

March 25, 2025

Honorable Howard Lutnick
Secretary of Commerce
U.S. Department of Commerce
14th Street & Constitution Avenue, N.W.
Washington, DC 20230

Dear Secretary Lutnick,

We, the undersigned organizations, write to convey our strong opposition to the pending request to terminate the 2019 Agreement Suspending the Antidumping Duty Investigation on Fresh Tomatoes from Mexico (“2019 Agreement”). Our organizations represent U.S. retailers that provide Americans with safe, high-quality, and affordable food at restaurants, grocery stores, and other outlets across the country. Our businesses are the cornerstone of every U.S. community, providing jobs and supporting local economies. Maintaining the 2019 Agreement is necessary to serve the public interest of U.S. consumers and businesses.

U.S. consumers’ demand for fresh produce continues to grow. One-third of Americans consume fresh produce daily and nearly 60% report they consume fresh produce at least four days per week. Fresh tomatoes are the second most consumed fresh market vegetable for U.S. consumers with annual consumption increasing from 12lbs per capita in the 1980’s to around 20lbs per capita today. To meet this growing consumer demand, domestic tomato production is complemented by imported tomatoes to ensure American consumers have year-round access to supplies of diverse varieties of fresh tomatoes.

In the last several years, the retail food supply chain has experienced several disruptions including shipment delays, product shortages, port congestion, and other operational challenges. Our ability to continue providing an adequate supply of food to American consumers during these difficult times highlighted the benefits of having a resilient and diverse food supply chain. Terminating the 2019 Agreement would add yet another, unnecessary supply chain challenge to the retail food sector and threaten the price and availability of fresh tomatoes to American consumers. For decades, the 2019 Agreement and its predecessors have ensured that Mexican tomatoes are sold at or above set minimum prices to eliminate injurious effects of exports of fresh tomatoes to the United States. Additionally, the 2019 Agreement provides for mandatory quality inspections at the border and requires growers in Mexico to comply with quarterly and annual reporting obligations to ensure compliance. Together, these elements promote stability and

predictability in the marketplace and allow for American consumers to have access to the highest-quality fresh tomatoes.

Further, as the Department of Commerce recently determined, the respondent companies have adhered to the terms of the TSA and the Agreement has continued to meet the statutory requirements and function as intended. Without the 2019 Agreement in place, a 17.56% duty would be imposed on Mexican tomatoes, forcing American consumers to pay more. Subjecting one of the most consumed fresh produce items to a punitive tariff will not serve to incentivize consumption of fresh produce. We must serve the public interest by protecting the food supply chain that extends throughout the U.S., supports tens of thousands of American jobs, and ensures year-round access to fresh, high-quality produce. Therefore, we again respectfully urge you to reject the request to terminate the 2019 Agreement.

Sincerely,

National Council of Chain Restaurants

National Restaurant Association

National Retail Federation

Retail Industry Leaders Association

Mastronardi Produce USA, Inc

NatureSweet

Wholesum Family Farms