Dear Secretary Raimondo:

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

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

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

Although we are working to develop greater domestic solar manufacturing capacity, U.S. demand for panels and cells far exceeds domestic production capacity. Currently, there is no domestic cell production, and U.S. panel manufacturing capacity can only fill 15% of domestic demand. Last year, imports from Malaysia, Thailand, Vietnam, and Cambodia accounted for more than 80% percent of all CSPV imports and nearly 60% of total U.S. panel supply. New tariffs on solar products from these four countries would stall many ongoing and planned U.S. solar projects, negatively impacting every segment of the U.S. solar industry and resulting in
significant job losses. In particular, the tariffs would have direct impact on the almost 90% of solar jobs in the United States that are not in the manufacturing sector.

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

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

Sincerely,

Jacky Rosen
United States Senator

Martin Heinrich
United States Senator

Jerry Moran
United States Senator

Michael F. Bennet
United States Senator

Thom Tillis
United States Senator

Thomas R. Carper
United States Senator

Dianne Feinstein
United States Senator

John Hickenlooper
United States Senator
Tim Kaine  
United States Senator

Angus S. King, Jr.  
United States Senator

Sheldon Whitehouse  
United States Senator

Brian Schatz  
United States Senator

Chris Van Hollen  
United States Senator

Catherine Cortez Masto  
United States Senator