vegetable practices is at an all-time high.

19 From January through April of this
20 year, when so many of our Florida growers were
21 forced to plow their crops under, the Mexican
22 produce industry continued to increase its U.S.

1 market share by 17 percent versus the same period
2 of 2019, and often at record low prices.

3 With Mexico's unfair trade practices
4 in this industry continuing at a rapid pace, our
5 Florida growers are counting on your plan to give
6 them relief and hope for the future of their
7 businesses.

8 A timely trade remedy is needed to
9 help save our produce sectors in Florida and the
10 largest Southeast and Florida farmers deserve the
11 right to fair trade, like other U.S. sectors of
12 the economy.

13 I appreciate your candor and
14 willingness to hear our concerns regarding the
15 survival of this great American industry so vital
16 to our nation's food supply, economy, and my
17 Congressional district.

18 I respectfully urge the USTR to
19 investigate Mexico's unfair trade practices and
20 subsidy policies under Section 301 of the Trade
21 Act of 1974, or consider other remedies that will
22 give Florida farmers the ability to fairly

1 compete in their own marketplace.

2 And I greatly appreciate you having
3 this hearing today. I yield back.

4 MR. LIGHTHIZER: Thank you very much,
5 Congressman. We appreciate your testimony and
6 we'll certainly take it under consideration.

7 Our next witness is Congressman Spano.
8 Congressman, are you there? You are, you're on
9 the screen.

10 REP. SPANO: Yes, yes, yes, thank you.
11 Good morning and thank you so much for taking the
12 time to meet today to discuss one of the most
13 important issues for me, for my district, and for
14 the entire state of Florida, I would argue.

15 I would also like to thank the members
16 of the panel today for not only attending the
17 hearing, but also for holding the hearing in my
18 district, initially it was scheduled to be in
19 Plant City, but now have had to do it virtually,
20 but grateful that that was initially scheduled
21 here.

22 As many of you know, Plant City has a

1 very, very rich history growing strawberries,
2 dating back to the mid-18th century. Mid-1800s,
3 I should say.

4 The warm Florida climate allowed our
5 ancestors to grown strawberries in the winter
6 months, which caused our town, Plant City, to
7 bloom, and it put us on the map.

8 Today, our hardworking growers plant
9 more than 10,000 acres of strawberries every
10 year, which bring in hundreds of millions of
11 dollars to our community.

12 Through their persistent hard work and
13 dedication, Plant City is now known as the winter
14 strawberry capital of the world and it produces
15 over three-quarters of all winter strawberries
16 grown in the United States.

17 We're currently proud of this history
18 and it continues to be a vital part of our
19 culture. Plant City has held an annual
20 strawberry festival since 1930, which today
21 attracts thousands of visitors from around the
22 country.

1 And last year, we were honored to host
2 Ambassador Doud at the festival, to showcase how
3 vital strawberries are to our community. Sadly,
4 our growers, their families, and our way of life
5 in Plant City are under siege.

6 For years, the Mexican government has
7 been actively subsidizing Mexican growers,
8 permitting them to grow below-cost produce, and
9 then dumping those cheap fruits and vegetables
10 into the United States.

11 These one-sided trade practices place
12 our growers in an unwinnable position and are
13 slowly pushing Plant City strawberries out of the
14 business altogether.

15 This situation is clearly borne out by
16 the data. Since 2000, Mexico has been financing
17 billions of dollars in agriculture subsidies to
18 pay for equipment and technology that our growers
19 must supply for themselves.

20 For protected fruits and vegetables,
21 such as strawberries, the Mexican government
22 typically covers 50 percent of the cost of every

1 project. These subsidies, coupled with lower
2 cost labor, have resulted in dramatic changes in
3 our agricultural economy.

4 Since 2000, the amount of land in
5 Mexico used for protected fruits and vegetables
6 has soared from approximately 300 acres to
7 130,000 acres.

8 This has caused the value of Mexican
9 produce shipped to the United States to increase
10 by more than 500 percent and the value of Mexican
11 strawberries imported into the United States to
12 grow by more than 1600 percent.

13 This growth, caused directly by
14 subsidies from the Mexican government, comes at
15 the expense of growers in Plant City and across
16 Florida.

17 In the last 20 years, Florida growers
18 have lost between \$1.1 and 2.2 billion in sales,
19 leading to nearly 40,000 lost jobs in Florida.
20 And in strawberries alone, our growers have
21 suffered hundreds of millions in losses in sales
22 and a 36 percent reduction in market share in the

1 U.S. since 2000.

2 Sadly, it appears Mexico plans to
3 double-down on these unfair trade practices.
4 Subsidies for strawberries and other produce have
5 increased in 2019 and 2020.

6 Mexico's current President, Lopez
7 Obrador, has openly stated he plans to expand
8 subsidies to Mexican producers and plant,
9 quote/unquote, one billion hectares of fruit and
10 timber in Mexico.

11 Furthermore, in addition to enacting
12 broad subsidies, Mexico is specifically targeting
13 Florida strawberry growers.

14 Normally, the price of produce
15 increases the farther it is shipped. So, it
16 stands to reason that produce shipped from
17 Western Mexico, where most of their crop is
18 harvested, should reflect the price of the
19 journey.

20 However, the data reveals the
21 opposite. Strawberries shipped Mexico to
22 California average \$17 a case, whereas

1 strawberries shipped from Mexico to Florida
2 average \$12 to 15 per case.

3 This shows a conscious effort to drive
4 Plant City growers out of business. If these
5 trends continue, our growers are expected to
6 continue suffering hundreds of millions of
7 dollars in losses.

8 The situation is truly dire and if a
9 solution is not provided and fair trade practices
10 restored, the strawberry industry in Plant City
11 could be completely eradicated within just a few
12 years.

13 The testimonies from my colleagues
14 that will be presented today and the data
15 submitted for the record duly reveal the
16 emergency my growers face. However, the growers
17 in Plant City and across Florida can tell this
18 story better than I or the data ever could.

19 Today, we're here to put faces to
20 figures, to show the beyond the data of the harm
21 that the Mexican government is doing to our
22 community and to emphasize the need for immediate

1 and effective relief.

2 Thank you again for your time. I
3 yield back.

4 MR. LIGHTHIZER: Great. Thank you very
5 much, Congressman. We appreciate that. We will
6 certainly take your testimony into consideration.

7 I'm told that right now, there is a
8 couple of witnesses that are having technical
9 issues. I think we will pause for about three or
10 four minutes and give them a chance to hook up
11 again.

12 (Whereupon, the above-entitled matter
13 went off the record at 9:53 a.m. and resumed at
14 10:05 a.m.)

15 CHAIR KIMMITT: As you may have
16 noticed, we're ahead of schedule and appreciate
17 all the participants' flexibility, particularly
18 as we're also dealing with technical issues. I'd
19 now like to welcome our next witness,
20 Commissioner Nikki Fried from the Florida
21 Department of Agriculture and Consumer Services.

22 MS. FRIED: Good morning. Can you all

1 hear me? Yes.

2 CHAIR KIMMITT: Yes.

3 MS. FRIED: Good morning. Ambassador
4 Lighthizer, Secretary Perdue, Secretary Ross, and
5 members of the Hearing Committee, as Florida's
6 Commissioner of Agriculture, I thank you for the
7 opportunity to address the urgent need for timely
8 and effective remedies to protect U.S. seasonal
9 producers from unfair Mexican trade practices
10 that continue to devastate our domestic
11 agriculture industry. With \$137 billion economic
12 impact, agriculture is Florida's second largest
13 industry and first during times of economic
14 downturns, like we are currently experiencing due
15 to COVID-19.

16 Our 47,000 farms support over 2
17 million hardworking men and women, keeping our
18 food supply strong and our nation's families fed.
19 Our farmers are resilient, throughout challenges
20 like hurricanes, droughts, wildfires, invasive
21 species, trade wars, and now global pandemics.
22 Our farmers also suffer from increased and unfair

1 foreign competition with the USMCA's entry into
2 force on July 1st.

3 For 25 years, NAFTA allowed domestic
4 markets to be flooded with cheap produce from
5 Mexico, due to its government's agricultural
6 subsidies as well as lower labor costs and safety
7 standards. Domestic producers have been hopeful
8 that these unfair practices would be addressed
9 with the renegotiation of NAFTA. But they found
10 themselves on the cutting floor as the USMCA was
11 finalized.

12 Our seasonal producers cannot afford
13 to operate while these unfair trade practices
14 continue unabated. I am proud to speak out today
15 on behalf of Florida's farmers and to implore the
16 administration take immediate action to provide
17 remedies that are both effective and timely to
18 protect them from further harm.

19 Following the USMCA's entry into
20 force, I shared with Ambassador Lighthizer the
21 study you have before you today that our
22 department conducted on the impact of Mexico's

1 agriculture exports on Florida agriculture since
2 2000. Dan Sleep from our department will be
3 speaking to this report in greater detail during
4 his testimony in just a few minutes. And while
5 we know these unfair trade practices impact
6 farmers beyond Florida, from Georgia to Mexico to
7 Washington state, we wanted to provide the
8 Administration with a snapshot of the devastating
9 impact they have had in our state.

10 One cannot deny the harm being caused
11 when faced with the data. But I implore the
12 members of this hearing committee and the
13 administration to see these figures not only as
14 numbers on a chart but as an attack on American's
15 livelihood. They are generations of family
16 businesses, jobs sustaining local communities,
17 and food on the plates of our children.

18 I am thankful that the administration
19 will have the opportunity to hear directly from
20 the farmers, families, and communities that are
21 suffering due to lack of access to unfair trade
22 remedies, first under NAFTA and now under USMCA.

1 After seeing the numbers and hearing their
2 stories, there can be no doubt as to the
3 seriousness of this issue and a dire need for
4 this administration to take immediate action
5 under its existing trade authority to stem the
6 losses with our domestic seasonal produce
7 industry. With the USMCA now in full force, the
8 clock is ticking for your agencies to help us
9 protect seasonal producers across the United
10 States.

11 The need for timely and effective
12 remedies is even more urgent now, as these same
13 growers continue to suffer steep losses due to
14 COVID-19 disturbances. The Florida Department of
15 Agriculture and Consumer Services stands ready to
16 assist our federal and industry partners as we
17 move forward towards long overdue solutions.
18 Florida remains united in fighting for fairness
19 for all of our farmers. Thank you again for this
20 opportunity to testify and for giving a voice to
21 our producers.

22 MR. DOUD: Thank you, Commissioner.

1 We have spoken over the phone before but not met
2 face to face. I'm Ambassador Greg Doud, Chief
3 Agriculture Negotiator at USTR. I was wondering
4 with regard to your testimony and that of Mr.
5 Sleep's, are you available to answer a question
6 or two here or would you like to pose those to
7 Mr. Sleep?

8 MS. FRIED: You can ask me any
9 questions.

10 MR. DOUD: Did she -- Commissioner,
11 did you hear my question? Apparently, she can't
12 hear me. Commissioner, can you hear me?

13 MS. FRIED: I can't hear anything.

14 MR. DOUD: She can't hear me. Okay.

15 MS. FRIED: I can't hear anything.

16 Sorry.

17 MR. DOUD: I'm trying. Okay.

18 MS. FRIED: I don't know if it's on
19 your end or ours.

20 MR. DOUD: I don't know either. Let's
21 see. Can you hear me now, Commissioner? Still
22 no luck. Under Secretary McKinney, can you hear

1 me? I'm looking at you here.

2 MR. MCKINNEY: Yes, I can hear you,
3 Ambassador.

4 MS. FRIED: If you're trying to ask us
5 questions, I can't hear anything. I'm so sorry.

6 MR. DOUD: Okay, okay. No problem,
7 Commissioner. We'll go to -- onto our next --
8 right. Well, but thank you, Commissioner Fried,
9 and apologies for the technical difficulties. We
10 might throughout the day have follow-up questions
11 for additional witnesses who are providing
12 testimony.

13 With that, I'd like to welcome Mr. Dan
14 Sleep from the Florida Department of Agriculture
15 and Consumer Services.

16 MR. SLEEP: Thank you, and good
17 morning. It's great to be here. I appreciate
18 today's opportunity to discuss how NAFTA and the
19 USMCA have impacted Florida agriculture
20 producers. For the last 20 years, much of my
21 focus has been conducted marketing operations for
22 our division, producing research, and quantifying

1 impacts of our domestic and international
2 programs, as well as examining adverse events
3 that impact our farmers, ranging from hurricanes,
4 freezes, product recalls, and most recently the
5 competitive trade environment.

6 During 2017, our bureau implemented an
7 advanced database and analytics capability, which
8 allowed us for the first time to examine large
9 data sets of commodity movement and pricing
10 information and organize these into a series of
11 comparative historical graphs. Many of you have
12 copies of that report today. We essentially
13 imported the entirety of the USDA's movement
14 data, covering more than two dozen fresh
15 specialty commodities from every country in the
16 world with a record and every U.S. state.

17 We do this to include every piece of
18 data from every day for more than 20 years. Our
19 team then began to research how Florida had
20 fared during NAFTA, beginning with available
21 records from the year 2000 through 2016. Today,
22 we've added to our findings and recently

1 completed work on our report examining this
2 information and the change in conditions through
3 2019.

4 Long term from 2000 to 2019, Florida
5 farmers have lost 40 percent of their starting
6 market share position, while Mexico gained 217
7 percent. That isn't just a percentage. That
8 number represents minimally \$1 to \$2 billion of
9 Florida economic growth, over 100 million in
10 operating revenues for state, county, and cities,
11 and countless business and personal opportunities
12 unfairly lost.

13 In 2000, Florida's specialty
14 commodities were valued at about \$1 billion more
15 than Mexican specialty crop imports to the entire
16 United States. However, Florida's cash receipts
17 declined from 3.3 billion in 2000 to 2.4 billion
18 in 2018, a decrease of 28 percent. While Mexico
19 continued to expand from 2.3 billion in 2000 to
20 13.5 billion in '18, and most recently 15 billion
21 in 2019, and extraordinary 550 percent expansion.

22 While this was occurring in the last

1 year, our team of designers and analytics built
2 the capability to track specialty crop pricing in
3 terminal markets across the United States. This
4 gave us insights for the first time to unfair
5 pricing conditions, and that can be found in the
6 report that we've given you today. Throughout
7 this research project, it has been fair too easy
8 to identify the negative impacts on our
9 industries and practices, which appear to
10 restrict and reduce the U.S. producer's ability
11 to remain in business.

12 We are here today to offer our support
13 and findings to help the administration better
14 understand how the competitive environment has
15 devolved during NAFTA and the USMCA. Our goal is
16 simple, to provide the most current data analysis
17 so that policymakers can craft an actable trade
18 agreement to help secure the future of Florida
19 agriculture. Thank you very much.

20 MR. DOUD: Thank you, Mr. Sleep. We
21 have time for some questions here from all of us.
22 And the first question I wanted to ask you, and

1 we'll gang up on you since we didn't get to ask a
2 question of Commissioner Fried.

3 So you mentioned this analytical tool,
4 and I think that's very interesting. Could you
5 give us a little further explanation or expansion
6 on this tool and how you see the imports of
7 seasonal products impacting markets in the
8 southeastern part of the United States using that
9 tool?

10 MR. SLEEP: Yes. I think first I
11 would say that without one of the finest
12 databases in the country, in the world perhaps,
13 the USDA's Movement and Pricing Databases and the
14 dedicated individuals there that maintain that,
15 we wouldn't be able to do any of this. So we
16 basically access those databases, import them
17 into a system, an analytics platform, basically a
18 computing tool called Einstein Analytics. And
19 this helps us to organize that data in ways that
20 are easy for us to look at.

21 The things that would be, let us say,
22 almost impossible for me to do with a small

1 staff, even though they're dedicated. The small
2 staff that I would have would take hundreds, even
3 thousands of hours to do, we can do in a matter
4 of minutes sometimes and then spend our time
5 actually looking at and understanding how to
6 design and give those reports to you. And we've
7 done that today. Does that answer your question?

8 MR. DOUD: Yes, thank you. I'll turn
9 it over to Under Secretary McKinney for a moment.

10 MR. McKINNEY: Hi, Dan. And
11 Commissioner, it was good to hear your comments
12 as well. Am I coming through okay?

13 MR. SLEEP: You are, sir.

14 MR. McKINNEY: Great. First of all,
15 I think it's implied we'll be getting a copy of
16 that report. And I'm very interested in making
17 sure all of the terrific economists and analysts
18 here at USDA can take a look at that and fully
19 digest it. So I'll just presume that's the case.

20 The second point is, how comprehensive
21 is it? For example, we hear mostly about fruits
22 and some vegetables. You and Florida also have a

1 fair amount of oranges, mostly for juice. Is it
2 a comprehensive report that transcends virtually
3 all of your crops, seasonal, perishable there in
4 Florida?

5 MR. SLEEP: In the short response,
6 yes, any of the crops that are tracked in the
7 USDA movement report, and there's about, I think,
8 36 or so and around 25 or plus of Florida
9 commodities. And that's everything from
10 blueberries and strawberries to oranges and
11 tangelos. So anything that's in there that's
12 being tracked in a consistent fashion, which they
13 have been, we can look at those and understand
14 our relationship to Mexican producers, to those
15 exports coming in, and any other country that you
16 may want to look at. Mexico continues to be the
17 primary competitor --

18 (Simultaneous speaking.)

19 MR. MCKINNEY: And how far back do you
20 analyze the data? I'm guessing it's some number
21 of years. But just how far back does this study
22 go?

1 MR. SLEEP: The data that is in the
2 main report, the USMCA report, goes back to the
3 year 2000. That's when the first available data
4 is, and it comes forward. And then we have
5 broken that out looking at different years,
6 sometimes a few years apart, so that we can
7 understand what's happened in the last three or
8 four years, and we can quickly assemble that and
9 look at just about any time period we would want
10 or the industry would need.

11 MR. MCKINNEY: Thank you.

12 MR. SLEEP: Very welcome, sir.

13 CHAIR KIMMITT: I think we have time
14 for one more question if Assistant Secretary
15 Kessler has one.

16 MR. KESSLER: Yes. Well, thank you
17 first of all, Mr. Sleep and Commissioner Fried
18 for your testimony. I appreciate it and very
19 much look forward to reading the report. I
20 wanted to ask about the fact that you identified
21 a variety of adverse factors that have
22 unfortunately affected Florida agriculture over

1 the years.

2 You mentioned hurricanes and freezes
3 and product recalls and the competitive trade
4 environment. I'm curious. If there's -- if you
5 think there's a way or maybe in the report
6 there's a way that we can isolate the effects of
7 other countries' unfair trade practices on
8 Florida agriculture, or how you would think about
9 that and what data we should be looking to as we
10 think about that question.

11 MR. SLEEP: We've begun to examine the
12 relationships of other secondary events. I guess
13 for me and my team, we often look at those as
14 short term. For instance, COVID is a single
15 event perhaps with a three to five-month
16 duration. And so we try to isolate that. We
17 hope, of course, like everybody, that goes away
18 and it never occurs again.

19 But the unfair pricing from Mexico
20 does not go away. It continues to be observable.
21 When we look at the pricing data, we can actually
22 look at, and did in another study that you'll

1 have a copy of in January-April time frame. In
2 2020, we looked at to see -- for instance, to see
3 if any product showed up in the market under the
4 price of \$5.50.

5 For me, I was just looking to see if
6 anything would surface. Unfortunately, over
7 1,200 instances of that were identifiable in that
8 report, and that's just in that four-month
9 period. And in fact, when we look at a \$5.50
10 hypothetical price, none of those products -- and
11 that's only on the Eastern Seaboard of the U.S.,
12 is that none of those products should've been
13 delivered in those terminal markets for \$5.50
14 because it costs about that to ship it from
15 Mexico to those places. So that's of concern.

16 I think that the instrument that we've
17 developed, the analytics, capabilities allow us
18 to for the first time, as administrators and
19 policymakers, to look at that and go, is that a
20 fair price? Can we isolate that? So I guess to
21 answer your question, I hope I did, most of the
22 things that I have looked at over the years,

1 hurricanes, they come and they go. Mexico unfair
2 pricing just does not.

3 CHAIR KIMMITT: Thank you, Mr. Sleep.

4 MR. SLEEP: You're welcome.

5 CHAIR KIMMITT: I'd now like to
6 welcome our next witness, Congressman Ted Yoho of
7 Florida.

8 REP. YOHO: Good morning, everybody.
9 I assume you can hear me all right.

10 MR. DOUD: Yes, Congressman.

11 REP. YOHO: I appreciate you guys
12 taking this time. Just for the record, my name
13 is Ted Yoho and I'm honored to represent
14 Florida's 3rd Congressional District. And I want
15 to thank the U.S. Trade Representative for
16 hosting today's roundtable to address the trade-
17 distorting policies that are harming our Florida
18 farmers. And we've talked about this before, and
19 I appreciate you following through on your
20 commitment.

21 As you know, agriculture is the second
22 largest industry in Florida. Our state provides

1 a thriving environment for producers, an
2 abundance of the world's highest quality
3 nutritious fruits and vegetables. As one of
4 three Floridians on the House Ag Committee, and
5 working directly with farmers and ranchers since
6 I was at age 15, I hate to tell you that was 50
7 years ago, I know that the producers in my
8 district and across the state -- because I've
9 traveled the state, know it from Homestead,
10 Florida all the way up to the Panhandle, are
11 dedicated to producing the highest quality food
12 for Americans across the country and a large part
13 of the world.

14 Florida ranks number one in so many
15 different things from citrus to watermelons to
16 sweet corn and the list goes on and on.
17 Moreover, I'm confident that our Florida
18 producers can compete with farmers across the
19 world so long as there is an even playing field.
20 And that's what this call is about. And
21 unfortunately, that is currently not the case.

22 Florida farmers grow seasonal and

1 perishable fruits and vegetables in the fall,
2 winter, and spring months. High volumes of
3 Mexican fruits and vegetables flood into the U.S.
4 markets in the same time frame and at a price
5 Florida farmers simply can't compete with. And
6 those things have been discussed, the labor
7 issues, environmental standards, and the cost of
8 production and the subsidies from the Mexican
9 government which we have a report from the
10 University of Florida that we can reference and
11 send to you if you haven't seen it. I think,
12 Ted, we've already sent it to you.

13 The issue has been going on for more
14 than 20 years, since NAFTA went into force. The
15 seriousness of the seasonality problem has been
16 recognized before, but no action has been taken
17 other than the suspension agreement on tomatoes,
18 which took over 23 years. And during that time,
19 we saw Florida go from 300 producers in tomatoes,
20 and 65 percent of the United States' crop of
21 tomatoes, dwindle down to less than five big
22 producers in Florida and less than 30 percent of

1 the tomato crops.

2 While we were waiting for the
3 suspension agreement to correct this problem, the
4 end result is it killed the Florida tomato
5 growers. As a result, Florida farmers have been
6 left to pay the price. Our producers need
7 immediate relief, and I stress immediate relief
8 before the industry is completely decimated.

9 Mexico has been flooding the U.S. with
10 crops, including blueberries, squash, peppers,
11 watermelon, and more at an alarming rate, at
12 unfairly low prices. And there is a multitude of
13 factors keeping their prices low that have been
14 discussed already and I'll be happy to answer
15 questions on those.

16 Additionally, the Mexican produce
17 industry accession in the U.S. market has not
18 been earned fairly. The Mexican specialty crop
19 production is subsidized by their government
20 amounting to an average of \$200 million per year.
21 As a result, Florida produce industry market
22 share declined from 2000 --

1 MR. DOUD: Congressman?

2 REP. YOHO: -- to 2019 -- yes?

3 MR. DOUD: Congressman, we are having
4 technical difficulties here. You've kind of
5 faded away on us.

6 REP. YOHO: Is that better?

7 MR. DOUD: I'm not sure if there's a
8 way to bring you back or not.

9 REP. YOHO: Can you hear me now?

10 MR. DOUD: Just a little bit better.
11 Not much, sir.

12 MR. MCKINNEY: Gregg, this is Ted
13 McKinney. He's coming through clearly with me,
14 so if that helps you.

15 REP. YOHO: Well, this is something we
16 need to address, too. I think it's rural
17 broadband. That's for a different conversation,
18 though.

19 MR. DOUD: That's a little better --

20 REP. YOHO: Can you hear me now?

21 MR. DOUD: -- Congressman, right
22 there. Yeah, let's try it again. Go from there.

1 Yeah, I think we've got you back.

2 REP. YOHO: All right. So you heard
3 the part about the Mexican specialty production
4 subsidized by their government amounting to an
5 average of 200 million per year. As a result,
6 Florida's produce industry market share declined
7 from 2000 to 2019, while Mexico's grew by 217
8 percent. 217 percent. From 2009 to 2018,
9 Florida's economic contributions from the fruit
10 and vegetable farming sector was cut in half from
11 6.3 billion to 3.2 billion.

12 Mexico's unfair pricing schemes, cheap
13 labor, have helped them become the largest
14 exporters of fruits and vegetables to the U.S.
15 market during Florida's winter growing season.
16 The Mexican's government elaborate subsidy
17 enormously offsets production costs, provides
18 programs that elevate and encourage more
19 production.

20 Data shows that in 2013 alone,
21 Mexico's equipment infrastructure program
22 provided about \$400 million in government

1 subsidies for protected horticulture resulting in
2 skyrocketing production of tomatoes, bell
3 peppers, and strawberries, which are primary
4 targets to this program.

5 Mexico continues to capitalize and
6 expand its subsidy benefits for its produce
7 industry. Today, about 80 percent of Mexico's
8 produce grown under a protected structure is
9 destined for the U.S. market. Under the current
10 structure of the government's program for the
11 promotion of agriculture, all of Mexico's
12 protected agricultural structures are eligible to
13 receive subsidies up to four million pesos per
14 project, whereas in previous years, equipment
15 infrastructure have variable caps, the highest of
16 which was 2.7 million pesos.

17 The University of Florida Agricultural
18 and Applied Economics Association's Government
19 Support in Mexican Agriculture report was in
20 2018. So we've known about this for over two
21 years. Florida's specialty crop farmers have
22 been left without a mechanism to combat these

1 unfair trading practices for seasonal and
2 perishable produce for more than two decades.

3 With no current trade remedy,
4 multigenerational family farms will shut down.
5 And once they're gone, they're gone for good.
6 And just a case in point on that. I talked to
7 blueberry farmer, and I think she's on this call
8 or has been, Brittany Lee. They cut back 25
9 percent last year because of the prices because
10 they couldn't compete with Mexico. This year,
11 they had to cut back 25 percent more. So they've
12 cut back 50 percent in two years.

13 I had a cattle farmer that used to
14 grow produce. He grew all the specialty crops.
15 He's out of business on that because labor and
16 the price. He says, I can't get the price for
17 them, and this is happening all over America, or
18 in the southeast anyway.

19 I represent many blueberry and
20 watermelon growers specifically who have
21 experienced firsthand the devastating fact of
22 these unfair trade practices, and this blows me

1 away. From 2012 to 2018, the value of U.S.
2 imports of Mexican blueberries -- I want you to
3 hear this number if you haven't heard it. The
4 value of U.S. imports of Mexican blueberries in
5 this six-year period of time, 2012 to 2018, grew
6 by 708 percent with a sustained average annual
7 growth rate of 47 percent.

8 As the pandemic hit us hard, Florida
9 farmers had to plow under their harvest-ready
10 crops because of a market collapse and factors
11 outside of their control. Yet at the very same
12 time, and Ted, you and I have talked about this,
13 Mexico continued to ship crops into the U.S. by
14 hundreds of truckloads, while my farmers are
15 plowing this stuff up. Mexico shipped an
16 additional 1.5 million flats of blueberries to
17 the U.S. from January to April, versus the same
18 period in 2018, a market share increase of 64
19 percent.

20 Mexico's incremental additional
21 volumes in 2020 surpassed Florida's total
22 blueberry shipments in that period of time.

1 Mexican produce shippers from numerous years,
2 including 2020, have aggressively targeted the
3 Florida produce industry predominate eastern
4 market terminals with far lower prices than in
5 western market terminals, and we know this for a
6 fact. This has forced Florida growers to compete
7 against an unviable minimum price structure in
8 their own backyard, lending to financial
9 downfall.

10 This is not sound economic or ag
11 policies. Mexico's unjust practices have harmed
12 Florida producers, their revenues, their market
13 shares, jobs, numbers, and ultimately our state's
14 ability to remain competitive. Nearly all of
15 Florida seasonal producers have been left
16 defenseless against their unfair competitive
17 practices and the USMCA and NAFTA combined.

18 The Florida produce industry has
19 little hope for the future unless the
20 administration institutes trade relief this year
21 that can stop and reverse the hemorrhaging in our
22 industry resulting from these unfair practices.

1 I'm not going to finish that part. I just want
2 to add this one part.

3 We've all heard how the American
4 farmer feeds the world. If the seasonality issue
5 of Mexican produce competing with our farmers is
6 not corrected immediately, it'll be a phrase that
7 is meaningless. There soon will not be enough
8 people engaged in farming in the U.S. for us to
9 be food secure.

10 This is not rhetoric, and it's not
11 hyperbole. It's a fact. A nation that does not
12 have food security does not have national
13 security. If USMCA is not corrected for
14 seasonality of the southeast producers with
15 Mexico, then you will see food production go the
16 same way as the textile industry, the furniture
17 industry, et cetera. If you truly are
18 negotiating for the very best of America, then
19 why would we not do something for our farmers,
20 especially the ones in the southeast. And I
21 yield back. Thank you.

22 CHAIR KIMMITT: Thank you Congressman.

1 This concludes Session 1, and we are now going to
2 take our scheduled morning break. And we'll
3 reconvene at 11:00 a.m.

4 (Whereupon, the above-entitled matter
5 went off the record at 10:34 a.m. and resumed at
6 11:12 a.m.)

7 MR. BISHOP: Welcome back. We
8 apologize for the technical difficulty. My name
9 is Cameron Bishop. I'm a Deputy Assistant United
10 States Trade Representative. We are going to
11 continue with the Session 2 program. As we get
12 going, I'm going to kick it back over to William
13 Kimmitt to run the program, and we'll pick up
14 just where we were.

15 CHAIR KIMMITT: Thank you, Cameron.
16 And thank you to everyone for your patience as we
17 work through these issues. As we begin this next
18 session, obviously we're getting a little later
19 start than we had hoped, which will condense this
20 session a little bit. And we're going to do our
21 best to stay on schedule.

22 So we do ask if those testifying could

1 do their best to limit their remarks to the five
2 minutes. And if I do cut you off, I apologize in
3 advance, but it's just to keep us on schedule.

4 And so now we will begin our second session
5 beginning with Mr. John Hoblick from the Florida
6 Farm Bureau Federation.

7 MR. HOBLICK: Thank you, and good
8 morning, Representative Bishop, Under Secretary
9 McKinney, and Assistant Secretary Kessler. I'm
10 John Hoblick, President of the Florida Farm
11 Bureau Federation, representing nearly 140,000
12 member families. Today I'm honored to bring you
13 testimony of gratitude for the hearing today and
14 for pledges made by officials to develop and
15 implement a plan to address the trade inequities
16 that have plagued the Florida grower for decades.

17 I also bring remarks of urgency and
18 strong encouragement for immediate action to
19 enact a solution for our producers of seasonal
20 and perishable products. Like Ambassador
21 Lighthizer and the administration, Florida
22 agriculture saw it imperative to renegotiate the

1 North American Free Trade Agreement. In fact,
2 Florida Farm Bureau was the only state farm
3 bureau to oppose NAFTA in the 1990s because of
4 unfair trade environment it would create and
5 obvious damage it would cause our producer
6 growers.

7 That damage has been documented over
8 the past couple of years thanks to the work of
9 our industry leaders, experts at our state
10 Department of Agriculture, and the economists at
11 the University of Florida. The data compiled by
12 these institutions is compelling and staggering,
13 which I believe you now have in your possession.
14 For instance, in the past 20 years, the estimated
15 domestic market share for Florida alone has
16 declined by 40 percent among specialty crop
17 categories, whereas Mexico's market share has
18 skyrocketed 217 percent. You heard this figure
19 before. We're down 40 percent, Mexico is up 217
20 percent.

21 Furthermore, based on the value of
22 these commodity categories such as strawberries,

1 blueberries, sweet corn, watermelon, tomatoes,
2 and peppers, Mexican import values have increased
3 413 percent over that same time period, while
4 Florida's production remained relatively static.
5 And perhaps more shocking is this data is only
6 reflective of the impacts to one state's
7 agriculture sector.

8 Let me be clear. No longer is this a
9 dilemma confined to one state or one commodity.
10 In addition to story after story from Florida
11 specialty crop producers, you'll likely receive
12 insightful comments from asparagus farmers in
13 Michigan, blueberry growers in Georgia, or onion
14 producers in New York, all experiencing the
15 familiar unfair trade practices that will persist
16 without a remedy. Rest assured, these effects of
17 high volumes and low prices are spreading with
18 fierceness, not unlike the current pandemic that
19 we're also working under today.

20 As it has, and for the past 25 years,
21 Florida agriculture will continue to experience
22 decline in markets unless the federal officials

1 choose to respond with a seriousness and resolve
2 unlike they have ever done before. That
3 seriousness shows in the good faith commitments
4 you've made and have lived up to doing this
5 hearing today. But much more work needs to be
6 done.

7 When you do your due diligence and
8 it's complete and the comments are considered and
9 the data is analyzed, I hope you will arrive at
10 the same conclusions that we have. A Section 301
11 investigation initiated by the USTR is clearly,
12 clearly warranted. Such an investigation will
13 back up detailed analysis from the University of
14 Florida and our Department of Agriculture and
15 will hopefully deliver timely, durable, and
16 effective results and address the discriminatory
17 trade practices at play.

18 It's abundantly clear that we rest at
19 a critical juncture here today. As they have in
20 the past, farm families, some who have openly
21 considered how much longer they can stay in
22 business and sustain their livelihoods, will

1 likely approach the leaders present today and
2 ask, what did you do for fair trade when you had
3 the chance? And I hope we can tell them, as
4 industry leaders and you as federal policy
5 makers, we did absolutely everything within our
6 influence and your authority to advocate on
7 principles of fair trade for the hard working
8 farm families of Florida. Again, on behalf of
9 Florida producers, present and past, I thank you
10 for your time and efforts thus far for our
11 domestic growers and urge your continued
12 partnership towards the best long-term solutions
13 for our industry. Thank you.

14 CHAIR KIMMITT: Thank you, Mr.
15 Hoblick. And again, we are going to try to get
16 back on schedule, but I think we have time for
17 one question, if you can hear us, from Mr.
18 Cameron Bishop.

19 MR. HOBLICK: Sure.

20 MR. BISHOP: Mr. Hoblick thanks for
21 your testimony and thanks for representing your
22 members at this session today. I'm curious if

1 you can talk a little bit about market conditions
2 for your specialty crop producers. I'm curious
3 about the price of production and what price
4 there is from the market and if you can elaborate
5 on if any of your producers are taking a loss on
6 their products.

7 MR. HOBLICK: Well, I think there's
8 been a lot of testimony thus far as to the lower
9 prices that we are experiencing in the
10 competitive market as far as all those
11 commodities. And I believe it was mentioned that
12 taking the base of \$5.50 cost per one of these
13 commodities, that the transportation costs aren't
14 even close to that being delivered. Yet that's
15 what the market price is.

16 Our growers and producers have
17 constantly been faced with lower prices from
18 Mexico that have them or forced them to sell
19 their product at or below cost of production.
20 And that has happened historically ever since the
21 inception of NAFTA, quite honestly. So we've
22 taken a stand that we really need to study these

1 price structures, making sure that they're fair
2 across the board, and that we're not allowing a
3 tremendous amount of volume at lower prices than
4 our cost of production. Quite simply, our cost
5 of production needs to be met to stay in
6 business.

7 CHAIR KIMMITT: Thank you, Mr.
8 Hoblick. We will now welcome Zhengfui Guan from
9 the University of Florida for his testimony here
10 today.

11 DR. GUAN: Good morning. My name is
12 Zhengfei Guan, Associate Professor for University
13 of Florida. Thank you for the opportunity to
14 testify.

15 (Audio interference.)

16 CHAIR KIMMITT: Should I say
17 something? Good morning, Dr. Guan. I think we
18 can see you and probably can hear you, if you
19 want to begin your testimony.

20 DR. GUAN: Good morning. My name is
21 Zhengfei Guan, Associate Professor of Food and
22 Resource Economics at the University of Florida.

1 Thank you for the opportunity to testify before
2 this committee. I will quickly summarize my
3 findings on Mexican subsidies.

4 Florida is one of the top suppliers of
5 fresh fruit and vegetables for the United States
6 with market shares falling, while imports from
7 Mexico have grown dramatically. For example,
8 blueberry imports from Mexico increased 30-fold
9 by 2018 compared to the (inaudible). This
10 conventional system that Mexico's competitive
11 advantage through labor is the driving force of
12 the gap.

13 I was curious whether there was
14 another force behind the change. It turns out
15 that Mexico has been systematically subsidizing
16 the fruit and vegetable industry throughout the
17 supply chain, from production to harvest
18 management, and marketing.

19 MR. KESSLER: I'm sorry. I'm having
20 a little bit of trouble hearing you. Could you
21 maybe go closer to the microphone? I don't know
22 if anybody else is having trouble hearing you.

1 MR. MCKINNEY: Thank you, Jeff. Yes,
2 this is Ted. I, too, am having difficulty.

3 DR. GUAN: I'm sorry. Mexican
4 agriculture subsidies are administered by its
5 Ministry of Agriculture and the National
6 Development Plan, which consists of a number of
7 subsidy programs. Mexico's agriculture subsidy
8 from 2006 to 2016 averaged 59 billion peso, \$or
9 4.5 billion per year.

10 The largest subsidy program was the
11 agriculture immersion program which accounted for
12 about 30 percent of the total subsidy program in
13 2018. All of the subsequent programs are
14 relevant for fruit and vegetable production.
15 Irrigation technology is the largest of that
16 program. They subsidize it up to 50 percent of
17 the project cost. In 2014, they had a budget of
18 \$115 million. The other three sub-programs had a
19 budget of 65 million dollars for fruits and
20 vegetables.

21 One of the sub-programs is protected
22 agriculture. It subsidizes protective

1 structures, including shadehouses and
2 greenhouses, which are critical for export-
3 oriented production. In 2013, for example, the
4 maximum amount of subsidy for greenhouses was 3
5 million pesos per project, and the amount for
6 shadehouses was 2.4 million per project. In
7 2019, the amount increased to 4 million pesos or
8 over \$200,000 U.S. for all eligible protective
9 structures.

10 Protected production mainly targets
11 export market. Total subsidies for protected
12 agriculture alone were over 6 billion pesos
13 between 2001 and 2016, which is over \$500
14 million. This support from the government, the
15 acreage of protected agriculture in Mexico
16 increased 64-fold between 2000 and 2018.

17 Tomatoes have about 40,000 acres in
18 the protected structures alone. For comparison,
19 Florida's total tomato acreage was about 29,000
20 acres, almost all open field. As a result of
21 this investment, Mexican protected tomato yield
22 is four times higher than Florida had.

1 Fair to say that the protective
2 production has transformed the Mexican fruit and
3 vegetable industry, particularly exports that are
4 in production. Overall, 94 percent of the
5 protected structures in 2018 was used to produce
6 fruits and vegetables and 56 percent was used for
7 four crops. They are tomatoes, strawberries,
8 bell peppers, and blueberries, some of Florida's
9 top ranking specialty crops.

10 Today's testimony has highlighted
11 major field production issues. There are other
12 types of subsidies that have created different
13 opportunities throughout this: post-harvest
14 management and marketing. In conclusion, Mexico
15 has an expansive subsidy program. Subsidies have
16 produced constant production, restored their
17 market, and have negatively affected the Florida
18 fruit and vegetable industry. Thank you. I'll
19 be more than happy to take questions.

20 CHAIR KIMMITT: Thank you, Dr. Guan.
21 Why don't -- USTR took the last turn. Why don't
22 I see if our colleagues at USDA or Commerce have

1 any questions.

2 MR. McKINNEY: Thank you, sir. This
3 is Ted McKinney. Am I coming through at least
4 audio? Good. Again, I presume that your report
5 will be submitted, or is it already online to us?
6 I'm very interested in diving deeper with my
7 team.

8 DR. GUAN: I submitted the documents,
9 and I think it should be available online.

10 MR. McKINNEY: Thank you so much.

11 CHAIR KIMMITT: Thank you. And again,
12 I have to accelerate slightly to get back on
13 schedule. Thank you for your testimony, Dr.
14 Guan. I would now like to welcome Mr. Mike
15 Joyner from the Florida Fruit & Vegetable
16 Association.

17 MR. JOYNER: Good morning. It's nice
18 to see all of you gentlemen this morning. I'm
19 Mike Joyner, and I serve as the President of
20 Florida Fruit & Vegetable Association. We
21 represent growers of fruits, vegetables, and
22 agricultural crops in Florida. FFVA is grateful

1 for the Administration's commitment to take
2 timely trade action to remedy the unreasonable
3 Mexican trade practices and policies that are
4 causing harm to Florida's seasonal and perishable
5 produce industry.

6 Florida -- as you've heard so often
7 this morning, Florida ranks first or second in
8 the nation in the value of production of many
9 seasonal and perishable crops, including squash,
10 blueberries, strawberries, bell peppers, and a
11 host of others. Our industry is essential in
12 feeding Americans fresh U.S.-grown produce from
13 November to late spring. However, our ability to
14 do so has severely eroded over the last few
15 decades because of unfair trade practices by
16 Mexico, which shares our growing seasons.

17 Mexican produce shipments grew by high
18 triple digit percentages from 2000 to 2019,
19 including sizable growth from 2017 to 2019.
20 Conversely, our industry suffered proportionate
21 declines during those same periods. You heard
22 earlier from Dan Sleep, who's with the Department

1 of Ag and Consumer Services here in Florida, and
2 he discussed the data that shows these harmful
3 growth trends.

4 You'll later here how this explosive
5 growth and imported Mexican fruits and vegetables
6 is devastating Florida growers and their
7 families. Just last spring, our Florida
8 producers were plowing under crops they couldn't
9 sell because of the shutdown of the food service
10 industry here in Florida. Mexico shipped an
11 additional 1.5 million flats of blueberries into
12 the U.S. from January to April, versus the same
13 period in 2019. Mexico also shipped an
14 additional 2.2 million cartons of bell peppers in
15 that same three-month period, again, while we
16 were plowing under crops.

17 So how did we get here? We got here
18 because of Mexico's unfair industry subsidies and
19 unfair pricing of fruits and vegetable imports.
20 Mexico's growth in the U.S. produce market over
21 the past two decades has been made possible
22 largely because of its unreasonable prices and

1 policies.

2 Every year, the Mexican government has
3 strategically funneled extraordinary levels of
4 support into expanding the volume, diversity, and
5 export competitiveness of their protected
6 agriculture. Within these unfair subsidies,
7 Mexico's produce industry would have not enjoyed
8 the same skyrocketing growth trends that studies
9 have documented.

10 We remain deeply concerned, too, about
11 Mexican industry's sustained pricing -- or,
12 practice of targeting our eastern markets with
13 prices that are cheaper than their prices in the
14 western markets. Despite our calls to send their
15 products east, this unfair practice has occurred
16 for years and in many crops. The Mexican
17 industry's aim is to set an unfairly low market
18 entry price that forces our growers to meet that
19 price, or abandon the sale.

20 Today has confirmed that these
21 policies and practices have burdened and
22 restricted U.S. commerce, grossly distorting the

1 eastern produce market year after year. They
2 systematically eroded our industry's revenues,
3 market share, job numbers, and ultimately our
4 ability to compete.

5 Florida's fresh produce industry is in
6 crisis. It needs prompt USTR trade relief. Our
7 country hopes to continue to feed Americans
8 domestically grown fruits and vegetables in the
9 fall, winter, and spring. To save Florida's
10 produce industry, we respectfully urge USTR to
11 launch an investigation of Mexican trade
12 practices and policies under Section 301, the
13 Trade Act of 1974, without delay, or launch a
14 trade relief measure that is equally timely,
15 effective, and as lasting as 301.

16 Let me conclude by reiterating my
17 appreciation and my members' appreciation for
18 your time today and by passing along a quote from
19 one of my growers. When I asked him to summarize
20 the situation, he very simply said, Mike, we're
21 being buried by volume and crushed by price.
22 Thank you all very much.

1 CHAIR KIMMITT: Thank you, Mr. Joyner.
2 I think we do have time for a few questions. I
3 will turn it over to Ambassador Doud.

4 MR. DOUD: Mike, good to see you.

5 MR. JOYNER: You too, Ambassador.

6 Thank you so much.

7 MR. DOUD: You mentioned targeting
8 producers in the U.S. My quick question is, what
9 products do you see being targeted in your part
10 of the world? What commodities?

11 MR. JOYNER: Ambassador, thanks for
12 the question. Ambassador, when NAFTA passed, we
13 initially saw tomatoes and bell peppers. That
14 seemed to be the area that was most targeted.
15 Now we're seeing strawberries, blueberries,
16 watermelons, and sweet corn. We're starting to
17 see more and more sweet corn, where prices are
18 just extremely low.

19 One of the things, though, Ambassador,
20 that the University of Florida -- I know you all
21 -- well, I talk that back. It was Dan Sleep's
22 work. What you'll see in Dan's work is that the

1 Florida Department of Ag studied 24 different
2 Florida fruits and vegetables and found that 83
3 percent of them suffered market loss share due to
4 unfair Mexican imports. So Ambassador, again, 24
5 studied, 83 of them were suffering from lower
6 prices. But the four or five I mentioned are the
7 ones that seem to be the target.

8 MR. DOUD: Thank you.

9 CHAIR KIMMITT: I think we have time
10 for one more quick question if Assistant
11 Secretary Kessler might have one.

12 MR. KESSLER: Thank you. Yes, thank
13 you very much for your testimony. I think my
14 question is, do you attribute -- or, how much of
15 the harm do you attribute to Mexican subsidies
16 versus nonsubsidy-related factors, pricing
17 schemes? Do you have a sense of how much -- how
18 important each of those is in causing the harm
19 that you're describing?

20 MR. JOYNER: Mr. Assistant Secretary,
21 thanks for the question. We look at things like
22 labor cost. We believe Mexico pays their labor

1 about ten percent of what we pay ours. There's
2 the issue of the devaluation of the peso that a
3 lot of my members talk about fairly frequently.
4 There's inspection issues.

5 But the elephant in the room is this
6 issue of subsidies and these lower prices.
7 Again, they're, we're seeing -- so as far as a
8 percentages goes, I don't know. But we really do
9 feel like the rest of that stuff does not matter
10 as much if we can't get this subsidy issue and
11 this unfair pricing fixed.

12 Yeah, I mean, again, we see so often
13 -- well, I'll stop with that. We see so often
14 breakeven points for bell peppers at \$16 and yet
15 it's coming from Mexico at 12 and 13. And again,
16 breakeven is at 16.

17 MR. KESSLER: Can I just ask one more
18 question? Is the problem equally urgent for all
19 the crops that you described right now, or is
20 there one or more that where the problem is
21 particularly urgent?

22 MR. JOYNER: I would say the urgency

1 is blueberries, tomatoes, strawberries,
2 watermelons. You know what? I should have put
3 bell peppers in the third slot and then finally
4 sweet corn. But again, it is those five
5 commodities that seem to be -- that will have a
6 short life span if we can't get this right. So
7 again, blueberries, strawberries, bell peppers,
8 tomatoes, sweet corn, and watermelons.

9 MR. KESSLER: Thank you.

10 CHAIR KIMMITT: Thank you, Mike.
11 Thank you, Mr. Joyner. We'll now welcome Mr.
12 Sergio Contreras. Apologies. One second.

13 I apologize. I'm told from our
14 technical folks here that we're going to take a
15 short break and hopefully be back on line in just
16 a minute or two. But we need to take a short
17 break to correct a technical issue.

18 (Whereupon, the above-entitled matter
19 went off the record at 11:36 a.m. and resumed at
20 11:45 a.m.)

21 MR. CONTRERAS: -- pursuing trade
22 distorting policies to benefit one region risk

1 pitting different regions of the country against
2 each other. If successful, this tactic will
3 result in higher prices for U.S. consumers while
4 reducing availability, selection, and quality in
5 the supermarket aisles for items such as
6 tomatoes, avocados, bell peppers, watermelons,
7 strawberries, and blueberries, just to name a
8 few. Trade is essentially in the effort to lower
9 food cost for American families and increasing
10 availability and variety for consumers.

11 The seasonality provision within trade
12 law will result in a tit-for-tat trade disputes
13 within U.S. trade partners that would drive up
14 consumer cost while limiting the supply of fresh
15 produce items consumers purchase year round.
16 Consumers from the U.S. currently enjoy the
17 lowest food costs in the world with just 6.4
18 percent of U.S. income going towards food. U.S.
19 per capita consumption of fresh vegetables stood
20 at 126.8 pounds per year in 1993 before NAFTA.

21 However, in 2016, U.S. per capital
22 consumption of fresh vegetables had reached 145.1

1 pound per year, a 14 percent increase. However,
2 some fresh fruits and vegetables simply are not
3 available in sufficient volumes from the U.S. In
4 certain months, underscoring the value of U.S.
5 companies sat down and working with farms in
6 Mexico and Canada to produce and export the foods
7 that contribute to healthful eating habits for
8 U.S. consumers.

9 The BTA strongly opposes any
10 agricultural seasonality provisions or import
11 quotas as it would run counter to the consumer
12 preferences undermining the spirit of the tri-
13 national free trade agreement of the USMCA.
14 Thank you for your leadership. The Border Trade
15 Alliance appreciates the opportunity to provide
16 this testimony for the record. Thank you.

17 CHAIR KIMMITT: Hi, we are having some
18 issues. I think if you can hear me --

19 (Simultaneous speaking.)

20 MR. MCKINNEY: It's very informative
21 and appreciate what you've done. I'm sure you
22 view the --

1 (Simultaneous speaking.)

2 MR. McKINNEY: -- and problems that
3 have been laid out by some. I'm curious how you
4 view --

5 (Simultaneous speaking.)

6 MR. McKINNEY: -- and other problems
7 that have been laid out by speakers prior to you.
8 Do they not affect some of the other constituents
9 you have perhaps in other parts of the U.S. Just
10 comment on that generally, if you would.

11 MR. CONTRERAS: Thank you, sir, for
12 the question. And yes, I did hear and listen to
13 comments provided earlier today. And speaking
14 just on some comments that have been provided to
15 your office as well as the hearing portal is that
16 for agriculture subsidies in general based on
17 support to producers as a percentage of gross
18 support, we see Mexico had a lower percentage of
19 support, around 9 percent, and the U.S., 10.7
20 percent from 2017 to 2019.

21 Of course, the question at issue is
22 the subsidies for produce and whether those

1 subsidies are trade distorting. Also, based on a
2 University of Arizona study, Mexico has a small
3 amount of non-commodity-specific capital
4 investment assistance programs that assist fruits
5 and vegetables which are comparable to the
6 environmental quality incentive program in the
7 United States.

8 CHAIR KIMMITT: Thank you, sir. We'll
9 now welcome Mr. Scott Vandervoet from Vandervoet
10 and Associates.

11 MR. VANDERVOET: Good morning. Thank
12 you for allowing me to participate. Can you see
13 and hear me okay?

14 CHAIR KIMMITT: We can.

15 MR. VANDERVOET: Thank you. Thank
16 you, again. As the owner and operator of a
17 business that imports and markets fresh produce
18 from Mexico into the United States, I consider my
19 perspective to be pertinent to the issue
20 addressed in these hearings. Our business was
21 incorporated in Arizona by my father in 1994 with
22 a focus on meeting market expectations for high

1 quality produce.

2 We work with growers in nearby Sonora,
3 Mexico. I've been directly involved in the
4 business for a decade. And in that short time,
5 I've witnessed a wide variety of impacts to the
6 fresh produce marketplace within the United
7 States.

8 Consumers have become accustomed to
9 quality and consistency along with variety within
10 both the produce section of the local supermarket
11 as well as the menus of restaurants ranging from
12 fast food to fine dining. As a marketer, I
13 witness the volatility of markets both day-to-day
14 but also season-to-season. Supply and demand
15 ultimately dictate the marketplace.

16 But alongside these age old parameters
17 are 21st century realities. Consumers'
18 expectations are met due to the suppliers being
19 able to source product for multiple growing
20 regions. In the case that one area falls short
21 of production forecasts, another region of
22 production is able to fill the void.

1 During our seasons of importing and
2 marketing fresh produce, I interact multiple
3 times a day with the growers who export their
4 products to our company. I witness firsthand the
5 issues they deal with on a day-to-day basis,
6 whether it'd be in respect to weather conditions,
7 pest management, labor or transportation, among
8 other things. Farmers in Mexico are not alone in
9 facing these issues as they are commonplace in
10 agriculture around the globe.

11 What I can directly vouch for is the
12 ethic and commitment of the farmers we work with
13 to bring a crop to market. My grower partners
14 are some of the most dedicated, hardworking
15 individuals I've ever met. And not only are they
16 laser-focused on the conditions at their
17 production areas, but also the trends and
18 tendencies of the U.S. consumer, both in the
19 retail and food service sectors.

20 We adjust seed varieties, growing
21 techniques, pack styles, pack material, and
22 grading to adapt to the trends within the

1 wholesale marketplace. Consistency of production
2 in terms of quality and condition is the ultimate
3 goal every day. As some of the growers we work
4 with have packed under the same label for
5 decades, years have been dedicated to ensuring
6 that clientele throughout the supply chain
7 recognize the brands and labels as well as the
8 quality and consistency that they represent.

9 I'm a firm believer that healthy
10 competition benefits all those involved. It
11 makes everyone better and it creates a superior
12 product for the marketplace which the consumer is
13 more likely to purchase again. I'm proud to be
14 the second generation in our business.

15 Our company is competitive because of
16 our ethic and dedication. When we struggle to
17 find a place in the wholesale or retail market
18 for our items, we step back and analyze why we
19 are not being competitive. We have gone through
20 our fair share of difficult seasons. And each
21 time we struggle in our marketing, we adjust our
22 practices so as to better serve our client base.

1 It appears to me that the basic
2 premise of these hearings is to work towards
3 restricting imports simply because they have been
4 more successful at meeting consumer demand.
5 Applying trade remedies for seasonal produce has
6 the potential to penalize companies such as mine
7 for the simple reason that I'm meeting the
8 expectations of the market. I do not think it is
9 the role of the government to pick winners or
10 losers. The marketplace should be allowed to
11 function in a way where consumers decide which
12 items are most favorable. That concludes my
13 testimony. Once again, thank you for the time.

14 CHAIR KIMMITT: Thank you, Mr.
15 Vandervoet, and appreciate your testimony. I
16 think we have time for one question, and I will
17 turn it over to Ambassador Doud.

18 MR. DOUD: Thank you, sir, and
19 appreciate you being here today for this hearing.
20 Several witnesses today have highlighted that
21 imports of Mexican produce are sold at a lower
22 price in eastern markets in the United States

1 than they are on the West Coast. Could you
2 describe the markets in which your company sells
3 produce and how market conditions and pricing
4 differ between these different markets and
5 regions in the U.S.?

6 MR. VANDERVOET: As an importer and
7 marketer based in Nogales, Arizona, we focus --
8 our company focuses our attention on the West
9 Coast for the most part. We participate in the
10 spring watermelon season. And I can tell you
11 that this past spring going into the Memorial Day
12 holiday where there's quite a bit of demand on
13 watermelons, we saw higher pricing out of Florida
14 at that time with very good movement.

15 In fact, at this moment, the
16 California crop is being sold at or just slightly
17 below what we marketed our crop for mostly in the
18 month of May. I see there being differences at
19 times. But in general, we aim not to overlap
20 with our crops. We focus on markets that are
21 closer to us because with a perishable commodity,
22 freshness is crucial.

1 CHAIR KIMMITT: Thank you. Looking at
2 the clock, I think we actually have time for one
3 more question for you, Mr. Vandervoet, if
4 Assistant Secretary Kessler might have one.

5 MR. KESSLER: Sure. Well, thank you,
6 Mr. Vandervoet, for your testimony. You said and
7 I think we agree that healthy competition is
8 good. I guess the question that we're trying to
9 sort out is whether the competition is healthy or
10 not.

11 And to that point, I'm curious if
12 you're familiar -- you import Mexican produce --
13 if you're familiar with any of the subsidy
14 schemes that were described earlier this morning.
15 What's your impression of those? Do they make a
16 real difference in the pricing practices of
17 Mexican exporters?

18 MR. VANDERVOET: As an importer and
19 marketer, I don't get directly involved in the
20 growing or farmer. So I'm not directly aware of
21 the costs of farming, either in Mexico nor the
22 costs of farming in Florida, Georgia, or other

1 parts of the United States. I can't speak to
2 what level governments provide support, whether
3 it be the Mexican government or in the United
4 States.

5 The number of 200 million has been
6 thrown out a few times, and I'm interested in
7 seeing some of the details of the breakdown
8 there. I can just tell you that from a marketing
9 perspective, most of the time we compete in a
10 very healthy way. And our pricing is in line and
11 at times higher here in Nogales as a shipping
12 point than other parts of the United States when
13 we overlap.

14 CHAIR KIMMITT: Thank you, Mr.
15 Vandervoet. We'll now welcome Mr. Skip Hulett
16 from NatureSweet to provide his testimony.

17 MR. HULETT: Yes, can you hear me?

18 CHAIR KIMMITT: We can.

19 MR. HULETT: Okay, great. Well, good
20 morning. I guess soon to be afternoon for you
21 all. Again, my name is Skip Hulett. I'm general
22 counsel with NatureSweet, headquartered here in

1 San Antonio, Texas. I certainly want to thank
2 you for allowing me to be here today, and I
3 certainly look forward to discussing the negative
4 impacts that additional trade action with respect
5 to seasonal and perishable products would have on
6 our company, on innovation and the industry, and
7 certainly on the U.S. consumer.

8 NatureSweet is an industry leader. We
9 produce a one-of-a-kind specialty tomato in
10 Mexico and in the United States. And we're
11 responsible for over 36 percent of the specialty
12 sales in the U.S. And we're the single source
13 solution for organic and nonorganic greenhouse
14 grown tomatoes in North America. And our
15 production techniques, our innovation to develop
16 new varieties are really driven through
17 consumers' preference and demand for snacking
18 tomatoes.

19 NatureSweet has made significant
20 investments in production and development in its
21 specialty tomatoes to respond to the consumer
22 demand all year round. And these investments in

1 research and development range from designing a
2 package which allows the freshest tomatoes to
3 stay fresh longer and safer in transport, to
4 greenhouse design, to management models insuring
5 our employees we call associates have the
6 resources to do their best and to produce the
7 best.

8 We've expanded this model into the
9 United States, making significant investments.
10 And in Arizona, we've invested over 100 million
11 dollars in 250 greenhouse -- acres of greenhouses
12 in Wilcox, Arizona. And especially greenhouse
13 tomatoes are not the problem, and our tomatoes
14 are not part of any import-related problem.

15 As a result of our considerable
16 investment, our research and development into
17 consumer preferences over the many years, I would
18 say that NatureSweet is largely responsible for
19 the development of a new market for specialty
20 snacking tomatoes. What we grow and what we
21 import are not traditional tomatoes for the food
22 service industry or for bulk purposes. Our

1 products are different.

2 They're different from all other
3 tomatoes. And it's evident when you go into the
4 supermarkets, into the produce section, our
5 specialty tomatoes are priced well above the
6 competition. They visually look different. They
7 cater to a specialty niche market. And trade
8 measures will have an unintended negative impact
9 on innovation.

10 And recognizing the need for
11 innovation, NatureSweet has achieved its status
12 as a market leader without protection of trade
13 measures. We've grown by producing superior
14 innovative premium products which consumers love.
15 And some of our specialty products didn't exist
16 10 years ago, 20 years ago.

17 And as a company operating in Mexico
18 and in the U.S., we are subject to the suspension
19 agreement to the Department of Commerce on
20 tomatoes from Mexico. So I think we're in a
21 unique position to comment on the negative impact
22 that additional trade measures will have on the

1 industry. And trade measure restrict market
2 access. You've heard that. You know that. And
3 it certainly should be applied very cautiously
4 and only when there's a true immediate need.

5 Companies like NatureSweet are true
6 innovators in production techniques and branding,
7 vertical integration direct from the greenhouse
8 to the consumer and product development,
9 marketing. And again, we produce premium high
10 priced specialty tomatoes year round. We don't
11 compete with conventional tomato producers.

12 Our tomatoes are the highest priced in
13 the market. And what we grow in the U.S., what
14 we grow in Mexico are priced the same. And
15 generally, they are more than three times the
16 price of a regular tomato offering. And the
17 current antidumping suspension agreement has
18 already resulted in limiting innovation and
19 product development given there's a high minimum
20 price point required for tomatoes crossing the
21 border.

22 Introducing new varieties to

1 consumers, it takes time. We can't easily do so
2 with current restrictions in place. Further
3 seasonal restrictions would devastate our year
4 round production model. It would further stifle
5 innovation into new production techniques and
6 certainly wouldn't benefit, I think, even the
7 U.S. producers of greenhouse tomatoes.

8 We don't compete with Florida at our
9 price point. We just don't. But I appreciate
10 you allowing me to share our story, and I'm
11 certainly open to answering any questions you
12 might have.

13 CHAIR KIMMITT: Thank you, Mr. Hulett.
14 I'll see if Under Secretary McKinney has any
15 questions for you.

16 MR. MCKINNEY: Yes. Yes, I do. And
17 thanks and appreciate your attention to
18 innovation. We here at USDA, USTR as well are
19 really launching a new innovation strategy that I
20 think is going to be helpful for all of U.S.
21 agricultural food and ag products.

22 Going back to that, there's got to be

1 innovation in the southeast just as there is
2 innovation in the southwest. What is the
3 difference? What is your magic bullet, your
4 silver bullet that is working for you that could
5 or should be working in other parts of the U.S.?
6 Could you elaborate on that just a little bit?
7 You touched on it. Take that just about one
8 level deeper, please.

9 MR. HULETT: Yeah, I'll try.

10 Certainly, I think climate has a lot to do with
11 it. Even though you're in a protected
12 environment, the climate still has a huge impact.
13 And the areas in, outside of Guadalajara and the
14 foothills of the Sierra and in the valley. I
15 mean, it's just Mother Nature has provided a very
16 suitable climate for what we do.

17 We have a more high tech greenhouse
18 facility that we acquired in Arizona. And we're
19 spending a lot of money to make it suitable for
20 what we do. Different challenges, but I think
21 climate -- if I had to pick one thing, climate is
22 a big factor.

1 MR. MCKINNEY: Thank you very much.

2 CHAIR KIMMITT: Thank you. Assistant
3 Secretary Kessler, do you have any questions for
4 Mr. Hulett?

5 MR. KESSLER: Yes. First of all, good
6 to speak with you, Mr. Hulett.

7 MR. HULETT: Good to see you again.

8 MR. KESSLER: It's been a while, but
9 I hope you're doing well. My question is along
10 the lines of the question I posed to the previous
11 witness. So you're producing in Mexico. Have
12 you come into contact -- are you familiar with
13 these alleged subsidy schemes that were described
14 in previous testimony this morning, subsidies for
15 technology? And what's your company's stance on
16 those?

17 MR. HULETT: Yeah. I mean, I'm
18 listening to that. And of course, in the back of
19 my mind, I'm thinking maybe I'm not doing a good
20 job. But it's just inconsistent with what I've
21 seen in our operation. I can't speak for others.
22 But again, a lot of what I heard is kind of

1 surprising to me.

2 I think certainly -- and one point
3 that I think the couple folks back mentioned that
4 there's at least some indication that Mexico has
5 a less percentage of support than the U.S. I
6 don't know one way or the other. But I can just
7 tell you from our experience, not consistent with
8 our operation.

9 CHAIR KIMMITT: Thank you, Mr. Hulett.
10 I appreciate your testimony today. We'll now
11 welcome Mr. Demetrio Kyriakis from the Nogales
12 U.S. Custom House Brokers Association.

13 MR. KYRIAKIS: Hello. Good morning.
14 Yes, can you see me and hear me?

15 CHAIR KIMMITT: We can.

16 MR. KYRIAKIS: Okay. Good morning.
17 Well, once again, thank you for having me here
18 today. My name is Demetrio Kyriakis, Chairman of
19 the Nogales U.S. Custom House Brokers Association
20 based in Nogales, Arizona. I am also president
21 of my own company, K&K International Logistics,
22 LLC based out of Nogales, Arizona, Pharr, Texas,

1 and Otay Mesa, California.

2 On behalf of the Nogales U.S. Custom
3 House Brokers Association, we're presenting this
4 testimony to communicate our dismay of the claims
5 that Mexico produce imports are negatively
6 affecting producers in Georgia and Florida and
7 that the USTR is considering remedies that would
8 benefit said producers. Meeting the needs of our
9 nation's food supply is a complex and dynamic
10 system that must ensure not just the availability
11 of food but ensure that products are
12 competitively priced and that consumers are
13 purchasing a safe and high quality product.
14 Mexican producers have been an integral part in
15 these efforts and an essential component of our
16 nation's food supply for decades.

17 As U.S. Custom House Brokers, we are
18 intimately aware of the origin of products from
19 Mexico and know that in many cases, the term,
20 Mexican producer, is not one that is easily
21 defined. There are a number of U.S. companies
22 that have invested or entered into joint ventures

1 with legacy Mexican producers. Thus, in fact,
2 U.S. private sector interests are also being
3 affected by these hearings and the unproven claim
4 that trade-distorting policies may be
5 contributing to unfair pricing in the U.S. market
6 and causing harm to U.S. seasonal and perishable
7 producers in the U.S. commerce.

8 Our members provide the interface and
9 advocate compliance between the U.S. importer and
10 U.S. Customs and Border Protection. In Nogales
11 alone, we help clear customs for more than
12 175,000 produce trucks per year, carrying more
13 than 6.5 billion pounds of fresh produce with an
14 estimated value of 3 billion dollars. It is
15 imperative that as USTR conducts this assessment
16 of the claim by Florida and Georgia producers
17 that Mexican imports are resulting in unfair
18 pricing that all impacts, positive or negative,
19 for the entire nation be considered.

20 As U.S. Custom House Brokers in
21 Nogales, a large percentage of our business is
22 based on processing fresh produce imports.

1 Should the USTR impose some form of punishment or
2 countervailing measures against Mexican fresh
3 produce imports, it will negatively affect our
4 custom brokerage business.

5 Measures that result in artificially
6 increasing the price of Mexican product to favor
7 those who originate in Florida and Georgia will
8 not only impact the volume of Mexican imports,
9 but it could also force producers in Mexico to
10 simply stop production or turn to other global
11 markets. China is actively pushing for greater
12 trade opportunities with Mexico, yet it is clear
13 that Mexico and Mexican producers prefer to deal
14 with the United States. The USTR led
15 negotiations with both Canada and Mexico for the
16 United States-Mexico-Canada Agreement.

17 The USMCA is an agreement that
18 formalizes the partnership with Mexico and Canada
19 and sets for a framework for collaboration and
20 dialogue versus one based on accusations and
21 animosity. We urge that the USTR focus not just
22 on a small number of producers in two states but

1 rather assess the impacts to the whole nation's
2 food supply and the impacts to U.S. consumers,
3 U.S. investors, and American companies
4 nationwide. The negative impacts and losses in
5 the forms of jobs, investment, and security in
6 our food supply from a perceived remedy for a
7 small number of producers is simply in not the
8 best interest of American companies like ours or
9 in the best interest of our nation as a whole.

10 Now on a more personal note. As a
11 small business owner, I am a proud supporter of
12 the America First agenda as I believe many other
13 small businesses, business owners across the
14 country are as well. We have custom brokers,
15 freight forwarders, transportation companies,
16 warehouses or distributors which all belong to
17 our same industry. I urge this committee to
18 acknowledge that we are also America First.

19 We are also American companies paying
20 American taxes providing American jobs to
21 thousands of American families. My personal
22 business has already suffered a 30 percent loss

1 due to this COVID situation as I'm sure many
2 others did as well or more so. If any of these
3 negative measures are taken, please know that
4 many businesses like mine and many American jobs
5 are at stake. That being said, we stand ready to
6 address any questions you may have, look forward
7 to an outcome that favors our nation collectively
8 and not only a small group of companies. Thank
9 you.

10 CHAIR KIMMITT: Thank you, Mr.
11 Kyriakis. I will turn it over to Ambassador Doud
12 who I believe has a question.

13 MR. DOUD: Thank you.

14 MR. KYRIAKIS: Yes.

15 MR. DOUD: And thank you for being
16 with us here. You noted in your testimony that
17 Mexican producers would potentially have to stop
18 their production and sending products to Mexico
19 if prices increase. But earlier this morning,
20 we've heard testimony from folks in Florida that
21 say that their production -- they've had to plow
22 under their production and stop production due to

1 increased imports from Mexico. How do you square
2 this or put this in context? What's your take on
3 all of this?

4 MR. KYRIAKIS: Well, sir, it's a
5 little bit difficult to explain. And again, I
6 just may reiterate that we're involved mostly in
7 the clearance of customs and the logistics
8 coordination. So we're not directly involved in
9 the marketing or the distribution or the pricing
10 of such.

11 But what we have seen and what we do
12 see is that produce is a market-driven commodity.
13 And based on the demand and again on the
14 availability and accessibility is what drives the
15 consumers to purchase. So going back to my
16 statement of what we're seeing or what we foresee
17 happening if they're sending out these negative
18 measures taken is that it just won't be feasible
19 for Mexican companies to ship into the USA and
20 might look for other markets which obviously
21 would devastate our industry.

22 CHAIR KIMMITT: Thank you. Under

1 Secretary McKinney, do you have any questions?

2 MR. McKINNEY: Yes, I do. Well,
3 first, thanks for the business that you run. In
4 my many, many, many years in the private sector,
5 I've worked with a number of distributors,
6 brokers. They go by different names. So thanks
7 for what you do. That said, the nature of the
8 business model of a broker is to find the lowest
9 price. And --

10 MR. KYRIAKIS: I'm sorry to interrupt
11 you, sir. We're U.S. custom brokers, not brokers
12 of produce.

13 MR. McKINNEY: Okay. I got you.
14 Well, the question can still stand because you're
15 a close observer there. In the case -- because
16 there are brokers that work along the border and
17 ship these products both ways I might add --

18 MR. KYRIAKIS: That is correct.

19 MR. McKINNEY: -- does it still stand
20 then that if there are these subsidies, if there
21 were some investigation to uncover whether
22 subsidies exist, would that not be a good thing

1 to be truthful, to be understanding, to unveil
2 what is the truth? Because it's a very thorough
3 process and a fair process, I think that Commerce
4 has run when those kinds of things have happened.
5 I'm just curious about your observation from your
6 vantage point.

7 MR. KYRIAKIS: Oh, yeah. Well, most
8 definitely. And again, I go back to my testimony
9 to the USMCA, and we truly believe that the
10 negotiations already settled in the USMCA covered
11 all those aspects. We trust in that. As U.S.
12 custom brokers, we are the liaisons, if you will,
13 between the U.S. importer, the Mexican shipper,
14 and the U.S. government. So it is crucial to our
15 clients that we ensure that they are abiding by
16 all laws and regulations.

17 MR. MCKINNEY: Great. Thank you.

18 MR. KYRIAKIS: You're very much
19 welcome.

20 Thank you for having me.

21 CHAIR KIMMITT: Thank you, sir. And
22 we'll now welcome Mr. George Tudor from the

1 Desert Grape Growers League California.

2 MR. TUDOR: Good afternoon. Can you
3 guys hear me? Can everybody hear me?

4 CHAIR KIMMITT: We can. Thank you.

5 MR. TUDOR: All right. Thank you.
6 Good afternoon. My name is George Tudor, and I'm
7 a table grape grower and member of the Desert
8 Grape Growers League. The league is an
9 association of table grape growers and pack-and-
10 ship owners located in Coachella Valley,
11 California. On behalf of the league's
12 membership, I thank the United States Trade
13 Representative and the Departments of Commerce
14 and Agriculture for convening this virtual
15 hearing.

16 Table grapes have the distinction of
17 being the only seasonal and perishable crop to
18 file the dumping petition and then being denied
19 relief by the U.S. International Trade
20 Commission. Even though the Department of
21 Commerce's preliminary determination -- as high
22 as 114 percent, the ITC's lack of injury

1 determination was caused by the statutory
2 definition of industry. In short, ITC is
3 required by statute to consider the entire U.S.
4 table grape industry even though the remaining
5 table grape geographical region was not harvested
6 and marketed during the period of dumping.

7 California is home to 99 percent of
8 commercial table grape operations within the U.S.
9 and most of the unfair trade competition
10 occurring within the U.S. market is heavily
11 impacting Coachella Valley table grape growers.
12 Mexican table grapes compete directly against
13 Coachella Valley table grapes at the beginning of
14 the U.S. marketing period which is May through
15 July. The volume of Mexican table grapes in the
16 U.S. grew by a whopping 421 percent between 1994
17 and 2019.

18 Unsurprisingly, production from
19 Coachella Valley during the same marketing period
20 is estimated to have fallen by 62 percent from
21 1994 to 2019. During this period, Mexican table
22 grape acreage in Sonora grew by 235 percent while

1 Coachella acreage fell by 62 percent. In the
2 2019 marketing season, Mexico exported 26.2
3 million boxes of table grapes to the U.S., nearly
4 a 50 percent increase from its exports in the
5 previous year.

6 We commissioned an economic injury
7 study and the evidence demonstrated injury, that
8 the statutory industry requirement prevented a
9 second antidumping petition. Similar to what
10 some of the other witnesses will or have
11 described, much of the growth in Mexico's
12 seasonal and perishable industry is attributed to
13 the Mexican government's trade distorting subsidy
14 programs. Our full comment details trade
15 distorting child labor and wage practices as
16 well.

17 Most of Mexico's support programs have
18 been administered by SAGARPA and SADER. These
19 subsidy programs have provided agricultural
20 producers with substantial capital to develop new
21 table grape plantings. Mexican government
22 support has also contributed toward the

1 development of post-harvest management, the use
2 of genetic resources, the operation of strategic
3 projects, and other types of infrastructure and
4 equipment related to Mexico's specialty crop
5 industry.

6 All major table grape producing
7 countries export to the nearest foreign market.
8 However, Mexico has one foreign market, the
9 United States. Ninety-eight percent of Mexico's
10 table grapes are exported to the U.S. It is not
11 only destroying the Coachella table grape
12 industry but is also adversely impacting Mexican
13 grape growers and is now encroaching on the San
14 Joaquin Valley table grape industry.

15 While the concentration on the U.S.
16 market may not be an official Mexican government
17 marketing policy, past government marketing
18 promotion assistance focused on the U.S. market.
19 Foreign growers, exporters, and governments
20 understand they can dump their S&P crops into the
21 U.S. with impunity because, quite frankly, the
22 current U.S. unfair trade laws permit such

1 practices against S&P crops. A solution could
2 have been arranged in the USMCA but Mexican
3 exporters and certain U.S. interests opposed.

4 A remedy for the S&P crops can be
5 found in the current support programs for program
6 crops. These support programs have been vetted
7 and endorsed by Congress and previous
8 administrations. Broadly, the U.S. farm programs
9 provide support if the crops price is below a
10 reference price.

11 Importantly, the programs do not
12 interfere with global trade. Similar to the
13 grain Price Loss Coverage program, the S&P crop
14 will receive compensation from the CCC based on a
15 reference price. The big difference between
16 grains and S&P crops is the ability for grains to
17 be stored whereas S&P crops cannot be stored.

18 Another successful program is crop
19 insurance. With the support of the federal
20 government, S&P crops could have a program that
21 would activate when imports cause low market
22 prices. Our proposals will not in any way

1 prohibit imports nor should it encourage the
2 government of Mexico to retaliate or disrupt
3 supply to the market. Additionally, we support
4 H.R. 101 with amendments.

5 In closing, California table grape
6 growers are amongst the U.S. farmers being harmed
7 by imported S&P crops that are subsidized and
8 dumped. But the information shared in these
9 original hearings has the potential to create
10 meaningful solutions for not only our table grape
11 growers, but other specialty crop producers as
12 well. The league appreciates this opportunity to
13 appear today and requests that our comments be
14 carefully considered. Thank you.

15 CHAIR KIMMITT: Thank you, Mr. Tudor.
16 I think we have time for one question. Assistant
17 Secretary Kessler has one.

18 MR. KESSLER: Yes. Thank you very
19 much for your testimony, Mr. Tudor. And I
20 appreciate your comments about the injury
21 requirements, and I understand that you're
22 supporting potential changes to the injury

1 requirements to make trade remedies more
2 accessible for producers of seasonal and
3 perishable products. My question to you is, can
4 you specify what type of relief you're seeking?
5 Are you asking for duties on imports? Are you
6 asking for something else?

7 MR. TUDOR: Well, we'd prefer that the
8 S&P program that USTR submitted to WTO in 2006 or
9 H.R. 101, the Defending Domestic Produce
10 Production Act, those are our preferences. But
11 without these programs, we recommend these other
12 programs that have been vetted by the government
13 and do not give reason to apply tariffs. They
14 just simply determine a reference price. And if
15 it's below that price, then the government issues
16 the change per box to the grower -- the
17 difference per box to the grower.

18 CHAIR KIMMITT: Thank you, Mr. Tudor.
19 Appreciate your testimony today. We'll now
20 welcome our last witness of this Session 2, Mr.
21 Kent Stenderup from Delano Growers Grape Products
22 Cooperative.

1 MR. STENDERUP: Good morning, or
2 should I say good afternoon? Mr. Ambassador and
3 members of the panel, thank you for holding this
4 hearing. My name is Kent Stenderup, and I'm the
5 managing partner of Stenderup Ag Partners, a
6 family-owned farm in Arvin, California.

7 I'm here today as the Director of the
8 Delano Growers Grape Products Cooperative,
9 organized in 1940. This is our 80th year. We
10 are the major producer of white grape juice
11 concentrate in the United States. White grape
12 juice concentrate is used as a natural sweetener
13 and ingredient in a number of processed food and
14 juice products.

15 More than 25 percent of our market is
16 for kosher products and a significant portion
17 goes into products through school lunch programs
18 and feeding programs. Unfortunately, Delano is
19 one of the few remaining producers in the United
20 States due to the unfairly traded product coming
21 from Argentina. So we're going to go south of
22 the equator here.

1 Processing grapes in a juice
2 concentrate provides an important economic
3 stabilizer for the California grape industry. In
4 addition to providing a market for dedicated use
5 grapes, it also absorbs a supply of other grapes.
6 It provides a positive return to growers.

7 In 2019, landed costs for duties of
8 Argentinian grape juice concentrate averaged
9 approximately 2 dollars per gallon below U.S.
10 product. That represents a 25 percent discount.
11 Further, imports from Argentina or a similar
12 discount to the East Coast landed costs of
13 products from Spain which is the other major
14 global producer and exporter. Such a discrepancy
15 would not occur without Argentina's market
16 distorting intervention into the country's grape
17 market.

18 Argentina has a mandatory quota for
19 the diversion of wine grapes into the production
20 of grape juice concentrate. That juice
21 concentrate is being dumped on the export market.
22 The OECD, Organisation for Economic Co-operation

1 and Development, has described this policy as a
2 way to regulate the total production of wine and
3 to support the prices of wine and wine grapes.

4 In doing so, it subsidizes the
5 overproduction of juice concentrate for which
6 there is little domestic market in Argentina and
7 so it's dumped in the export market. It's been
8 going on since 1994. But the situation is
9 getting worse. Measured as a percent of wine
10 production, grape juice production grew from 23
11 percent in 2017 to 30 percent in 2018 and 42
12 percent last year.

13 The quota for grapes diverted to juice
14 production was set at nearly 30 percent of total
15 grape production in 2019. According to USDA,
16 that is up from 18 percent as recently as 2014.
17 Exports of -- grape juice concentrate to the
18 United States increased 60 percent, 60 percent
19 over the first 11 months of 2019 according to
20 U.S. Commerce Department data.

21 This policy scheme artificially
22 discounts the cost of producing white grape juice

1 concentrate which is diverted into export and
2 undermines the market for this globally traded
3 product. Although the program differs in its
4 application, this quota system has the same
5 economic trade exports as Argentina's
6 differential export tax system has on the exports
7 of biodiesel. As you well know, the U.S. imposed
8 countervailing duties on Argentine biodiesel.

9 Additionally, Mr. Ambassador, in 2019,
10 the Province of Mendoza implemented a self-
11 described multi-year market stabilization plan
12 known as the anticyclical wine fund, FAB, which
13 adds a financial subsidy to juice concentrate
14 production. The Province of Mendoza counts for
15 more than two-thirds of the grape production in
16 Argentina. This leads U.S. producers to further
17 undercut the U.S. market.

18 Today, there's a duty on imports of
19 grape juice concentrate from Argentina of 66
20 cents per gallon. But that is a specific duty
21 that has been in place for 25 years or more and
22 does not take place with inflation adjusted U.S.

1 and global market prices. This is not an ad
2 valorem tariff which is levied on a percentage of
3 sales price and would better reflect the
4 construct that's been in place since 1994.

5 In the late 1990s, U.S. production of
6 white grape juice concentrate was 30 million
7 gallons domestically. Currently, it is less than
8 10 million gallons, largely due to unfairly
9 traded imports from Argentina. Argentina must be
10 held accountable for its manipulation of the
11 export market and its subsidies and dumping must
12 be stopped through trade remedies provided under
13 U.S. trade law. Thank you again for this
14 opportunity to testify.

15 CHAIR KIMMITT: Thank you, Mr.
16 Stenderup. I think we have time for a few
17 question. I'll turn it over to Ambassador Doud.

18 MR. DOUD: Thank you, sir. Some very,
19 very interesting testimony here. Talk if you
20 would for a moment about how this is affecting
21 the profitability of your operation. In the last
22 few years, what's happened and what do you see

1 going forward?

2 MR. STENDERUP: Well, they're
3 manipulating their supply in subsidizing and
4 supporting the wine side of it. So they come
5 here and they dump it, and they're bringing it in
6 landed whether it's East Coast or West Coast at a
7 price that we can't even beat as far as our
8 production side of it. This impacts whether it's
9 table grapes, wine grapes themselves if it's the
10 right type of variety, and also the raisin grape.

11 And as you know, the wine industry in
12 particularly California is in trouble and having
13 a tough time right now. This impacts the grapes
14 from Coachella to Napa literally. Did I answer
15 your question, Ambassador?

16 MR. DOUD: Yes. Thank you.

17 CHAIR KIMMITT: Under Secretary
18 McKinney, do you have a question for Mr.
19 Stenderup?

20 MR. MCKINNEY: I do. First, that was
21 very interesting. And so thanks for being here
22 and airing your thoughts. We've heard some

1 different ranges of options that would fix the
2 problem. We heard a number of them, notably a
3 301 investigation from our friends in Florida.
4 And to the person just on, we heard of some
5 possible adjustments in what I'll call farm
6 programs or U.S. government programs. What would
7 best address your issue? What's the best scratch
8 that takes care of your itch? If you dial that
9 in just a bit more.

10 MR. STENDERUP: Well, that's almost
11 like a softball. Thank you for throwing that one
12 at me. I have a solution. We can get this done
13 by sundown if you guys want to, and it can be
14 done.

15 So go back to an ad valorem tax, a
16 percentage using the base. This is during the
17 Clinton Administration. Nobody can complain
18 about that. Go back to the -- it's basically 17
19 percent of the market value back in 1994 is what
20 they based it on.

21 And so we apply 17 percent today of
22 what the market price is. So that was 4 dollars

1 back then. The market price today would be 8
2 dollars and then using the same percentage that
3 was instigated in 1994. Is that simple enough,
4 or is that too simple that it won't work?

5 MR. MCKINNEY: Short and sweet. I'm
6 not sure we'll deliver on that today, but
7 appreciate the succinctness. Thank you.

8 CHAIR KIMMITT: And I think we have
9 time for one last question from Assistant
10 Secretary Kessler if he has one.

11 MR. KESSLER: Sure. Well, thank you
12 very much for your testimony. You presented some
13 very interesting information about foreign
14 subsidy practices and unfair trade practices.
15 Can you expand a little bit on the effect that
16 you believe those subsidies have had on your
17 company and the U.S. industry as a whole, the
18 U.S. grape industry? Do you see the U.S.
19 industry as being in an injured state?

20 MR. STENDERUP: Yes, I do. I believe
21 the wine industry has been injured by it and also
22 by other commodities that may or may not make a

1 concentrate, whether it's apple or pear. Now we
2 had the benefit with our white grape juice
3 concentrate. We're colorless and flavorless.
4 That can't be said for apple and pear.

5 But they're also -- so it's somewhat
6 of a different ingredient. They would be
7 impacted -- they're impacted by I think it's --
8 whether it's Chinese apple or Chinese pear, but
9 that's a different discussion. It's just talking
10 about concentrate in general.

11 So there's a certain level -- group of
12 apples or pears that go into the concentrate
13 business. They're not -- obviously not the best
14 ones, number two maybe or something. And that's
15 basically what we're doing. Just some of it's
16 what we're doing with grapes also, the table
17 grape side of it. So is that close?

18 CHAIR KIMMITT: Great. Thank you, Mr.
19 Stenderup. I appreciate your testimony. This
20 concludes our second session of the day. We will
21 now break for lunch and we'll reconvene at 1:00
22 o'clock.

1 (Whereupon, the above-entitled matter
2 went off the record at 12:31 p.m. and resumed at
3 1:03 p.m.)

4 CHAIR KIMMITT: Hi. Welcome back,
5 everyone. The USTR is still dealing with some
6 technical issues. It's the same thing that
7 happened this morning. The program we're using,
8 BlueJeans, is going to effectively reset and it's
9 going to kick everybody who's currently watching
10 -- participating and watching from home off the
11 system. And then we're going to restart it which
12 would hopefully solve the issue for the rest of
13 the day.

14 But unfortunately, it will kick
15 everyone off and there will be a new link to
16 rejoin, available on USTR's website. And so
17 you'll probably get kicked off sometime in the
18 next five to ten minutes and then we will restart
19 with testimony at around 1:15. Thank you again
20 for your patience.

21 (Whereupon, the above-entitled matter
22 went off the record at 1:04 p.m. and resumed at

1 1:19 p.m.)

2 CHAIR KIMMITT: We are back, everyone.
3 Apologies for the technical delays. Appreciate
4 you bearing with us.

5 We will now begin Session 3 of today's
6 hearing. Obviously, we are a little behind
7 schedule.

8 I will try to get us back on track a
9 little bit but will do my best to make sure
10 everybody gets their fair amount of time.

11 With that, I would like to welcome our
12 first witness of Session 3, Mr. Jerome Crosby, on
13 behalf of the Georgia Blueberry Commodity
14 Commission.

15 MR. CROSBY: Thank you, gentlemen, for
16 the opportunity to (audio interference) today on
17 a matter of profound importance.

18 Hello? Are we live?

19 CHAIR KIMMITT: Yes, we are (audio
20 interference) live, sir.

21 MR. CROSBY: (Audio interference)
22 holding the hearing and giving us an opportunity

1 to speak.

2 Today, I am speaking to you not only
3 as a farmer but as the chairman of the board of
4 the Blueberry Commodity Commission and a board
5 member of the Georgia Fruit & Vegetable Growers
6 Association.

7 Since 2005, our farm has grown both
8 highbush and rabbiteye blueberries, and our
9 harvest window is from late March through July
10 the 4th on an annual basis, and we harvest both
11 fresh and frozen blueberries with hand labor and
12 mechanical harvesters.

13 For several years, we tried to grow
14 produce such as squash and pepper varieties but
15 we just couldn't compete against the imports and
16 had to give it up.

17 My apologies for being blunt today,
18 but everyone involved in this hearing had to know
19 that excluding fresh fruit and vegetables from
20 some type of seasonal protection in the USMCA
21 agreement would be detrimental to the economy of
22 Georgia blueberries and other fresh products

1 grown in our state, and there is a reason why the
2 Mexican negotiators called the U.S. proposal to
3 provide seasonal protection a, quote, deal killer
4 and they were willing to walk away from the
5 table.

6 As you've heard in previous testimony,
7 Mexican farmers and the Mexican government had
8 invested heavily in subsidized blueberry
9 operations in Mexico and they knew that those
10 farms would begin to reach peak production in the
11 last few years and, in particular, in 2020.

12 I am not certain how -- where we were
13 as U.S. negotiators of the impact that was coming
14 to the Georgia blueberry growers.

15 And as you are also probably aware, on
16 July the 22nd, when you announced that these
17 hearings would be virtual, there was a meeting of
18 the Mexican government delegation and they issued
19 a threatening statement saying that any action by
20 the U.S. government to correct this unfair trade
21 issue would be deemed an underhanded practice by
22 them.

1 As you can imagine, this statement is
2 ridiculous and it's offensive to Georgia
3 blueberry growers. We actually built the market
4 that these imports are now targeting.

5 And we have been telling Washington
6 about Mexico's unfair trading practices for
7 several years. We raised it when the USMCA
8 negotiations began and we proposed a solution to
9 the issue.

10 Our solution was to give us access to
11 the trade laws. We did not ask for a guarantee
12 that we would win any anti-dumping case or that
13 we would win a countervailing duty case.

14 We asked for the ability to file a
15 case, not a nominal ability but an actual ability
16 to file a case, and now Mexico is suggesting that
17 we do not have -- should not have access to these
18 trade laws.

19 Due to the time constraints, I can't
20 read my full written statement. I understand you
21 gentleman have a copy of it, and I beg of you to
22 read it.

1 It contains some important
2 information, some good data. Three key points
3 that I would like to make to you is, number one,
4 Mexican imports increased 68 percent in one year.

5 From 2019 to 2020, Mexican imports
6 grew by 17 million pounds in the Georgia window
7 alone in a 14-week period.

8 At the same time, Georgia lost 25
9 percent of its market. We went down 10 million
10 pounds in sales from 2019 to 2020, and during
11 that same 2019-2020 period, one year, the price
12 Georgia growers received for the fruit that we
13 were able to sell dropped between 24 and 48
14 percent year over year across that 14-week
15 period.

16 During the final phases of the USMCA
17 negotiations, the Georgia farmers agreed to
18 withdraw our adamant opposition to the USMCA in
19 return for your promise to work to protect us
20 from damages with imports.

21 Unfortunately, those damages have
22 already arrived and are continuing to grow, and

1 let me be clear. We need an immediate and
2 resolute response from USTR to save our blueberry
3 industry in Georgia.

4 The USTR's plan should be clear and
5 should consist of specific actions the U.S.
6 government will take and I hope that the USTR is
7 giving serious thought to the original ideas we
8 first presented to Ambassador Lighthizer when
9 USMCA negotiations began.

10 Small-farm commodities need help
11 identifying when and how to bring trade cases to
12 defend our interests. As a whole, the U.S. fruit
13 and vegetable sector consists mostly of small
14 farmers who grow a various array of different
15 commodities, and it is hard for us -- it's harder
16 for us than other farm sectors to build and
17 maintain a permanent industry infrastructure that
18 monitors what other governments are doing in so
19 many different commodities and defend ourselves,
20 and this is something that we feel the federal
21 government, especially our trade policymakers at
22 USTR, could help us do better.

1 We need your help in identifying when
2 a dumping or countervailing investigation should
3 be considered. Larger industries have teams of
4 lawyers and economists to help them make those
5 decisions. Small fruit and vegetable farmers
6 don't. We have you, and we need you to step in
7 and help us.

8 With that in mind, I am asking you to
9 consider putting together a task force under the
10 existing trade enforcement offices at USTR to
11 help our industry and those like us get justice
12 from our own trade laws and, again, I would
13 encourage you to read my full written statement
14 in detail for some additional information.

15 Thank you for your time today.

16 CHAIR KIMMITT: Thank you, Mr. Crosby.
17 I appreciate your testimony.

18 I think, to get back on schedule, we
19 will have time for one question and I'll turn it
20 over to Assistant Secretary Kessler if he has
21 one.

22 MR. KESSLER: Okay. Thank you very

1 much. Thank you, Mr. Crosby, for that testimony.

2 You know, I think -- I would just
3 invite you, if you would, to expand on the
4 damage, the injury, that you are describing for
5 Georgia blueberry farmers.

6 You know, I know that in your written
7 testimony you have information about prices and
8 volumes. Are there any other metrics or any
9 other information you can provide to illustrate
10 the harm that you and other blueberry growers are
11 experiencing?

12 MR. CROSBY: Well, the three charts
13 that I included in my written statement do
14 provide a -- I think, about a several-year trend
15 of what has happened with volume movement and
16 pricing.

17 There is a significant, documented
18 increase of Mexican imports based on USDA data.
19 There is a documented decrease in price based on
20 USDA data.

21 Personally, on my farm, without
22 providing specific details, I can just tell you

1 exactly that over the last three years in
2 particular, we are seeing year over year price
3 decreases earlier in the season and we are seeing
4 pushback on demand as the most -- the most
5 damning evidence that I gave you is that in a 14-
6 week period from 2019 to 2020 you see Georgia
7 lose 10 million pounds of sales while Mexican
8 imports increased 19 million pounds of sales at a
9 reduced price.

10 We are also competing with labor that
11 in Mexico is about one-tenth the cost of what it
12 is here under United States laws with H-2A
13 programs that mandate what I have to pay
14 harvesters in the field.

15 MR. KESSLER: Thank you.

16 CHAIR KIMMITT: Thank you, Mr. Crosby.
17 I appreciate your testimony.

18 We will now welcome Ms. Brittany Lee
19 from the Florida Blueberry Growers Association.

20 MS. LEE: Hi. Good afternoon, and
21 thank you for giving me the opportunity to speak
22 with you all today.

1 My name is Brittany Lee and I am the
2 executive director of the Florida Blueberry
3 Growers Association, an organization that
4 represents the hardworking blueberry growers
5 throughout the state that are dedicated to
6 growing fresh, high-quality blueberries for our
7 consumers.

8 I appreciate the opportunity to
9 address how our industry has been affected by
10 Mexico's unfair trade practices for years, even
11 more significantly in the last several years.

12 I am a blueberry grower myself, so
13 this issue directly hurts my family farm just as
14 it does the other 920 farms that grow blueberries
15 in the state of Florida.

16 Florida is a cornerstone of domestic
17 blueberry production. We are the first state to
18 produce blueberries every year, harvesting
19 between March and May, and our Florida blueberry
20 growers are dedicated to growing a sustainable
21 and ethically-sourced superfood for our
22 consumers.

1 With a significant impact on Florida's
2 economy, our farms employ over 2500 full time
3 jobs every year and we generate an economic
4 impact of over \$925 million. I am sorry, \$295
5 million.

6 The massive amounts of Mexican
7 blueberries surging into the U.S. every spring
8 are crippling the southeast domestic blueberry
9 industry.

10 Florida blueberry growers and growers
11 of other seasonal produce have never had a
12 mechanism to combat Mexico's unfair trade
13 practices.

14 We remain vulnerable and we remain
15 unprotected. Mexico's U.S. market share
16 continues to increase dramatically and we
17 continue to suffer.

18 Recent massive and heavily subsidized
19 plantings in Mexico continue to threaten the
20 livelihood of our Florida producers.

21 From 2009 to 2019, Mexico's U.S.
22 market share of blueberries increased by 2,111

1 percent. By contrast, Florida's market has
2 decreased over the last several years.

3 The culprit is one. It is Mexico's
4 millions of dollars in government subsidies that
5 create artificially low prices for its produce.

6 To exacerbate the situation, from
7 January to April of this year, while Florida
8 blueberry farms were taking sales loss from the
9 U.S. food service shut down, caused to the --
10 because of the coronavirus pandemic, Mexico
11 shipped an additional 1.5 million flats of
12 blueberries into the U.S., increasing their U.S.
13 market share by 64 percent in that period.

14 Florida blueberry growers continue to
15 experience undue hardship as a result of Mexico's
16 unfair trading practices.

17 My family farm is well on its way to
18 becoming a casualty of this and eventually it
19 will be the reason that my family business and
20 others are forced out of commercial production.

21 Most of us have worked our entire
22 lives to provide a legacy for our family and

1 build a business that can be passed from
2 generation to generation.

3 However, the current climate where
4 Mexican blueberries are being sold significantly
5 below the price that it costs to grow, pick, and
6 pack our blueberries here in Florida is
7 absolutely crippling our Florida blueberry farms.

8 It is crippling my family farm, and we
9 are unable to sustain our businesses.

10 Our industry supports free trade. But
11 it has to be fair. Our growers simply want an
12 even playing field and an opportunity to continue
13 our family operations, to remain in production
14 agriculture, invigorate the economy, and to
15 provide a safe healthy superfood for our
16 consumers.

17 On behalf of the blueberry industry,
18 we respectfully urge USTR to initiate a fair and
19 reasonable solution that will protect the Florida
20 blueberry industry before Mexico completely
21 pushes us out during our limited market window.

22 Thank you very much.

1 CHAIR KIMMITT: Thank you, Ms. Lee.

2 I think -- I think we have time for
3 one or two questions and I will turn it over to
4 Ambassador Doud.

5 MR. DOUD: Brittany, good to see you.
6 Thank you.

7 MS. LEE: Yes, sir. How are you?

8 MR. DOUD: Good, and thank you for
9 your testimony here today.

10 I am particularly interested in your
11 comment about the government of Mexico and its
12 millions of dollars in subsidies to its
13 producers. Do you have a documentation of this
14 and how those programs operate in Mexico?

15 MS. LEE: I do, and I believe it was
16 -- I believe it was uploaded by the previous
17 presenter. It was an overview of the Mexican
18 blueberry industry by Feng Wu and Zhengfui Guan
19 by the University of Florida. I believe it's
20 been uploaded into the exhibit registry.

21 MR. DOUD: Okay. So it's the same --
22 you're referring to the same stuff. Got it.

1 Okay. Thank you.

2 MS. LEE: Yes. Yeah.

3 CHAIR KIMMITT: I think we have time
4 for one more question, if Under Secretary
5 McKinney has one.

6 MR. McKINNEY: Let me go off mute.

7 Well, first, thank you very much and
8 I want you to know that I have enjoyed not only
9 the one, but two, conversations.

10 It may have been with your colleague
11 from Georgia but as we work at the FAS to find
12 new markets, and I think just by chance you may
13 have heard and read that just in the last five
14 months we have found new access to three new
15 countries and I think we have already begun
16 connecting blueberry growers with potential
17 buyers there.

18 I know we missed the season here, but
19 it's the course of how things go in other
20 countries. So please know that.

21 I wanted just to hear from you, many
22 of your colleagues have been advocating for a 301

1 investigation.

2 Is that where you are or are there
3 other mechanisms, other tools that you would see
4 as remedy for this? Can you elaborate?

5 MS. LEE: Yes, sir. I believe that a
6 301 is the most appropriate remedy at this time.
7 I understand that at one point if that's
8 initiated and somewhere down the road a 201 is
9 suggested for blueberries specifically we would
10 love to explore that at that juncture.

11 But I think right now we agree with
12 our industry partners and the rest of agriculture
13 in Florida, and 301 is the most prudent solution
14 for us.

15 MR. MCKINNEY: Okay. Thank you.

16 MS. LEE: Thank you, sir.

17 CHAIR KIMMITT: Thank you, Ms. Lee.

18 We will now welcome Mr. Michael Hill
19 from H&A Farms.

20 MR. HILL: Thank you all for the
21 opportunity to be here talking with you today.
22 I'll be -- I'll be quick.

1 My name is Michael Hill with H&A
2 Farms. We are a grower and packer of fresh
3 blueberries located in central Florida.

4 I am a fourth generation grower,
5 something that our family is tremendously proud
6 of. I have two young children who dream of one
7 day working on our family farm, and based upon
8 the current state of Florida agriculture, I am
9 advising my children not to follow the path of
10 our family history.

11 Our market prices have continued to
12 fall year after year due the direct impact of
13 increased volume pouring into our market by the
14 imported blueberries.

15 When my family and I started growing
16 blueberries 10 years ago, Mexico was importing
17 less than 1 million pounds annually. Mexico is
18 now shipping over 100 million pounds annually in
19 which the timing falls directly into our domestic
20 blueberry season.

21 Based on our research and market
22 knowledge, they will be producing and shipping

1 around 200 million pounds to the U.S. market
2 within the next three to five years.

3 Their government has subsidized the
4 input of infrastructure on their farms including
5 the installation of irrigation, wells, and
6 protective planting such as hoop houses, just to
7 name a few.

8 Their production costs are far less
9 than ours, including drastically reduced labor
10 costs, which is one-twelfth of our share in
11 Florida.

12 Florida's fresh blueberry labor costs
13 account for 70 percent of our total cost to grow,
14 harvest, and pack our product.

15 The fundamental reason why specialty
16 crop production is highly susceptible to import
17 pressures and different -- and commodity crops is
18 because specialty crops are immensely labor
19 intensive.

20 Commodity crops within the U.S. are
21 harvested almost solely using machinery.
22 Therefore, when our main import competition is

1 growing the same crop, selling in the same market
2 window, with the help of their government through
3 infrastructure, in addition to having drastically
4 reduced labor costs comparatively, we are no
5 longer a sustainable industry within our own
6 country.

7 The situation we find ourselves in
8 with our import counterparts is not at a level
9 playing field and the main reason why the future
10 of our domestic produce supply is in jeopardy.

11 Farming is vital to our success as a
12 country, both economically and socially. I am on
13 the front lines of this battle day in and day out
14 and I can tell you first hand that we are losing
15 the war.

16 I support free trade. However, the
17 topic of this conversation rests solely on fair
18 trade. Farmers are very humble, silent, and
19 stubborn by nature and we rarely voice our
20 concerns.

21 If import pressures for specialty
22 crops in Florida continue to rise, we will soon

1 be completely reliant upon other countries like
2 Mexico for our food supply and our great state of
3 Florida will lose one of its most cherished,
4 historic, and invaluable industries, agriculture.

5 So that was my testimony that you all
6 received, and so I am talking to you as a grower.
7 We have -- we have money in the field day in and
8 day out.

9 A hundred percent of our income rests
10 on the crops that we grow, and when I talk to
11 you, I am talking to you on account of 920 other
12 of our Florida farms.

13 California is also being affected by
14 this on their blueberry front. They are in the
15 market window that Mexico is producing as well.
16 Georgia is being affected. North Carolina is
17 being affected.

18 There is eight major regions in our --
19 in the U.S. that -- or states that are producing
20 blueberries and only one of them is not affected
21 by imports.

22 As I said, Mexico, we believe, will be

1 increasing by 30 percent year over year within
2 the next three to five years, and if that
3 happens, there's just not enough demand to handle
4 that kind of supply.

5 From a real day-to-day, you know, you
6 -- I think, Secretary Kessler, you had asked Mr.
7 Crosby how it's affecting us day to day, and to
8 give you an example, when I look at our cash flow
9 projections when we go, I take a minimum of 15
10 percent price decrease every year until I can see
11 something different.

12 I've been down to Mexico. I have seen
13 how much they are planting. And when I came back
14 I've never been as scared as I was when I came
15 back two years ago from spending two weeks down
16 there.

17 This is a real deal. There's farmers
18 every day that are -- that are just stopping,
19 giving up, because they see the train coming down
20 the tracks and you either get run over or you get
21 off.

22 So I think that's five minutes for me.

1 If you have any questions, I'd love to answer
2 them.

3 MR. DOUD: Mr. Hill, thank you for
4 your testimony and I think you just answered a
5 big chunk of my question. I was wondering about
6 your 200 million pound estimate and where it came
7 from.

8 I think you indicated some of that is
9 you've been to Mexico and seen it. Is that 200
10 million pounds just Mexico or is it other
11 countries as well?

12 MR. HILL: No, that's just -- that's
13 just Mexico. They are, roughly, at about 100
14 million now. Like I said, over 10 years they
15 were less than 1 million. They are going to be
16 at around 200 million.

17 There's other countries that are
18 increasing at the same rates. Peru is one that's
19 going to be -- you know, they are already at 200.

20 They've gone from zero to 200 million
21 in six years. I think they are going to be at
22 350 million within the next two to four. So it's

1 a big front.

2 CHAIR KIMMITT: I think we have time
3 for one more question. Perhaps if Assistant
4 Secretary Kessler has any follow-up.

5 MR. KESSLER: Sure. Well, thank you
6 for your testimony, and you did anticipate some
7 of my questions there.

8 But I guess I would invite you to
9 expand a bit more on the harm that either your
10 company in particular or other companies are
11 suffering.

12 You know, you mentioned that companies
13 are exiting the business. I don't know if you're
14 seeing the size of the workforce shrink overall,
15 either at your farm or across the industry.

16 I don't know if you have data on
17 profitability, for example, or ability to make
18 new investments.

19 I'd be interested in any of that, and
20 I think, you know, your testimony also raised a
21 question in my mind as to whether you believe
22 that blueberry growers in other states, other

1 regions, support the same type of action from the
2 administration that you're asking for. So I'd
3 like your comments on that as well, too.

4 Thank you very much, sir.

5 MR. HILL: Yeah, absolutely.

6 Yeah. So when we started growing the
7 prices were about twice -- this was 10 years ago
8 -- about twice as what they have been now.

9 So and just about every other
10 industry, you see everything on the shelves at
11 Walmart or Amazon or however you want to do it,
12 everything is normally increasing in price
13 because we have inflation, and our prices have
14 continued to fall.

15 We have never seen a year where the
16 prices go up and that is solely -- and the demand
17 of blueberries has increased but the supply has
18 been over about 7 percent more than demand every
19 single year.

20 So we have seen, roughly, a 10 to 15
21 percent fall year after year in pricing. So
22 whenever you're in a trend like that -- and then,

1 for example, on the ballot coming up in Florida
2 is a \$15 an hour minimum wage to go into effect.

3 If that happens, we use H-2A, which is
4 an increase over \$15 an hour because we have to
5 pay to bring them in. We have to pay to house
6 them. We have to pay to feed them. We have to
7 pay to bus them.

8 You are now looking at an increased
9 labor cost of around 25 percent overnight right
10 there, coupled with the fact that you're having
11 decreased pricing and then the costs of
12 fertilizer is increasing.

13 The cost of land is increasing. All
14 the costs around us are increasing. Our prices
15 are decreasing. So profitability 100 percent has
16 taken a hit, and most growers are operating at
17 losses.

18 And so we are being -- the most simple
19 way to put it is we are literally being pushed
20 out, and the biggest thing is is we can provide
21 the demand needed that the U.S. wants. We can
22 provide it.

1 We just -- at the trend that we are
2 seeing why would we invest in it? Because, you
3 know, we are being pushed out and it's just -- we
4 can't operate on these -- on these numbers.

5 So and we can provide a safe product
6 as well. Our food safety that we do here in the
7 U.S. is far superior than anywhere else and I
8 will say that -- you know, I will hang my hat on
9 that.

10 We invest time and time again in the
11 safety of our food and we have the top measures
12 that we put into place in our facilities, into
13 our fields, which comes at an increased cost, you
14 know. But we are making sure we are doing that
15 to keep the product safe.

16 But, anyways, I know I expanded a
17 little bit more there. But, hopefully, I
18 answered your question.

19 MR. KESSLER: Yes, thank you.

20 CHAIR KIMMITT: I apologize. We at
21 USTR are having a little bit of issue hearing
22 you. But I think you were able to finish your

1 answer and I appreciate your testimony here
2 today, Mr. Hill.

3 We will now turn to and welcome Mr.
4 Kenneth Parker from the Florida Strawberry
5 Growers Association.

6 MR. PARKER: Good afternoon, Mr.
7 Ambassador, Mr. McKinney, Mr. Secretary. Good to
8 see you all.

9 I am Kenneth Parker. I am the
10 executive director of the Florida Strawberry
11 Growers Association. FSGA represents the vast
12 majority of strawberry growers in Florida, the
13 largest domestic region for winter production of
14 fresh market strawberries.

15 Family farms dominate the Florida
16 strawberry industry with continuous production in
17 our region for over 130 years.

18 FSGA appreciates the opportunity to
19 offer testimony regarding the trade-distorting
20 policies that have been affecting Florida
21 strawberry growers and other seasonal and
22 perishable producers in the United States.

1 As such, the information and economic
2 data on the record highlight the magnitude of the
3 headwinds Florida strawberry growers have been
4 facing.

5 I, therefore, respectfully ask USTR to
6 launch a Section 301 investigation and redress
7 these concerns.

8 Strawberries from central Mexico share
9 the same growing season as Florida strawberries.
10 As a result of the unfair trade advantages
11 documented by Dr. Guan at the University of
12 Florida and the Florida Department of
13 Agriculture, fresh strawberry imports from Mexico
14 have increased 417 percent between the years 2000
15 and 2019 and, while Florida's strawberry growers
16 lost 36 percent in market share in that same time
17 frame, Mexico increased 264 percent in market
18 share.

19 These dramatic increases of imported
20 strawberries from Mexico present a clear and
21 present danger to the sustainability of the
22 Florida industry, placing at peril family farms

1 in production for generations and the ability to
2 provide domestically produced winter strawberries
3 for our nation at large.

4 The unprecedented growth of the
5 Mexican strawberry industry has been enabled to a
6 great degree by significant subsidy support from
7 the Mexican government and other unfair trading
8 practices.

9 These support programs have helped
10 Mexican producers become the dominant U.S.
11 supplier of produce and are progressively pushing
12 growers out of business.

13 As a result of the unfair trade
14 practices, the value of U.S. imports of Mexican
15 strawberries increased by over 1600 percent
16 compared to Florida's 67 percent increase.

17 Lower cost of production and other
18 incentives enabled by massive government
19 subsidies have catapulted Mexican fruit and
20 vegetable production at a disproportionately
21 accelerated pace that would not have been
22 possible under normal market conditions.

1 Enormous infusions of capital and
2 other Mexican government benefits through the
3 various subsidy schemes have been injurious to
4 Florida producers.

5 As Mexico's unfairly traded shipments
6 have entered the U.S. market unabated in the last
7 several years, Florida producers of strawberries
8 and similar crops have had no trade tools to
9 redress unfair trade practices.

10 This has been the case, even though
11 TPA laws have demanded the U.S. government to fix
12 the problem.

13 We thank Ambassador Lighthizer for
14 committing in the January 9, 2020 letter to
15 launch a trade case that will redress this
16 problem on a timely and effective basis.

17 At the end of the day, without that
18 action, the economic livelihood of Florida
19 strawberry growers and their communities will
20 remain in jeopardy.

21 In conclusion, as our sector and so
22 many other produce sectors in Florida have made

1 clear, because unfairly-traded imported
2 strawberries from Mexico threaten the
3 sustainability of the winter strawberry
4 production in our nation, we need this trade case
5 as a matter of urgency.

6 FSGA is committed to continuing to
7 coordinate with the administration to make that
8 happen. You have listened to expert testimonies
9 and looked at graphic data points that clearly
10 paint a vivid picture on your mind of how
11 targeted subsidized imports have negatively
12 impacted Florida growers.

13 However, no one knows, understands, or
14 feels the pain better than the farmers
15 themselves. Let me leave you with this
16 reoccurring quote.

17 We are not looking for a handout, just
18 a fair chance in the fight.

19 Thank you.

20 CHAIR KIMMITT: Thank you, Mr. Parker.

21 Under Secretary McKinney, do you have
22 a question for Mr. Parker?

1 MR. McKINNEY: Yes. I don't want to
2 blow by what you've said because many have said
3 it and I've taken the notes, and so get that --
4 check that box with ink.

5 I want to talk about the purchasers of
6 your product. I have to think that there's a
7 number of retailers in the U.S. that would be
8 buying and many of them are very proud of their
9 U.S. ties, you know, and so forth.

10 Is there any play that we should all
11 be thinking about? And I am saying this because
12 we have the trade promotion types of programs.

13 Are there any efforts that we should
14 be undertaking in the trade promotion area that
15 could differentiate U.S. strawberries from
16 Mexico? Or is that just folly? Is that just not
17 worthwhile? Any commentary?

18 MR. PARKER: Thank you for the
19 question, and yes, sir. You know, there are
20 several programs including the Fresh From Florida
21 movement and Buy Local. All of those things seem
22 to resonate well with many consumers.

1 But at the end of the day, even though
2 we have -- there are many tremendous partners at
3 the retail level that have remained very loyal to
4 Florida during our season, at the end of the day
5 when you look at the size of the country and the
6 footprint in which we ship product to, it's a
7 supply and demand issue.

8 By and large, many of the -- many of
9 the brokers are -- not the brokers, but many of
10 the buyers that we do business with, you know,
11 they are being bombarded by prices coming out of
12 central Mexico in our time frame and it's holding
13 our prices down.

14 MR. MCKINNEY: Yeah.

15 MR. PARKER: Supply and demand is
16 going to rule the day. Even though we do have
17 successful programs -- Buy Local and Fresh From
18 Florida -- you know, we are on the southeastern
19 peninsula -- well, we are in central Florida but
20 in the southeastern part of the country, we are
21 still the most locally produced strawberries in
22 the winter months to two-thirds of the population

1 of the United States.

2 So yes, that does resonate well and we
3 will continue to push that message, and if you
4 all want to tweet that out, we would be happy for
5 you all to do so also.

6 MR. MCKINNEY: Well, thanks.

7 And, again, I want to make sure you
8 understand I did get your core message. I didn't
9 mean to blow by it. I just had not heard any
10 discussion about downstream marketing. So thank
11 you for taking that up.

12 MR. PARKER: Thank you.

13 CHAIR KIMMITT: Assistant Secretary
14 Kessler, do you have any questions for Mr.
15 Parker?

16 MR. KESSLER: Yes. Thank you, Mr.
17 Parker, for your testimony. I'd like to know --
18 I am going to pose a question similar to one that
19 I posed earlier to another witness.

20 I'd like to know exactly what kind of
21 relief you're requesting. Do you want to see
22 duties put in place? Do you want to see

1 reference prices or something else?

2 And I'd also like to know your view of
3 whether those types of measures would be
4 supported by strawberry growers across the nation
5 and, if not, why not?

6 MR. PARKER: Well, thank you, Mr. --
7 Assistant Secretary Kessler.

8 I can't speak for strawberries grown
9 in other parts of the country. Basically, during
10 the winter you have the Florida window and there
11 is some production in southern California.

12 A 301 would allow the federal
13 government to investigate and then take actions
14 based on those findings. Tariff-rate quotas
15 could make sense. I am not a big fan of
16 reference pricing, although maybe a combination
17 of tariff-rate quotas and reference pricing.

18 To me, the problem with reference
19 pricing is that if you establish a reference
20 price that's profitable for Florida growers, you
21 have really guaranteed the Mexican growers a
22 tremendous profitable price and so they can get

1 loans from banks based on that business model all
2 day long.

3 I mean, so I think we have to be
4 careful with reference pricing, although it could
5 be a component of escalating tariffs based on
6 volume tariff-rate quotas.

7 And unless there is other laws that
8 would allow us to have standing, which I am not
9 familiar -- I am not aware of, you know, 201
10 would not work for us.

11 The 301 seems to be the only path
12 forward for our industry and many other
13 commodities in Florida.

14 CHAIR KIMMITT: Thank you.

15 MR. PARKER: Mr. Kessler, anything
16 short of somehow controlling the amount of volume
17 is going to fall short of what we need.

18 MR. KESSLER: Okay. Thank you, sir.

19 CHAIR KIMMITT: Thank you, Mr. Parker.

20 We will now welcome Mr. John Sizemore,
21 representing Sizemore Farms.

22 MR. SIZEMORE: Good afternoon.

1 Committee, I sincerely appreciate the
2 opportunity to speak before you.

3 My name is John Sizemore, a fourth-
4 generation Florida strawberry grower. My family
5 has spent 95 years in the Florida strawberry
6 industry, with each generation working to
7 preserve their livelihood, pass on this way of
8 life to the next.

9 Our family farm has stayed afloat
10 through foreign wars and economic depressions,
11 adapting to meet the challenges of the day, and
12 continuing to provide fresh fruit for Americans
13 during the winter season.

14 Generations that came before me kept
15 farming through the Great Depression and World
16 War II. But I fear the ongoing allowance of
17 unfair Mexican trade practices will be too much
18 for sustainment.

19 Without relief, I believe the losses
20 sustained as a result of Mexico's ascension in
21 the U.S. market will be catastrophic to our
22 farms, ending our family's farming legacy with

1 me.

2 In my 33 years of operating our farm,
3 the greatest challenge has been increased Mexican
4 competition in the winter months. We simply
5 can't compete with Mexico's unfair trade-
6 distorting practices.

7 Their predatory pricing strategy,
8 surging volumes, and elaborate subsidy programs
9 have had a devastating impact on Florida
10 strawberry producers.

11 The data presented by the University
12 of Florida and our Department of Agriculture
13 prove that Florida producers like myself are the
14 casualties of this growth in Mexican imports.

15 While our farm has managed to survive
16 consecutive seasons of the depressed prices, many
17 of my friends have not.

18 Our local industry has dwindled over
19 the past 20 years with only one-half of the
20 number of growers surviving the devastating
21 impact of Mexican dominance.

22 This is under NAFTA and USMCA does not

1 correct. If you do not address this issue now,
2 multi-generational farms will continue to go out
3 of business.

4 As you're aware, specialty crops
5 receive no government subsidy. We are not
6 looking for a handout, just a fair chance in the
7 fight.

8 I feel the best arbiter of any
9 industry is a free and fair market. I humbly ask
10 the Office of the U.S. Trade Representative to
11 investigate and remedy the unfair advantages
12 Mexican producers enjoy.

13 We no longer have the luxury of time
14 to continue taking no action if we want to save
15 our U.S.-grown supply of fruits and vegetables
16 during our seasons.

17 If there is one thing the ongoing
18 COVID-19 pandemic has highlighted it is the need
19 for domestic control of critical industries.

20 There is no denying that food security
21 is national security, for the farmer feeds us
22 all.

1 Thank you.

2 CHAIR KIMMITT: Thank you, Mr.
3 Sizemore. I believe Ambassador Doud has a
4 question for you.

5 MR. DOUD: John, good to see you.

6 MR. SIZEMORE: Yes, sir. Good to see
7 you, Ambassador.

8 MR. DOUD: So you mentioned predatory
9 pricing practices on the part of Mexico. Can you
10 elaborate on that for us?

11 MR. SIZEMORE: Yes, sir. Thank you
12 for the question. One thing that comes to mind,
13 Ambassador Doud, is that it is my understanding
14 and -- that the data presented by our economists
15 show that Mexican crossings of strawberries
16 coming through the eastern U.S., which is
17 typically our market, and the western U.S. are
18 often as much as \$2 cheaper coming east and that
19 was my reference for predatory pricing.

20 MR. DOUD: So who's eating that \$2,
21 John?

22 MR. SIZEMORE: I am sorry. Who's

1 eating it?

2 MR. DOUD: Yeah.

3 MR. SIZEMORE: Well, I think every --

4 MR. DOUD: Who's absorbing that \$2?

5 MR. SIZEMORE: I think every producer
6 in the market loses that \$2. I think Florida
7 producers in particular lose that.

8 MR. DOUD: So on the -- on the Mexican
9 side, who is -- are they -- is the government
10 assuming that \$2? Is the Mexican producer
11 assuming that \$2? Who is taking that on?

12 MR. SIZEMORE: The sales organization.
13 Whoever sold the product is marketing it at \$2
14 less in an eastern market than they are in a
15 western U.S. market --

16 MR. DOUD: Okay.

17 MR. SIZEMORE: -- is my opinion.

18 MR. DOUD: Thank you. Good to see
19 you.

20 CHAIR KIMMITT: Thank you, Mr.
21 Sizemore.

22 We will now welcome Ms. Hilda Castillo

1 of Castillo Family Farms.

2 MS. CASTILLO: Good afternoon.

3 My name is Hilda Castillo of Castillo
4 Farms Food Corporation in Plant City, Florida.
5 My husband and I moved here in 1989 from Mexico
6 and worked full time for a strawberry grower
7 while farming two acres of strawberries of our
8 own.

9 We are the first generation of farmers
10 and our children is the second generation and
11 farming with us today with our family with all
12 our siblings working together for the farm.

13 We have grown from two acres to five,
14 then seven acres, and then with steered away my
15 brother in 2007. My husband and I work full time
16 for a better opportunity for our kids, grandkids,
17 and their families.

18 It is my hope that my kids and future
19 generations will have the opportunity to continue
20 to farm and do an ever better job than we have
21 done.

22 We face grave challenges with Mexican

1 imports of strawberries, even through there in
2 Plant City. We plant many fruit here in Florida.
3 Food from Mexico is on the shelf during our
4 season.

5 There are times when we are throwing
6 food on the ground. Here in Florida, dealers
7 profit. If we had the protection of fairer trade
8 opportunities, we could sell the food. The
9 strawberry plants have to stay cleaner so we have
10 to keep picking every -- we keeping -- we have to
11 keep picking everything. We lose money to
12 Mexican imports.

13 My children always say the farming was
14 too much work when they are young -- they are
15 younger. We work seven days a week and only take
16 one week off every year. They always want to
17 play with their friends but miss out times due to
18 the farming.

19 Today, my sons love farming and do
20 everything from planting to harvesting and
21 working around the farm. When they were young,
22 they would come and work after school to help run

1 the farm.

2 They have grown to love and appreciate
3 the hard work that goes into farming. I tell my
4 kids that when we do something right, we take
5 hard work. We have to do for better
6 opportunities and be the best farmers we can be,
7 and we only be able to moving forward with a
8 trade remedy.

9 Aside from strawberries, we grow
10 vegetables to survive, but strawberries are the
11 main crop. We use the same plastic and row
12 system for our vegetables. We have to sit down
13 and cut costs to carry us over another strawberry
14 season. The vegetable window is so short it's
15 not viable for us to only grow vegetables.

16 In the future, if strawberries
17 continue to be imported from Mexico at such great
18 volume, we will be out of the strawberry
19 industry.

20 We need the protection while we are
21 harvesting, labor supply and regulations. Some
22 of my employees have been with us for over 14

1 years. But labor shortage continues to be an
2 issue.

3 The continuing labor shortage -- the
4 expense of the labor continues to grow and
5 regulations are made and overlap. Finally
6 becoming increasing expenses and making ordinary
7 profit earn less and less. It's hard to profit
8 when we are fighting against imported food, an
9 issue that has to be resolved through a trade
10 remedy.

11 In 2010, Secretary Vilsack from USDA
12 visited our farm and he asked us what is the plan
13 for the future. I told him I wasn't certain but
14 maybe someday we can have a cooler -- a cooling
15 facility along with the farm. It's better
16 opportunities in today's market.

17 We will have more control over the
18 returns to the farm and lower costs. Some weeks
19 we may be harvesting for only \$2 a flat after we
20 pay sales commission included. We never know
21 what happened and we often continue to harvest
22 and get nothing in return.

1 We grow conventional strawberries and
2 40 acres in organic strawberries. We work very
3 hard to provide good food and vegetables for
4 every family table in the USA.

5 A goal for my family is to one day
6 have a sales team and a crew. One of my sons is
7 receiving his degree in marketing and there could
8 be an opportunity for him. We have achieved the
9 American dream.

10 When I come here from Mexico I was 17
11 years old where we did not have this opportunity.
12 I fear that between the cost of the labor
13 regulation pressures but mostly imports from
14 Mexico, our American dream will not be viable for
15 future generations.

16 Thank you.

17 CHAIR KIMMITT: Thank you, Ms.
18 Castillo.

19 I think we have time for one or two
20 questions.

21 Assistant Secretary Kessler, do you
22 have any questions for Ms. Castillo?

1 MR. KESSLER: Yes. Thank you very
2 much, Ms. Castillo, for sharing your story and
3 your family's story.

4 I'd like to ask a question about the
5 last statement that you just made. You
6 referenced three factors that imperil the
7 survival of your farm: cost of labor, regulatory
8 pressures, and imported produce from Mexico.

9 Could you elaborate on each of those
10 three factors, what they are and how they are
11 affecting you?

12 [Translating for Ms. Castillo.]

13 PARTICIPANT: She says if you can
14 minimize the -- they say if you can minimize
15 what's coming in from Mexico, it would help them
16 have bigger profit here. When it comes down to
17 labor, regulatory pressures, there is more --
18 there is more costs.

19 It's bringing up costs because more
20 regulations are coming up -- new regulations,
21 which increase costs here. The profit increases
22 -- or the costs are going up.

1 They could regulate less. The new
2 regulations increase costs. It will be a big --
3 and when, you know, like, less from Mexico and
4 sell more from the U.S. then we wouldn't have to
5 throw it on the ground. We would have enough
6 product here.

7 MR. KESSLER: Thank you.

8 CHAIR KIMMITT: Thank you, both, and
9 thank you, Ms. Castillo.

10 MR. KESSLER: Thank you.

11 CHAIR KIMMITT: We will now welcome
12 Mr. Joel Connell from Grimes Farms.

13 MR. CONNELL: Good afternoon. I'd
14 like to thank you for the opportunity to speak
15 and for your attention to this matter.

16 My name is Joel Connell. I am a
17 strawberry grower in Plant City, Florida. Like a
18 lot of these guys before me, I am not a third,
19 fourth generation farmer.

20 Not raised in the farming industry,
21 but I've farmed since I got out of school. I
22 went to work for Mr. Grimes as a farm manager and

1 I still currently manage some of his farms.

2 We grow around 750 acres of
3 strawberries during the winter season and about
4 400 to 500 acres of watermelons in the spring.

5 It has always been my dream since I
6 was a kid to have a farm of my own, something
7 that I could pass on to my four children,
8 something they could be proud of.

9 Ten years ago, I received that
10 opportunity. Over the past 10 years, Mr. Grimes
11 and I have been partners and I began to see my
12 dreams come true.

13 However, each year seems to be more
14 difficult with unfair trade practices and loss of
15 market share due to Mexican fruit production.
16 During the past three seasons, strawberry prices
17 have gotten so low that it's been cheaper for us
18 to strip the fruit from the plants, throw it on
19 the ground, rather than pack it for fresh market.

20 We discarded millions of pounds of
21 fruit that had no defect other than there is no
22 place for them in the market.

1 The sole reason behind this decision
2 is a major loss in market share from Mexican
3 production. Our current situation is not
4 sustainable.

5 Without immediate attention to these
6 unfair trade practices, many family farms like my
7 own will cease to exist.

8 It's no secret that Mexican fruit
9 production has been subsidized for years by their
10 government, thus creating an uneven playing
11 field.

12 Unless something is done to create
13 fair trade, the future of the Florida strawberry
14 industry is very bleak. Basically, we are in a
15 battle with an opponent who have an unfair
16 advantage and you are our first line of defense.

17 All we are asking is that you level
18 that playing field. That's the end of my
19 prepared statement. I'll be glad to answer any
20 questions you have.

21 CHAIR KIMMITT: Thank you very much,
22 Mr. Connell.

1 I'll turn it over to Under Secretary
2 McKinney if he has any follow-up questions.

3 MR. McKINNEY: Yes, and I don't mean
4 to be a stuck record here but I understand the
5 situation. I just want to make sure I understand
6 from your standpoint what you believe the remedy
7 or remedies would be.

8 We have heard from different people
9 from across the U.S. We have heard 301 several
10 times. We have heard from another person some
11 creative marketing schemes -- you know, farm
12 program kinds of things.

13 In your view, what is the resolution
14 to assist you and your family in the operation
15 there?

16 MR. CONNELL: Well, I appreciate your
17 question. I am not a trade expert. I am not an
18 attorney. I am just a farmer. But it would be
19 my understanding that the next course of action
20 would be the 301 investigation.

21 See where that leads us. Try to level
22 this playing field out so that they don't have

1 such an advantage over us.

2 MR. McKINNEY: Thank you. Thank you.

3 CHAIR KIMMITT: Thank you, Mr.

4 Connell, and thank you for your testimony.

5 We will now welcome Mr. Dustin Grooms
6 of Fancy Farms, Incorporated.

7 MR. GROOMS: Good afternoon. My name
8 is Dustin Grooms. I am a fourth-generation
9 Florida farmer. I've been farming with my father
10 since I was a kid. I took over our farm a few
11 years ago when my dad retired.

12 Before farming, I was a motor
13 transportation specialist, a paratrooper, and a
14 United States Army drill sergeant.

15 My dad started Fancy Farms in 1974.
16 It's my hope to continue passing on our family
17 farm to our future generations as one day I will
18 pass it on to my daughter.

19 We truly are a multigenerational farm.
20 Besides my immediate family, my aunts, uncles,
21 cousins, and all in between have worked on our
22 farm.

1 We formally farm 235 acres but we are
2 down to 125 today, strawberries in Plant City,
3 Florida. We have also grown peppers, squash,
4 pickles, okra, peas, eggplants, you name it.

5 I am asking for your help today in our
6 fight against imported produce. Mexican imports
7 have crippled our strawberry prices in Florida as
8 well as other crops.

9 This issue has continued for far too
10 long without a solution. The seriousness of the
11 seasonality issue has been recognized by Congress
12 and the U.S. government dating back to 2002 Trade
13 Promotion Authority legislation, which instructed
14 the U.S. government to fix the problem.

15 The same instruction was repeated in
16 2015 TPA law and every administration over the
17 past two decades has acknowledged the pressing
18 need to get a solution in place.

19 Yet, nearly 20 years later, farms are
20 still left defenseless against unfair Mexican
21 trade practices. At our farm, we harvest the
22 bulk of our crop below the production cost.

1 This has forced many farms out of
2 business, left them owing a lot of money. The
3 banks are hesitant to lend money for farming
4 anymore because of this reason. Our farm has
5 also felt the backlash of those effects.

6 We have actually had to sell off land
7 to pay bills to have enough money for the
8 subsequent year, hanging on to hope that we would
9 survive another season with the ending of NAFTA
10 to make a difference.

11 Gentlemen, we are running out of land
12 and time to keep moving forward. The future of
13 Florida agriculture is at a pivotal point in
14 time. We need change to be able to continue our
15 legacy of farming from one generation to another.
16 We can grow all kind of food here in Florida if
17 we are given the chance. But with the Mexican
18 imports looming over us, I am afraid the future
19 of Florida's agriculture fate might be destined
20 for failure.

21 Likewise, when the Mexican shippers
22 are allowed to engage every year in pricing

1 schemes designed to price our Florida produce out
2 of the eastern markets, Florida growers will
3 inevitably be forced out of business.

4 The day the imports take over, I
5 guarantee you they will inflate the prices so
6 high you won't even be able to afford it.

7 Ambassador, today we need your help to
8 be part of the solution for Florida agriculture.
9 Could be a great story 30 years from now to tell
10 the grandkids about how you helped influence a
11 sustainable future for Florida agriculture.

12 We have a sense of urgency. This
13 administration needs to institute a trade action
14 this year that we can stop and reverse the
15 effects of the unfair Mexican trade practices.
16 The fate of many Florida farms, including mine,
17 is in your hands.

18 God bless.

19 MR. DOUD: Well, Dustin, from one
20 Kansas farm kid to a Florida farm kid, thank you
21 for that testimony.

22 You've alluded to this but I want to

1 maybe go back and have you speak on one point
2 that's interesting to me.

3 You talked about cutting acres,
4 cutting costs, cutting, cutting. What has that
5 done to your efficiency of your operation by
6 doing that? I don't want to ask a leading
7 question here but I am assuming your efficiency
8 hasn't improved amid all of that either.

9 Is that a fair thing to say?

10 MR. GROOMS: Negative. We are just as
11 efficient as we ever were, probably if not
12 better. It's just the facts that the Mexican
13 imports are coming in, they are taking shelf
14 space, and we are not allowed to get that market
15 and that's what's -- that's what's killing the
16 deal right there, period.

17 MR. DOUD: Thank you.

18 CHAIR KIMMITT: Thank you.

19 Under Secretary McKinney, do you have
20 any questions for Mr. Grooms?

21 MR. MCKINNEY: Well, most of this is
22 about trade with Mexico. That's my area. But I

1 am just curious if there are other things that
2 USDA might consider doing to help you out. I'll
3 just leave it open ended in that regard.

4 MR. GROOMS: Yes, sir. Thank you for
5 the question. And it goes back to what all the
6 other growers are saying. At this time, I think
7 we need to move forward to 301 and start there,
8 and see where it leads to and see what happens
9 and we can build upon that and get to a solution.

10 MR. McKINNEY: Thanks very much.

11 CHAIR KIMMITT: Thank you, Mr. Grooms.

12 We have one final witness in this
13 session. We welcome now Mr. Gene McAvoy from the
14 University of Florida.

15 MR. McAVOY: Thank you. I appreciate
16 the opportunity to speak to you this afternoon.

17 I am Gene McAvoy and for the past 23
18 years I've been working with the University of
19 Florida Institute of Food and Agricultural
20 Sciences as a regional specialized vegetable
21 extension agent working with commercial growers
22 in southwest Florida around Immokalee area, and I

1 have witnessed firsthand the impact of unfair
2 Mexican competition to the local vegetable
3 industry.

4 When I first started working in this
5 area in 1997, we had nearly 300 medium-sized
6 vegetable farmers in southwest Florida and most
7 of these were independent family farmers that
8 produced winter vegetables on a commercial basis
9 and they were able to make a successful living,
10 supporting their families, sending their kids to
11 college.

12 Now in 2020, we have fewer than 80
13 farmers left with most of the small and medium-
14 sized growers having been pushed out of business
15 by the dumping of Mexican produce below cost,
16 resulting in unfair competition.

17 And should these practices be allowed
18 to continue, it's very difficult to see how many
19 of the remaining farms will be able to continue
20 to survive.

21 And here in Florida, agriculture is
22 our number-two economic engine of our economy and

1 especially here in the heartland.

2 If you get away from the coastal
3 areas, the tourism areas, agriculture is what
4 drives our economies, and when farmers make money
5 the local economy makes money.

6 They buy trucks. They buy services.
7 And it's harming not only the growers themselves
8 but it's harming the local economies here in the
9 heartland area.

10 Our growers support free trade, as
11 others have mentioned, but it must be fair trade.
12 We need relief measures now. Otherwise, the
13 devastation to the Florida industry that we have
14 experienced over the past two decades under NAFTA
15 and now USMCA will continue to grow worse.

16 To put it simply, we can't compete
17 with a country that uses unfair trade-distorting
18 practices like Mexico has for the past 20 years.
19 Our years of continuing losses have put our
20 specialty crop industry survival at risk.

21 Mexico employs predatory pricing
22 strategies, surging volumes, and subsidy programs

1 to aid their growers in all aspects of
2 production: infrastructure for protected
3 agriculture, equipment, post-harvest management,
4 genetic resources, irrigation technology, and
5 more.

6 And all of these have made Mexico
7 emerge as the largest exporter of fruits and
8 vegetables to the U.S. winter market during
9 Florida's prime winter growing season.

10 Again, our producers have been
11 casualties of this growth and year after year,
12 Florida production has fallen in inverse
13 proportion to increases in Mexico in volume.

14 Economic data by my colleague, Dr.
15 Guan, paints a very stark picture. The first
16 casualty was tomatoes in 2000. Fresh tomato
17 production in Florida -- since 2000, fresh tomato
18 production has exhibited a steady decline. We
19 were at 39 million pounds. Florida was equal to
20 Mexico.

21 Now Florida has fallen to -- from
22 39,000 acres in 2000 to about 27,000 acres now.

1 And we have seen this repeat itself consistently
2 as producers in Mexico have targeted additional
3 specialty crops.

4 As I mentioned, tomatoes were the
5 first casualty. They have achieved some relief
6 with the suspension agreement. But Mexico has,
7 again, targeted other crops. We have seen
8 peppers, squash, watermelons.

9 As others have testified,
10 strawberries, blueberries and more. Some of my
11 growers have moved to organic production to try
12 to carve out a niche and now we are seeing
13 increased competition from Mexico in the organic
14 market.

15 Again, I just don't see how we are
16 going to survive in the future unless we have a
17 viable, effective solution and some sort of trade
18 remedy to address these unfair trading practices.

19 If you look at the cost of production
20 on crops, we see crops coming in at \$5 a carton
21 for tomatoes and, you know, \$7 a carton for
22 peppers, and it's far below our production cost.

1 And it's difficult to see how even
2 Mexico can produce these crops at that price when
3 a tractor in Mexico costs the same price.
4 Chemicals in Mexico cost the same price.

5 The only advantage they really have is
6 labor, and, you know, it's hard to see how it's
7 just not plain and simple dumping on our market,
8 which is depressing our growers' ability to stay
9 in business.

10 And with that, I'll conclude my
11 testimony.

12 CHAIR KIMMITT: Thank you, Mr. McAvoy.

13 I'll turn it over to Assistant
14 Secretary Kessler if he has any follow-up.

15 MR. KESSLER: Thank you. I thank you
16 for your testimony, sir.

17 I've got sort of a basic factual
18 question. You know, you -- I know that you work
19 with commercial vegetable growers in Florida and
20 we have heard in other testimony that there are,
21 for example, strawberry producers that also grow
22 commercial vegetables.

1 To what extent is there overlap
2 between growers of vegetables and growers of the
3 other -- these nonperishable products that we
4 have been discussing this morning, blueberries
5 and strawberries and tomatoes and so on.

6 MR. McAVOY: Okay. In my area of
7 southwest Florida there is very little crossover.
8 In central Florida, it is more suited to
9 strawberry and blueberry production because they
10 have cooler winters. There is some crossover.

11 But in my area, vegetable farmers are
12 primarily 100 percent vegetable farmers and they
13 grow a variety of vegetables. But they are
14 vegetable farmers.

15 MR. KESSLER: Okay. And their
16 toughest competition, as you say, is from low-
17 priced Mexican imports, correct?

18 MR. McAVOY: Yes, sir. That's
19 correct.

20 MR. KESSLER: Thank you.

21 MR. McAVOY: You're welcome.

22 CHAIR KIMMITT: Thank you. Thank you,

1 Mr. McAvoy, for your testimony and thank you for
2 everybody who participated in this session.

3 This concludes Session 3 of our
4 hearing today. We will now take a short break
5 and reconvene at 2:40 p.m.

6 Thank you, everyone.

7 (Whereupon, the above-entitled matter
8 went off the record at 2:25 p.m. and resumed at
9 2:42 p.m.)

10 CHAIR KIMMITT: Welcome back,
11 everyone. We'll now begin the last of our four
12 sessions of the day. And we will begin with Mr.
13 Mark Greef representing Driscoll's Incorporated.

14 MR. GREEF: Thank you very much. Good
15 afternoon and thank you for the opportunity to
16 share my testimony today.

17 I am the vice president and general
18 manager of the eastern region of Driscoll's,
19 which includes Florida and Georgia. I'm a
20 resident of Florida.

21 I've been engaged with the Georgia and
22 Florida berry industries for over two decades

1 now. Driscoll's works with independent growers
2 to supply the delightful berries to consumers.

3 The winter berries for U.S. consumers,
4 we have growers in both Mexico and in Florida.
5 For the rest of the year we rely on growers in
6 California, other U.S. states and Canada.

7 Driscoll's has operated in the Florida
8 strawberry industry for over 30 years.
9 Driscoll's has filed extensive written comments
10 on both strawberries and blueberries.

11 I will briefly summarize them.
12 Driscoll's is committed for the long-term, in the
13 continuation and in the growth of the berry
14 production in the southeast.

15 At the same time, the growth of the
16 berry production in the southeast. At the same
17 time, we also see continued growth in Mexican
18 production.

19 The berry industry is not a zero sum
20 gain. In which gains in one area means losses
21 elsewhere. Instead, U.S. consumers' demand for
22 berries has increased significantly over the past

1 25 years. Consumers want berries, and they want
2 them year-round.

3 The consistency and sustained
4 improvement of flavor and overall quality are
5 critical to maintaining this momentum. Any
6 evaluation of the growth and imports from Mexico
7 has to be understood within the context of the
8 produce industry's move to year-round supply.

9 Simply looking at the increase in
10 exports from Mexico ignores the changes in
11 consumption patterns, patents and the production
12 that then follows those changes.

13 Twenty years ago, for example, there
14 were no blueberries in Mexico and few in the
15 southeast. Production in both places has (audio
16 interference). Not because of governmental trade
17 policies but because of market signals.

18 Geographic diversity of supply aids
19 and supports the growth of demand and
20 consumption. During a year where Florida and
21 Georgia have experienced late winter or early
22 spring freezes that limit the crop potential, the

1 supply from other areas, such as Mexico, aid in
2 maintaining retail shelf space and continue
3 consumption of berries throughout that period.

4 Over the past five years market (audio
5 interference) that average prices for Florida and
6 Mexico's strawberries were comparable. As each
7 production area toggled up or down, depending on
8 the market or weather condition.

9 For blueberries over the past four
10 years, the wide variations of overall pounds per
11 fruit grown producing areas within the U.S. have
12 impacted pricing obtained.

13 We see the role of advancements or
14 innovation in cultivar development, farming and
15 harvest systems, critical going forward. And we
16 have directly invested in this in Florida.

17 These advances will aid in optimizing
18 productivity, operational and production
19 efficiencies, risk mitigation and long-term
20 profitability.

21 As an example, Mexico strawberry
22 growers have invested in hoops and tunnels in

1 order to reduce the risk that weather brings with
2 rain, et cetera. The Florida berry has been very
3 slow to embrace such opportunities to date.

4 At Driscoll's we're optimistic about
5 the future of berry production in Mexico and in
6 the southeast and U.S. This concludes my
7 testimony. Thank you.

8 CHAIR KIMMITT: Thank you, Mr. Greef,
9 I appreciate your testimony. I'll now turn it
10 over to Ambassador Doud for a follow-up question.

11 MR. DOUD: Yes, Mark, thank you for
12 your testimony here today. I think you're a
13 great person to ask this question.

14 I get the impression from you that
15 everything is fine in Florida. We've heard all
16 day that things are not fine in Florida.

17 So how has Driscoll's been able to
18 avoid the problems that everybody else is having?

19 MR. GREEF: So we have been in the
20 progress of cultivar development and advancement
21 production systems. We've shifted the focus of
22 the timing of production. And also drastically

1 enhanced the productivity of our fields in order
2 to basically produce more fruit with the same
3 amount of resource.

4 Likewise, if you look at strawberries,
5 we're very focused on looking at things such as
6 moving production out of the soil into substrate
7 systems where we're actually getting out of soil
8 fumigation and things like that. Increasing
9 productivity, reducing weather risk and actually
10 able to drastically reduce harvest costs by
11 taking that approach.

12 You know, there is significantly more
13 supply in berries globally now. And it is not a
14 secret that globally growing berries is more
15 competitive. Far more competitive at least.

16 But we can't settle for doing the same
17 things we did 15 to 20 years ago. We need to
18 progress. We need to advance.

19 And we can't expect consumers to
20 accept the same fruit quality and flavor that we
21 provided them ten or 15 years ago. We're now
22 competing against grapes, apples and also salad

1 products for flavorful items that people are
2 going to pay good money for and take home.

3 CHAIR KIMMITT: Thank you. Thank you.
4 Under Secretary McKinney, do you have a question
5 for Mr. Greef?

6 MR. MCKINNEY: Yes, I think I'm coming
7 through here. Mark, thanks very much for coming
8 and sharing those thoughts with us.

9 I'm betting that whereas you lead the
10 east or the southeast, I can't remember what you
11 said there, I bet you got a counterpart that
12 leads the southwest or the west.

13 MR. GREEF: Yes, sir.

14 MR. MCKINNEY: Is there a targeting,
15 in your view, of the eastern or southeastern
16 producer versus the southwest or the western
17 producer?

18 Because I have heard that a couple
19 three times today, that there is a deliberate
20 focus on undermining the southeastern producer.
21 In the scope of your company, what do you see,
22 what do you observe?

1 MR. GREEF: So, I do not observe that.
2 I think that that is realized because there's
3 earlier production from the southeast, especially
4 when we're looking at blueberries, versus the
5 west.

6 And so, you see the Mexican product in
7 place. And hear about it from retailers in the
8 marketplace.

9 You know, whereas California and
10 places like that generally start their production
11 cycles a bit later. Outside of Oxnard
12 strawberries.

13 But I am not, I have not seen a
14 specific focus on moving product to the east
15 coast. I feel that as in, similar to what our
16 strategy is, we actually try to move more Mexican
17 product to the western side because there are
18 trade, there are limitations because of pest
19 issues in the southeast and so on are being able
20 to move blueberries to the west coast. To
21 California and so on.

22 It's very restricted, so I would

1 rather put blueberries from Mexico into the west
2 and half to the U.S. when I have eastern,
3 southeastern supply. And that's what we look at.

4 I will say thought, for pricing
5 strategies, we look at a single focus pricing
6 strategy across the country. Not affected by
7 retailers who choose to (audio interference) one
8 place or the other, they're facing one certain
9 kind of advantage. Freight advantage or similar.

10 But if you look at the Mexican market
11 as well, per say, you know, a lot of the Mexican
12 retail market is the same players. It's the U.S.
13 retailers that operate in both countries.

14 And so, even that pricing, if we sell
15 fruit from Mexican in Mexico, there isn't a
16 difference in their pricing strategy for us. So
17 I don't see this focus on southeastern producers
18 that is being perceived.

19 MR. MCKINNEY: Thank you.

20 CHAIR KIMMITT: Thank you, Mr. Greef.
21 We'll now welcome Mr. Dan Balbas of Reiter
22 Affiliated Companies.

1 MR. BALBAS: Hi, thank you. Thank
2 you. Well, we're one of the growers for Driscoll
3 so I think our perspective might be interesting
4 and I'd like to share it.

5 Reiter Affiliated is a multi-berry
6 producer growing Driscoll's proprietary varieties
7 of strawberries, raspberries, blueberries and
8 blackberries. We grow them year-round.

9 We grow them in the U.S., Canada,
10 Mexico, as well as Portugal, Morocco, Germany and
11 Peru. We are family owned and have operated the
12 company that way since the turn of the last
13 century.

14 We've been in Florida since 1990.
15 Focused on winter production of strawberries for
16 some time. And we have continued to perform
17 favorably there against Mexican imports.

18 And we think a lot of that is just
19 being simply closer to the market, the east coast
20 market, as a key factor with something as
21 perishable as a strawberry. We also focus
22 heavily on quality to differentiate ourselves

1 from our competitors.

2 One thing about it though is we do
3 rely on guest workers from Mexico under the H-2A
4 program. So that's something that is a challenge
5 for us and that we have additional cost burden
6 over Mexico, with the H-2A program and some of
7 the additional costs that are contained in that
8 program.

9 We have been, we did our first
10 blueberry trial, we grow really two berries,
11 strawberries and blueberries in Florida. In
12 2001, and have been producing ever since.

13 For us, Florida was a very viable
14 alternative to Southern California due to cost
15 structure. But like everybody else, we have seen
16 significant price erosion.

17 And year-over-year, as volumes have
18 increased, the business has gotten tougher. It's
19 not an impossible business still for us.

20 And we're focusing on two things. The
21 first one is, replacing outdated genetics to
22 dramatically increase our yield and going to

1 more intensive systems.

2 But the big thing is harvest. That's
3 the biggest area where Mexico has an advantage
4 over our domestic production.

5 While our blueberry harvest and
6 packaging costs generally exceed \$1 a pound,
7 Mexico costs much lower. This is driven by the
8 fact that again, most of our harvesters are
9 contracted from Mexico where we have to
10 transport, house them, pay them an adverse wage,
11 et cetera. And that's under the H-2A program.
12 Which is an additional employer cost.

13 Secondly, and probably most
14 importantly, is the large wage disparity between
15 the two countries.

16 What we really seek to do is increase
17 our harvest efficiencies through further
18 mechanization, higher yields. But the reality
19 is, it's getting tougher.

20 We do still have a business. And our
21 yields and our cost of growing the crop is
22 roughly the same as Mexico.

1 And when we get high yields we can
2 actually out-compete Mexico on growing costs.
3 But putting that fruit in the box is where we
4 lose our competitive advantage.

5 So really, I would urge our
6 representatives, to support advancement and
7 innovation, particularly on the automation of
8 harvest, on mechanization and seek to streamline
9 the H-2A program. We are fully committed to
10 staying in Florida.

11 I mean, for our shareholders, our
12 growers and our employees, as well as the
13 American consumer. And we think we can remain
14 viable.

15 But we're not going to ignore that
16 there is challenges competing on harvest costs
17 and we seek to compete. That concludes my
18 testimony.

19 CHAIR KIMMITT: Thank you, Mr. Balbas.
20 Assistant Secretary Kessler, do you have any
21 follow-up questions?

22 MR. KESSLER: Sure. Thank you very

1 much, Mr. Balbas. Sir, I'm trying to understand
2 your perspective a little bit more. You're
3 describing some of the same headwinds in the
4 competitive environment that we've heard other
5 witnesses contest to in Florida.

6 You're not requesting the same type of
7 301 investigation or trade remedy as other
8 witnesses. Is that because your business is
9 globally diversified and you're able to kind of
10 shift production? What should we make of that?

11 MR. BALBAS: Well, I think what you
12 should make of it is, I have no responsibility in
13 Mexico but I have some, there is some
14 transparency there.

15 And it seems to me that if we're going
16 to have free trade then the fact that they can
17 harvest cheaper is going to have some impact.
18 And so we have to overcome that through
19 efficiency gains, providing a better product,
20 that sort of thing.

21 We still have a viable business in
22 Florida. That's one key takeaway. But

1 essentially, the differences are, really come
2 down to harvest cost.

3 As we're closer to the market, that
4 evaporates some of that difference, but not all
5 of it. And so we have to get more efficient on
6 everything else we do. And we're committed to
7 doing that and have been doing that over the last
8 several years.

9 MR. KESSLER: If I may just ask one
10 more question. So we've heard a little bit this
11 morning about some Mexican government programs
12 related to irrigation technology, intensive
13 production, agricultural covers and other types
14 of Mexican government programs that support the
15 farming industry there.

16 Have you come into contact with those
17 and do they affect your business at all?

18 MR. BALBAS: You know, I'm not as
19 aware as I would like to be. In light of what
20 the situation is.

21 I have heard third hand, which is
22 pretty dangerous, that there's a lot of subsidies

1 in glasshouse production, for example. But I do
2 have some transparency and I do see their growing
3 costs and they're very similar, if not a little
4 higher than ours in Florida.

5 It's the harvest cost that kills us
6 because when you get to a low price point, they
7 can harvest and make the margin and we can't. So
8 really we need to focus, in my perspective, on
9 harvesting efficiently.

10 But really it's, our pinpoints are
11 competing in the labor arena. For, I think,
12 obvious reasons.

13 MR. KESSLER: Okay, thank you, sir.

14 MR. BALBAS: Thank you.

15 CHAIR KIMMITT: Thank you. Thank you,
16 Mr. Balbas, for your testimony today. We'll now
17 welcome our next witness, Mr. Paul Allen on
18 behalf of R.C. Hatton Farms.

19 MR. ALLEN: First I would like to say,
20 thank you for the opportunity. And I also want
21 to thank all of you as leaders for all that you
22 do for our country. Very grateful for what you

1 do.

2 So I'm Paul Allen, I'm president of
3 R.C. Hatton Farms in Belle Glade, Florida. We're
4 a multi-generational family and we grow sweet
5 corn and green beans, cabbage and sugar cane.

6 And we've been farming since 1948.
7 And that's something we're very proud of. We
8 started farming in southeast Georgia in 2003.

9 Another hat that I wear, which I
10 humbly serve as the chair of the board of
11 directors of the Florida Fruit and Vegetable
12 Association, which represents all fruit and
13 vegetable growers in the State of Florida.

14 Yes, I just want to say my statements
15 are going to be really brief because I think it's
16 extremely, extremely important that you remember
17 what I have to say today.

18 So I want to address the unfair trade
19 practices. Maybe from a little different
20 perspective from what you've been hearing all
21 day.

22 Let's take a look at it from a

1 historical perspective and the impact of what it
2 means to depend on other countries for food.

3 Florida feeds 79 million people east
4 of the Mississippi with fresh produce for seven
5 months out of the year. Because it's too cold in
6 other parts of the country in the north. From
7 the time of November to May for production.

8 So, in regards to this I have three
9 important points that I want you to remember and
10 not forget, please. Our leaders in World War II
11 understood how important it was to feed our
12 country. And they did not require farmers to go
13 in the draft.

14 My grandfather was one of those
15 farmers. While my grandmother, she was a welder
16 in the ship fields of Savannah, Georgia and
17 delivered these ships, my grandfather, he stayed
18 home and he was able to grow food because our
19 government understood how important it was to be
20 able to feed our country.

21 Our leaders understood that back then.
22 And I challenge you, it's incumbent upon you as

1 the leaders of this country to protect the
2 ability of the American farmer to feed American
3 people.

4 Number two, I want to challenge you as
5 leaders of our country to not succumb to the
6 threats that Mexico is putting on you. And you
7 need to decide to protect the American farmer.

8 The fact that American officials are
9 making threats, those are the significance of
10 this unfair trade program that we find ourselves
11 in.

12 It is a big deal to Mexico because
13 they know, they know if no changes are ever made
14 Florida is going to be killed. And they're going
15 to own, they're going to own the production of
16 vegetables that feed the 79 million people east
17 of the Mississippi river.

18 They're going to own it because
19 they'll have a freight advantage over California
20 and they'll be able to deliver much cheaper than
21 what other producers will in the country at that
22 time. It was number two.

1 Number three, during the pandemic in
2 April and May I was forced to destroying food
3 while everyday there was hundreds of loads of
4 produce coming across the border.

5 We asked the Administration to call
6 force majeure agreement and we were turned down.
7 When that happened, we turned to the American
8 people to help buy our produce and not support
9 foreign grown produce.

10 We have seen that the American people
11 have stepped up to the plate and done just that.
12 The Americans have been aware during this
13 pandemic of the trade inequalities when it comes
14 to the American farmer in Florida. And they
15 expect you, the Administration, to make changes
16 to protect the American farmer.

17 I'll close, again, to reiterate three
18 points. From a historical perspective our
19 government protecting food security, it's
20 incumbent on you to do that.

21 Number two, don't succumb to the
22 threats that's being shown. That proves of how

1 big of a deal this is to the Mexican government.

2 Thirdly, American people are expecting
3 you to make changes that they have been made
4 aware of on this issue. The American people are
5 totally aware of it all over this country.

6 It's clear that specialty crop
7 production in Florida is in a crisis. A crisis
8 that has been more than 20 years in the making
9 under NAFTA.

10 The data that has been submitted to
11 the USTR paints an extremely dire picture. This
12 situation has gone unaddressed until now. But we
13 must have timely relief if we want to save the
14 Florida industry and the U.S. grown supply of
15 fruits and vegetables during the fall and spring
16 months of the year.

17 In order to save this specialty crop
18 industry, my fellow producers and I respectfully,
19 humbly, prayerfully urge that the USTR quickly
20 develop trade relief measures to ensure the
21 future of our industry.

22 I want to thank you for hearing me.

1 And on behalf of all producers in Florida, thanks
2 in advance for the changes that you are going to
3 make secure Florida production to ensure our food
4 is secure. That concludes, completes my
5 testimony. Thank you for hearing me very much.

6 CHAIR KIMMITT: Thank you, Mr. Allen.
7 I will turn it over to Ambassador Doud for a
8 follow-up question.

9 MR. DOUD: Yes. Mr. Allen, we've
10 heard a lot about the different commodities
11 today. We haven't heard much about commodities,
12 sweet corn, cabbage, green beans.

13 Take a minute and walk me through what
14 you're seeing in terms of imports of those
15 commodities. Presumably they're coming from
16 Mexico or maybe other countries, how that's
17 affected your business and your profitability
18 here in the last couple of years.

19 MR. ALLEN: Well, thanks for asking.
20 Many years ago in Florida, I'll talk sweet corn
21 and green beans, many years ago in Florida, Texas
22 was one of our larger markets.

1 Texas no longer exists for Florida.
2 It's gone. Absolutely gone during our (audio
3 interference). Whenever it's too cold for Texas
4 to produce, it's warm enough for Florida to
5 produce.

6 That market is gone and we continue to
7 see it creeping more and more and more. And
8 often times whenever prices get to a certain
9 point where we're at or below production costs,
10 they're delivering to the east.

11 And we've got the freight advantage.
12 And they're delivering to the east, still
13 delivering cheaper than we are. That's what
14 we're running into.

15 MR. DOUD: Thank you.

16 CHAIR KIMMITT: Thank you, Mr. Allen.
17 And thank you for your testimony today.

18 We will now welcome Mr. James Alderman
19 on behalf of Alderman Farms. Mr. Alderman, I
20 don't know if it's just on our end but we can't
21 hear you. So if you're on mute, perhaps, or some
22 other issue, we're having trouble hearing you.

1 I apologize. Mr. Alderman, I think we
2 might be having some technical issues that
3 hopefully we can sort out to hear your testimony.

4 (Audio interference.)

5 CHAIR KIMMITT: Oh. For the time
6 being we're going to go to the next witness, Mr.
7 Sal Finocchiaro, and then hopefully be able to
8 get back to Mr. Alderman.

9 MR. FINOCCHIARO: Yes. Thanks for
10 having me today. Sal Finocchiaro, owner of S&L
11 Beans in Homestead, Florida.

12 Last year we made the very tough
13 decision to shut our operations down. Until then
14 we'd grow a thousand acres of green beans, a
15 thousand acres of squash and zucchini, 200 acres
16 of grape tomatoes.

17 Our farm was a multi-generational
18 family operation. My father founded the business
19 in 1967. My whole life was farming.

20 When I was a little boy I would ride
21 the farm with my dad in the afternoons after
22 school. My children also worked on the farm. My

1 daughter worked in the office, my son worked here
2 on the farm. Came home from college and worked
3 with me out in the field.

4 (Audio interference.)

5 CHAIR KIMMITT: Apologies,
6 particularly if someone is speaking and the issue
7 is on our end. We at USTR are having trouble
8 hearing.

9 We're going to take a short break and
10 then hopefully be able to come back to Mr.
11 Finocchiaro and Mr. Alderman. So, we're going to
12 go to quick break and probably come back on at
13 about 3:15.

14 (Whereupon, the above-entitled matter
15 went off the record at 3:07 p.m. and resumed at
16 3:17 p.m.)

17 CHAIR KIMMITT: Hi, everyone, welcome
18 back. And thank you for your patience.

19 Unfortunately it looks like we're
20 going to have to deal with the same issue that
21 we've now dealt with twice today already, but it
22 should be the last time. We are going to have to

1 reset the link.

2 Updated links will be available on
3 USTR's website, but it does mean in the next few
4 minutes you will be kicked out of this current
5 program and you will have to log back in.

6 Apologize for the inconvenience,
7 appreciate everyone's patience in bearing with us
8 as we deal with this. We will reconvene at 3:30.

9 We should have plenty of time to
10 finish at the scheduled 4:10 end time. We have
11 six witnesses to go.

12 And the links will be live before
13 3:30, but we will begin at 3:30. And hopefully
14 everyone is able to log back in prior to that.
15 And look forward to reconvening.

16 (Whereupon, the above-entitled matter
17 went off the record at 3:19 p.m. and resumed at
18 3:31 p.m.)

19 CHAIR KIMMITT: Welcome back everyone,
20 thank you for your patience, especially Mr.
21 Finocchiaro. Apologies for interrupting you
22 halfway through your statement.

1 We'll now proceed with the remainder
2 of this fourth session and allow Mr. Finocchiaro
3 to, you can pick up where you had left off or
4 begin, probably best to start from the beginning
5 if you wouldn't mind, sir.

6 MR. KESSLER: I think you're on mute,
7 sir. There you go.

8 MR. FINOCCHIARO: Can you hear me now?

9 MR. KESSLER: Yes.

10 CHAIR KIMMITT: Yes.

11 MR. FINOCCHIARO: Okay. My name is
12 Sal Finocchiaro, I'm the owner of S&L Beans in
13 Homestead, Florida.

14 Last year we made the very tough
15 decision to shut down our operations. Until then
16 we'd grow a thousand acres of green beans, a
17 thousand acres of squash, 200 acres of grape
18 tomatoes.

19 Ours was a multi-generational family
20 operation. My father founded the business in
21 1967. My whole life was farming.

22 When I was a little boy I would ride

1 around on the farm with my dad in the afternoons
2 after school. My children also worked on the
3 farm. My daughter in the office, and my son, who
4 came back from college to work with me in the
5 field.

6 The farm was our whole life. And it
7 was an extremely hard decision to shut it down.
8 But we're in a position where we had little
9 choice.

10 Our situation closing our farm will
11 continue to play out in Florida unless the
12 Administration takes action to stop the unfair
13 trade practices by Mexico.

14 There were others before us who
15 shuttered their operations and there will be more
16 to come if Mexico is allowed to continue with its
17 schemes to put our fruit and vegetable industry
18 out of business.

19 We have been left defenseless against
20 surging volumes of Mexican produce imported into
21 the United States during Florida's growing
22 season. That's what put us out of business, we

1 just can't compete.

2 The floodgates are always open with
3 the Mexican deal. We've borrowed and borrowed in
4 order to keep farming, but we had to eventually
5 stop.

6 I would farm for nothing if I could
7 just break even. But I couldn't keep losing
8 money every year.

9 The future of the crop industry in
10 Florida is bleak if the Administration does not
11 devise a plan to level the playing field. My
12 family will never farm again. We just can't
13 compete. That's the end of my testimony.

14 CHAIR KIMMITT: Thank you, Mr.
15 Finocchiaro. I will turn it over to Ambassador
16 Doud for a follow-up question.

17 MR. FINOCCHIARO: Okay.

18 MR. DOUD: Thank you, sir. It's tough
19 to even ask a question under these kinds of
20 circumstances, but I think it's important to ask
21 this question. To put it into some context for
22 everybody.

1 How many people did you employee when
2 you had everything running and everything
3 operational?

4 MR. FINOCCHIARO: About 450 people.
5 And that's --

6 MR. DOUD: Four hundred and 50.

7 MR. FINOCCHIARO: -- including packing
8 houses and harvesters and all.

9 MR. DOUD: Yes. Okay. Thank you,
10 sir.

11 MR. FINOCCHIARO: Yes, sir. It's a
12 lot of people.

13 MR. DOUD: Yes, sir.

14 MR. FINOCCHIARO: A lot of people out
15 of work. We've had people that worked for us for
16 52 years.

17 Generations. Three generations. My
18 son's third generation. And now we're, you know,
19 we love farming.

20 There's a lot of this more to come if
21 something doesn't change. It's very, very sad.
22 Because we'll be dependent on Mexico to feed us

1 for the winter time, you know. It's just a sad
2 situation.

3 CHAIR KIMMITT: It is, sir. Thank you
4 for your testimony, Mr. Finocchiaro. Again,
5 trying to get back on schedule for the time we
6 lost.

7 MR. DOUD: Thank you, sir.

8 CHAIR KIMMITT: We'll now turn to Mr.
9 James Alderman representing Alderman Farms.

10 MR. ALDERMAN: I just want to make
11 sure you can hear me?

12 CHAIR KIMMITT: We can, sir.

13 MR. ALDERMAN: Okay. Good afternoon
14 and thank you for the opportunity to testify
15 today.

16 My name is Jim Alderman. I'm a
17 vegetable producer and have been since 1979 in
18 eastern Palm Beach County. Between Boyton Beach,
19 Delray Beach and Boca Raton.

20 I'm a long time farm bureau member.
21 We and our farm are proud to be able to produce
22 the finest quality and the cleanest organic

1 produce in the United States.

2 Our tomatoes are bar none. There is
3 nothing to compete with us. Our vine ripe
4 organic tomatoes.

5 A few years ago this area was
6 considered the winter vegetable capital of the
7 United States. Today, along with my son and a
8 lot of dedicated employees, we farm approximately
9 1,100 acres of organic vegetables.

10 To include peppers, tomatoes, zucchini
11 squash, yellow squash, beans, cucumbers,
12 eggplant, kale, collards and other greens and
13 herbs. They are all under the attack from
14 Mexico. We employee 250 people during our season
15 from October to June.

16 I woke up this morning knowing that I
17 would have to testify today in such an important
18 meeting. And asked myself, what has changed.
19 What has changed.

20 My neighbors are all gone. They're
21 out of business. They include DuBois Farms,
22 Whitworth Farms, Big Red Packing, David Neal

1 (phonetic), Ruski (phonetic) Farms, Bobby Conrad
2 and many others.

3 Other farms have decreased production
4 drastically. Then I asked the question, why.
5 These were all great farmers, great businessmen
6 and leaders in our community, what happened.
7 NAFTA.

8 NAFTA opened the floodgates from
9 Mexico for the importation of fruits and
10 vegetables. At first, tomatoes were targeted.
11 Today there are over 200 fewer farmers in the
12 state of Florida since NAFTA began.

13 With the tremendous landmass and
14 different elevations, Mexico can shift its
15 production to peppers in every crop grown in
16 Florida, to include strawberries, beans, corn,
17 squash, cucumbers, herbs. Not only conventional,
18 but organic as well. High volumes of underpriced
19 produce.

20 Let's talk about competition.
21 Competition is very important. We believe in
22 competition.

1 As a Florida farmer I welcome
2 competition, but it must be fair competition.
3 Our domestic producers competing with the
4 resources of foreign government is not fair.

5 When prices at the U.S. border blow
6 our harvesting cost it makes it impossible for
7 our farms to compete. So many times during the
8 season prices are quoted below our harvesting and
9 packing cost. Which leaves no money for
10 production costs.

11 Mexico has done to Florida farmers
12 what China has done to our manufacturing
13 industry. There are so many similarities.

14 Small to mid-sized manufacturers in
15 the U.S. cannot compete with China for the same
16 obvious reasons. Now, in the global pandemic,
17 we're dependent on China. Do we want this for
18 our produce, also, from Mexico?

19 This, to me, is a national security
20 risk. As a farmer for the past 41 years in Palm
21 Beach County, I ask you to please put our U.S.
22 farmers on a level playing field with Mexico.

1 Pricing is most concerning. We cannot
2 continue to sell below our costs. This must be
3 resolved. It must be resolved now. This has
4 been going on since NAFTA. I demand that
5 something be done.

6 I ask that you have an urgency to act
7 now so that our family farms may continue. And
8 my son will be able to continue and pass the farm
9 to my grandsons.

10 For our seasonal and perishable
11 producers, please deliver an effective trade
12 remedy to address these unfair trade practices.
13 Thank you.

14 CHAIR KIMMITT: Thank you, Mr.
15 Alderman. I'll turn it over, Under Secretary
16 McKinney, do you have any follow-up questions for
17 Mr. Alderman?

18 MR. MCKINNEY: Yes, I do. I think he
19 answered the question, if I caught it correctly,
20 but let me just ask it again.

21 I too come from a family farm. We're
22 corn and soybeans, seed corn, seed soybeans and

1 sometimes we've seen competition come along. And
2 sometimes there's a shift to other crops or
3 different forms of production.

4 I think I heard you say that all of
5 the many, many, many types of crops you produced
6 have been targeted by Mexico. Did I hear that
7 correctly?

8 MR. ALDERMAN: Yes, you did. We have
9 shifted over the years to an organic production.
10 Mexico is shipping organic produce cheaper than
11 what we can grow it. Cheaper than what we can
12 pick and pack it.

13 CHAIR KIMMITT: Leaving really no
14 other crop or method of production that's not
15 going to face that competition. I don't mean to
16 put words in your mouth but is that correct?

17 MR. ALDERMAN: No, you're exactly
18 right. I've been through this, starting as a
19 young farmer. We knew we could not compete with
20 the large farms around us so we had to find a
21 niche, okay.

22 So in the last ten, 15 years we've

1 gone into organic production. And Mexico will
2 quote zucchini squash at the border for \$4. It
3 costs us \$8 just to harvest it and pack it. Not
4 counting the growing costs.

5 MR. MCKINNEY: Yes.

6 MR. ALDERMAN: So, every day I ask my
7 salesmen, what's the market, what are we doing.
8 And they'll always come back, well, out west
9 grape tomatoes are \$5 at the border and that's
10 \$12 by flat. It costs me like \$14 just to
11 breakeven with that.

12 So, I don't know how they can sell it
13 that cheap, but we when we have, we have an
14 option, either sell it or disk it up. Lots of
15 times, in this past spring, in the pandemic, we
16 had to leave a lot of produce. People were
17 begging for produce and we had to leave it and
18 disk it in because we couldn't sell it.

19 MR. MCKINNEY: Thanks very much. I'm
20 sorry about the loss of the farm, that weighs
21 heavy here.

22 CHAIR KIMMITT: Thank you, Mr.

1 Alderman, I appreciate your testimony today.

2 We'll now welcome Ms. Marie Bedner on
3 behalf of Bedner Farms. I think Ms. Bedner was
4 having some issues hearing us, which might
5 prevent us from asking questions, but it may have
6 been resolved. But hopefully, Ms. Bedner, we can
7 turn it over to you.

8 MS. BEDNER: Yes, I can hear you now.
9 Good afternoon. My name is Marie Bedner, Bedner
10 Farms, Inc.

11 We are a family owned operation and
12 has farmed bell peppers and cucumbers in Palm
13 Beach County and Martin County since 1950.

14 I'd like to thank you for the
15 opportunity today to talk about how our family's
16 business and livelihood have been affected by the
17 devastating loss of market share, crop volume and
18 sales revenue as a result of surging unfairly
19 priced fruit and vegetable imports from Mexico.

20 I'd like to give you an example of a
21 scenario that happened all too often. Last
22 season during our bell pepper production season

1 our sales team noticed that one of our largest
2 buyers out of New York had not purchased any of
3 our product for several weeks.

4 When the sales team inquired to find
5 out what the issue was, the buyer told them that
6 the truckloads of Mexican bell peppers were being
7 delivered to his stock with an open ticket.
8 Which means a buyer can pay whatever they want
9 per box.

10 It goes without saying the buyer is
11 going to take that load of produce at a fraction
12 of the cost of what our load is. That's a
13 classic example of dumping, and it occurs
14 frequently.

15 Our operations cost per box of peppers
16 is substantially more than what it is for growers
17 in Mexico. When they load a truck that gets
18 delivered, for example, to a dock in New York the
19 ticket is open. So the buyer can pay \$4 a box.

20 Compare that to a box of our product,
21 which has a set price that we can't drop below
22 simply because of what our expenses are to

1 produce that box. Of course the buyers are going
2 to take the cheaper box every time.

3 Mexico's industry enjoys many
4 advantages over the Florida specialty crop
5 industry. There is no minimum wage or worker's
6 compensation premiums that have been using
7 cheaper chemicals that we haven't used in over 25
8 years.

9 The Mexican growers also enjoy a
10 program of government subsidies that pay for
11 virtually all aspects of production from
12 irrigation, to infrastructure, to technology.
13 Because their cost to produce that box of produce
14 is significantly less than ours, putting us at an
15 extreme disadvantage on a playing field that
16 doesn't come close to being level.

17 The future farming in our area is very
18 bleak. Up and down the road from our location
19 farms go out of business every year.

20 Growers have made the tough decision
21 to sell their land because they simply can't
22 compete with the unfairly priced Mexican fruits

1 and vegetables. And the surging volumes coming
2 across their border into the U.S. marketplace
3 during our growing season. We need relief and we
4 need it sooner rather than later.

5 It's tragic for families such as ours.
6 Farming is our livelihood. It's all my husband,
7 his brother and our nephews know.

8 My husband and his brothers are fourth
9 generation producers. My nephew represents the
10 fifth. And when you lose those multi-
11 generational farms, you just don't get them back.

12 South Florida was once known as the
13 winter vegetable capital of the world. We have
14 experienced 25 years of suffering and decline in
15 Florida's specialty crop industry under NAFTA.

16 Without an immediate remedy to
17 Mexico's unfair trade practices, farming
18 operations will continue to shut down and
19 American will be forced to rely on a foreign
20 country for our fruits and vegetables during the
21 winter and spring months. No one wants to see
22 that happen.

1 If there is any silver lining in this
2 coronavirus pandemic it's that consumers are
3 shown how important Florida's specialist crop
4 agriculture is to our ability to produce healthy
5 fruits and vegetables in our own country. Yet,
6 even when Florida growers couldn't sell their
7 crops we were giving them away to food banks or
8 plowing them under, Mexico actually stepped up
9 its shipments to vegetables, including peppers,
10 into the U.S. during that same time.

11 As chair of the advocacy committee for
12 Florida Fruit and Vegetable Association, I
13 appreciate the Ambassadors commitment to address
14 the unreasonable trade practices and policies
15 that have caused unfair Mexican pricing and
16 volumes in the U.S. market and the harm that
17 Florida's seasonal and perishable produce
18 industry has suffered as a result.

19 Our industry is in crisis. In order
20 to help save the specialty crop industry my
21 fellow producers and I therefore respectfully
22 urge the USTR Commerce with measures that will

1 help ensure our industry can survive.

2 Thirty years ago when my father-in-law
3 handed the farming operation over to his three
4 sons and the bookkeeping to me, I made him a
5 promise that the business would be here for
6 future generations. It's really important now,
7 especially since our nephew has three sons, at 5
8 1/2 and twins 2 1/2, they're already on the farm
9 learning how to work.

10 It really is disheartening to think,
11 through no fault of our own, this business will
12 not be here and Art's legacy will abruptly end.
13 I appreciate your time today and that concludes
14 my testimony.

15 CHAIR KIMMITT: Thank you, Ms. Bedner.
16 Thank you for your testimony. Assistant
17 Secretary Kessler, do you have any follow-up
18 questions for Ms. Bedner?

19 MR. KESSLER: Yes. Thank you very
20 much for your testimony, Ms. Bedner.

21 I'm interested in this open ticket
22 pricing mechanism that you described. Can you

1 explain a little bit more about what determines
2 the eventual selling price in the United States?

3 And also, do you have any information
4 about how widespread the practice is?

5 Is it just bell peppers, is it just
6 New York? Is it other states, other products
7 too?

8 MS. BEDNER: Well, it's all
9 commodities and it's all states that it happens.
10 It just is a simple fact that they're bringing in
11 the truckloads.

12 And since they have no minimum, you
13 know, costs that they can put it in at, the
14 buyers, they just send the truckloads and it
15 shows up and the buyers pay what they want. So
16 it's a widespread practice. I think many people
17 are aware of it.

18 MR. KESSLER: Thank you.

19 MS. BEDNER: Yes.

20 CHAIR KIMMITT: Thank you, Ms. Bedner.
21 We'll now welcome our next witness, Mr. Rick
22 Roth, on behalf of Roth Farms.

1 MR. ROTH: Good evening. Or good
2 afternoon. Can you hear me okay?

3 CHAIR KIMMITT: We can, sir, thank
4 you.

5 MR. ROTH: Thank you. Thank you for
6 this opportunity. My name is Rick Roth, I'm a
7 third generation Florida farmer and a principle
8 owner of a family operation, Roth Farms, since
9 1986.

10 We produce over 20 types of
11 vegetables, including radishes, lettuce, sweet
12 corn, celery, sugar cane, rice and sod. We also
13 build a state of the art packing house (audio
14 interference) in 2007.

15 My father, Ray Roth, moved to Belle
16 Glade in 1948. I currently serve on the board of
17 directors of the Florida Fruit and Vegetable
18 Association since 1986 and serve on the board of
19 directors of Sugar Cane Growers Cooperative of
20 Florida since 1994.

21 My purpose today is to emphasize the
22 real need for an expanded definition of which

1 U.S. food producers in petition to the Department
2 of Commerce in USMCA.

3 We felt like the President Trump's
4 America First Foreign Policy voted well for
5 American agriculture in USMCA. Unfortunately,
6 politics played a key role in preventing the
7 abovementioned language from being included in
8 the final document.

9 It is unfortunate businesses are
10 focusing on short-term gains and threats by
11 Mexican buyers. It is blinding them from seeing
12 that our position is just one that will predict
13 all American vegetable producers.

14 Politics winning over policy,
15 unfortunately means that USDA and USTR have
16 failed to properly represent agriculture in the
17 USMCA agreement, America agriculture, just by
18 adding this additional enforcement mechanism.

19 In order for U.S. producers to compete
20 with growers in other countries that may have
21 less regulations and may have lower labor costs,
22 we must at least prevent their government from

1 subsidizing their infrastructure costs. To get
2 to a reasonable solution, let me focus on
3 something I know about, the effects of NAFTA on
4 the U.S. sugar industry, and specifically how it
5 affected my sugar mill, Sugar Cane Growers Coop.

6 Under NAFTA, the \$.15 tariff on a \$.20
7 per pound raw sugar in 1995 went to \$0 in 2010.
8 George Wedgeworth, our president and CEO,
9 identified early on that our company had to
10 vertically integrate our business in order to
11 prepare for the day when Mexico could ship a
12 million tons of raw sugar into our market each
13 year.

14 In 1998, our sugar mill, Sugar Cane
15 Growers Cooperative and Florida Crystals joined
16 forces and purchased Refined Sugars, Incorporated
17 in Yonkers, New York.

18 Before 2008 Mexico was only sending in
19 1.7 percent of our sugar consumption. In '13 and
20 '14 it was 18 percent. Both years sending
21 approximately two million tons into the U.S.
22 market.

1 The U.S. industry was able to petition
2 the Department of Commerce and they were able to
3 initiate an antidumping duty investigation. And
4 on October 24th, 2014 the commerce department
5 preliminarily determined that the sugar from
6 Mexico is being, or likely to be sold, in the
7 United States at less than fair market value.

8 I know you all know that, but there is
9 a reason for me explaining that. That was the
10 per sugar infringement agreement in '14.

11 Evidence also confirmed that the
12 Mexican government was knowingly subsidizing the
13 sugar cane mills in Mexico. During times of
14 widespread depressed prices, the Mexican
15 government mandated that the sugar mills pay the
16 Mexican farmers a higher than economically
17 justified prices for each ton of sugar cane.

18 And when the sugar mills face
19 bankruptcy due to overpayment to the growers, the
20 Mexican government gave the sugar mills
21 government loans and then later forgave them.
22 This is a clear example of subsidization.

1 Though Mexico has economic goals to
2 increase agriculture production and increase
3 exports, we understand that, but it's also a
4 matter of social policy. So let me cut to the
5 chase.

6 First, it just seems so logical to ask
7 for a neutral position, which is, that we just
8 need the right as seasonal and perishable
9 producer to be able to petition for the right to
10 have an inspection to see if whether there is
11 subsidy. We're not asking for special treatment,
12 we're asking for a neutral rule of law.

13 There is another provision I want to
14 explain. Under the 2020 sugar agreement, we call
15 it Sugar Agreement Number 3, there is a provision
16 in there that allows the United States domestic
17 sugar production to compete for market share.

18 And then after we have received all of
19 the WTO sugar, then Mexico can report and send in
20 the remainder. That is called sugar that is
21 additional U.S. needs.

22 That's important to understand because

1 perhaps there is another solution. And that is,
2 that a cap on Mexican imports, defined as a
3 percentage of total U.S. consumption of seasonal
4 perishable vegetables could possibly work.

5 And let me explain to you why that's
6 important. I know you're having a hard time
7 understanding, let me explain.

8 So what we do know, that once regional
9 vegetable industry is gone, the loss of
10 institutional knowledge, the new varieties
11 development, personnel, specialized equipment and
12 willing producers guarantees that that industry
13 will never come back. Then, the argument that
14 trade agreements encourages competition and
15 lowers consumer prices will be gone because the
16 American consumer will be held hostage to foreign
17 producers that can charge whatever the market
18 will bear for some of our food supply.

19 So my argument is, we have to maintain
20 a trade agreement that allows competition,
21 through competition. So, I believe the events
22 surrounding the COVID-19 pandemic are changing

1 the parameters of global free trade.

2 These events have uncovered the need
3 for public policy that encourages domestic
4 production of medical supplies in
5 pharmaceuticals. I believe now is the time to
6 consider a policy in USMCA that continues to
7 encourage domestic production. And perhaps even
8 guarantees a minimum that can be produced
9 domestically.

10 Where are the people? Is my question.
11 Where are the people in USDA and USTR that will
12 stand up and say that regional American specialty
13 crop agriculture will not disappear on their
14 watch because of weak enforcement mechanism. All
15 we're asking for is an enforcement mechanism.

16 If there is no subsidization by
17 Mexico, as some people want to suggest, then why
18 does adding this enforcement mechanism cause
19 anybody any problems. Since everyone's real goal
20 is just the right to compete in pure competition.

21 I want to thank you for your efforts
22 to arrive at the best solution for all American

1 food producers as representatives of our
2 government. And I also want to thank Secretary
3 Perdue and I also want to thank Secretary Ross
4 for their efforts in the tomato and sugar.

5 That's my presentation and I'd be
6 willing to answer any questions.

7 CHAIR KIMMITT: Thank you, Mr. Roth.
8 I think in the interest of time, and to stay on
9 schedule, we're going to move to the next
10 witness. We appreciate your testimony Mr. Roth.

11 Now we will welcome Mr. Patrick
12 Carroll on behalf of Clear Springs.

13 MR. CARROLL: Hello, can you guys hear
14 me?

15 CHAIR KIMMITT: We can, sir.

16 MR. CARROLL: Okay, great. First off,
17 I want to thank everyone for being here today. I
18 know there's a lot going on in the world and it
19 means a bunch to have everyone here working
20 through these issues that are obviously very
21 important to all the southeastern United States.

22 Clear Springs is a grower and marketer

1 of blueberries and strawberries in Winter Haven,
2 Florida. We provide marketing services to
3 growers both and big and small, across North and
4 South American.

5 But we have specifically reduced our
6 business in Mexico due to, one, the conflict of
7 interest it creates in representing American
8 farmers, and two, the challenging, the
9 questionable business practices we've encountered
10 in our due diligence in the region.

11 Over the last 15 years we've witnessed
12 the surge in cheap Mexican blueberry and
13 strawberry supply resulting in an uncompetitive
14 pricing for American farmers. As a result,
15 Florida farms have seen decreasing, and now
16 negative growth, in production.

17 Over the last three years the price
18 per pound return for our blueberry farm has
19 declined 19 percent. And over the last five
20 years it has declined over 28 percent.

21 Without a reversal in this trend it
22 does not make sense to put another blueberry

1 plant in the ground.

2 The problem. During the same seasonal
3 market window American farmers directly compete
4 with unfairly price products derived from
5 Mexico's trade-distorting policies. Policies and
6 other influences that negatively impact the U.S.
7 are, one, subsidized capital investment.

8 The Mexican government has, and
9 continues, to directly subsidize infrastructure,
10 equipment, post-harvest management, genetic
11 resources, irrigation technologies and more,
12 estimated to total over \$220 million annually.

13 Per scale, that equates to developing
14 roughly 7,000 acres in Florida and 40 million
15 pounds of production for free. The State of
16 Florida's production peak in 2015 with only 5,500
17 acres and 24.8 million pounds of production.

18 Number two, is unfair operating and
19 harvest expenses. Mexico pays their labor an
20 average of \$10 a day or \$1.25 an hour, assuming
21 an eight hour day, compared to the U.S. where
22 workers are paid up to \$15 an hour.

1 Labor costs are up to 40 to 60 percent
2 of the total cost of production for U.S. farmers
3 producing blueberries and strawberries in the
4 southeastern United States.

5 Number three, extortion of
6 agricultural profits. Mexican cartels have
7 diversified into fruit and vegetable extortion as
8 Mexico fruit and vegetable production increases.
9 Money is actually being taken out of the pockets
10 of hard working American farmers and put into the
11 pockets of extortionist cartel members.

12 In addition, legitimate cargo carrying
13 commercial trucks are often the source of
14 transport for drugs hidden within secret
15 compartments.

16 Number four, no protection under the
17 USMCA. There's a lack of provisions under USMCA
18 for seasonal producers to gain the support of the
19 majority of domestic producers. Moreover,
20 domestic producers are also growers in Mexico
21 creating a conflict in representing the American
22 farmers' interest.

1 Number five, onto U.S. food security
2 and environmental. Supply from Mexico increases
3 food miles by 2.5 to 3.5 times of that are fruits
4 and vegetables produced in the southeastern
5 United States.

6 In addition, it increases the U.S.
7 reliance on food supply while reducing customers'
8 access to fresh, locally and regionally grown
9 produce.

10 How the Administration can address the
11 problem. First and foremost, we ask the Office
12 of the United States Trade Representative for a
13 fair solution and remedies to combat the unfair
14 trade policies and protect the future of American
15 fruit and vegetable production in the southeast.

16 Secondly, we suggest for your
17 consideration that during established market
18 windows when American farmers produce competing
19 products with Mexico some type of tax or tariff
20 be assessed on Mexican produce that levels the
21 playing field for unfair subsidies and wages.

22 If possible, I would suggest these

1 funds be, these funds created by this tariff be
2 used to increase funding for border security
3 and/or worker welfare programs in the U.S.

4 I fully support Brittany Lee in her
5 efforts to start the 301 investigation. I think
6 that the driver of the problem is a cost driver.

7 Mexico is the low-cost producer in our
8 window and they will continue to produce until
9 they have the entire market share. I know that
10 will be a question coming up.

11 And also, I wanted to comment a little
12 bit on some of the points made regarding
13 innovation. Florida has been innovating in
14 agriculture for a long time from a varietal
15 standpoint.

16 The University of Florida has come out
17 with varieties yearly to help increase
18 production, quality of fruit, everything else
19 that had been mentioned by some of the other
20 witnesses. And in addition, there has been
21 countless hours spent working on mechanical
22 harvesting of blueberries, which is very

1 challenging in the southeast due to the nature of
2 the crop in both blueberries and strawberries.

3 With that I yield back and welcome any
4 questions.

5 CHAIR KIMMITT: Thank you, Mr.
6 Carroll, appreciate your testimony today. We're
7 going to now turn to our final witness of the
8 day, Mr. Chris Spencer, on behalf of Florida
9 Governor Ron DeSantis.

10 MR. SPENCER: Good afternoon. Can you
11 hear me?

12 CHAIR KIMMITT: We can, sir. Thank
13 you.

14 MR. SPENCER: Perfect. Thank you. I
15 appreciate the opportunity to testify today on
16 behalf of Florida Governor Ron DeSantis.

17 I'd like to thank Ambassador
18 Lighthizer and the Trump Administration for their
19 promise to fight for fair competition in our
20 domestic market and protect foreign agriculture
21 community.

22 On January 9th, 2020 Ambassador

1 Lighthizer committed to issuing a trade action
2 plan within 60 days of entry into force of the
3 U.S., Mexico, Canada trade agreement to implement
4 effectively and timely remedies necessary to
5 address any trade distorting policies that may be
6 contributing to unfair pricing in the U.S. market
7 and harming U.S. producers of seasonal and
8 perishable products.

9 The USMCA entered into force on July
10 1, 2020. And we ask the USTR to meet the 60 day
11 commitment without delay, to provide timely trade
12 relief to Florida's growers.

13 At a growing rate Mexico is exporting
14 government subsidized produce into our domestic
15 markets resulting in unfair foreign competition.
16 This Mexican government subsidy is approximately
17 \$200 million per year. And President Lopez
18 Obrador has recently vowed to further increase
19 this government support.

20 These subsidized exports have
21 systematically and substantially undercut Florida
22 growers' domestic market share and appear posed

1 to increasingly do so absent the type of strong
2 action President Trump has taken in support of
3 other critical U.S. industries.

4 Florida produces warm weather fruits
5 and vegetables during the winter season leaving
6 our farmers uniquely susceptible to such
7 practices and unable to remain competitive. The
8 eroded market share and drop in production value
9 of select fruits and vegetables in the state are
10 driving economic and job loss in Florida, putting
11 hard working producers out of business.

12 The agriculture industry is the
13 backbone of Florida's economy providing nearly
14 1.4 million jobs and more than \$131 billion in
15 total economic impact to the state.

16 However, the continued import of
17 subsidized produce has had a significant negative
18 impact on Florida's growers. From 2000 to 2018,
19 the value of Mexican specialty crop imports has
20 increased by 482 percent, while the value of
21 Florida's specialty crop cash receipts decreased
22 by 28 percent.

1 This trend has resulted in an \$11
2 billion gap between the value of specialty crop
3 imports from Mexico and those grown in Florida.
4 We commend the Administration's willingness to
5 work with Florida, to assess the impact of
6 inequitable trade policies on the American
7 people, as requested by Governor Ron DeSantis
8 during the USMCA negotiations.

9 And we are thankful for the
10 Administration's open-door policy to hear these
11 concerns from our agriculture industry.

12 Now, more than ever, the State
13 continues to fight the COVID-19 pandemic. We
14 must protect domestic industries and struggling
15 businesses with state economies weakened and jobs
16 at heightened risk, seasonal producers need fair
17 access to import remedies that ensure their
18 survival.

19 The strong action necessary to counter
20 injury to Florida's growers can be met through
21 the use of existing trade authority under Section
22 301 of the 1974 Trade Act. As you know, this

1 provision gives the U.S. Trade Representative the
2 authority to investigate and respond to foreign
3 countries that engage in acts that are
4 unjustifiable or unreasonable and burden U.S.
5 commerce.

6 We request the U.S. Trade
7 Representative's use of Section 301 to provide
8 relief to our growers or welcome an equally
9 effective alternative that results in fair trade
10 and fair competition.

11 The State of Florida looks forward to
12 continuing to partner with the Trump
13 Administration, to re-balance trade with Mexico,
14 to ensure the livelihood of Florida's agriculture
15 community and a food supply that does not rely on
16 foreign governments.

17 Thank you, and that concludes my
18 testimony.

19 CHAIR KIMMITT: Thank you, Mr.
20 Spencer. I think we have time maybe for one or
21 two questions. I'll turn it over to Ambassador
22 Doud, who I believe has a question.

1 MR. DOUD: Yes, thank you, Mr.
2 Spencer. I thought maybe just we would get your
3 perspective, for a moment, to give your
4 perspective on the availability of farm workers
5 in Florida.

6 MR. SPENCER: Can you hear me?

7 MR. DOUD: Yes.

8 MR. SPENCER: Okay. So, I'll defer to
9 what our industry partners have said throughout
10 the day. I note that they have a wide range of
11 input and a wide range of perspective on that
12 matter.

13 I have not personally monitored that
14 in the conversations that we've had with our
15 industry.

16 This issue of the next in subsidized
17 imported produce has been the substantial issue
18 that continues to come up in our conversations
19 with our industry partners.

20 MR. DOUD: Okay, thank you.

21 CHAIR KIMMITT: Under Secretary
22 McKinney, do you have any questions for Mr.

1 Spencer before we adjourn?

2 MR. MCKINNEY: Not a question, other
3 than to say thanks for being there and
4 representing the Governor's Office, that's very
5 important.

6 I just want you all to know that we'll
7 participate actively with my friend, Ambassador
8 Doud and Assistant Secretary over at Commerce,
9 and see what can be done.

10 The one area where we have a great
11 deal of authority and a lot of energy and funds
12 from Congress, frankly, is out in promotion. And
13 I want to reiterate for those that may not have
14 heard it earlier that we have doubled down to try
15 to focus on markets that might help.

16 For example, three new countries
17 received blueberry access, U.S. blueberry access
18 over the last, about five or six months. And
19 we're doubling down, already linking with some of
20 your companies to export that.

21 The other thing I would remind, and I
22 think the Commissioner knows this well, but we

1 have a, there's a group of the southern states
2 called SUSTA. And it is through them that we
3 provide market access program funds, foreign
4 market development funds.

5 And it's really designed for those
6 brand name companies. Often times that could be
7 some of the farms and representatives that we
8 heard here.

9 And so, I think working with her and
10 her team, who are well aware of this, they've
11 been an active participant, might be another way.
12 So I'm going to focus on the trade promotion, but
13 also, we've got a lot of analysts that work
14 daily, frankly, with USTR and Commerce, and we
15 will be an active part of the analysis coming
16 from this and the next hearing next week.

17 So I just want to say thank you, to
18 you, for representing the Governor's Office.

19 MR. SPENCER: Thank you. And we also
20 appreciate working closely with USDA, with the
21 U.S. Trade Representative's Office, with the
22 Office of the President.

1 You have been a good resource for us
2 to work with and we look forward to continuing to
3 work with you as we move forward with this.

4 CHAIR KIMMITT: Well, thank you, Mr.
5 Spencer. I want to say, thank you to Under
6 Secretary McKinney for participating today.

7 And I also want to thank Assistant
8 Secretary Kessler and give him the floor for a
9 moment if he has any last remarks before we
10 conclude today.

11 MR. KESSLER: Nothing further, just
12 thank you very much to, Mr. Spencer. Thanks very
13 much to all the witnesses.

14 I think we learned a lot from you all
15 today and have a lot to think about. So thank
16 you very much for spending the time to speak with
17 us today.

18 CHAIR KIMMITT: All right. And thank
19 you to everyone who participated today. And
20 thank you for everyone participating and watching
21 who was patient with us as we worked through some
22 technical issues.

1 We will have another hearing on this
2 issue next Thursday, August 20th, beginning at
3 9:00 a.m. eastern time. And that hearing will
4 also take place virtually.

5 As a reminder, a transcript of today's
6 hearing will be posted on USTR's website and the
7 public docket in the near future. And thank you
8 to everyone. And this concludes today's hearing.

9 (Whereupon, the above-entitled matter
10 went off the record at 4:14 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Trade-Distorting Policies Affecting
Seasonable and Perishable Products

Before: USTR

Date: 08-13-20

Place: teleconference

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

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