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November 25, 2019

Case Nos. A-201-845 & C-201-846

Suspension Agreement

Office of Policy/BAU Office

Total Pages: 4

**PUBLIC DOCUMENT**

**VIA ACCESS ELECTRONIC FILING**

The Honorable Wilbur L. Ross

Secretary

U.S. Department of Commerce

Attention: Enforcement & Compliance

14th Street & Constitution Avenue, NW

Washington, DC 20230

**RE: Sugar from Mexico: Response to American Sugar Coalition Rebuttal Comments  
Regarding Proposed Amendments to Suspension Agreements**

Dear Mr. Secretary:

In its rebuttal of comments provided by CSC Sugar LLC and the Sweetener Users Association (SUA), the American Sugar Coalition (ASC) has materially misstated the position of SUA on the 2017 amendments to the suspension agreements on sugar from Mexico. ASC is of course entitled to its opinion on the substance of SUA's comments, but it is not entitled to misrepresent our position when we have submitted two documents on the record that make that position clear.

ASC claims that "SUA argues that the 2014 Agreements should stand without amendment because there is no explanation for increasing reference prices ..." and similarly states that "CSC and SUA continue to demand suspension agreements that do not comply with the law because they do not eliminate completely the injurious effect of Mexican imports." The following sentence in ASC's letter makes clear that ASC intends this alleged non-compliance to refer to the original, unamended 2014 agreements, which it states "were not working."

In fact, SUA has never stated that Commerce should revert to the 2014 agreements. We have criticized two aspects of the 2017 amendments: the higher reference prices and the changes to definitions of refined and “other” sugar involving polarity.

In our November 14, 2019 comments on the new draft amendments, we stated clearly: “Some features of the 2017 amendments were positive, to the extent that they encouraged better availability of Mexican sugar to coastal refineries.” If we found some aspects of the amendments positive, it is not reasonable to suppose that we wish to be rid of them altogether. We were, of course, highly critical of the higher reference prices in our November 14 letter, and we stand by everything we said then.

In concluding that letter, we advocated that the Department of Commerce should “delete the *portion* of the 2017 amendments that increased reference prices and allow the original signed 2014 agreements to stand *in this regard*,” i.e., in regard to reference prices. (Emphasis added.)

Similarly, in our rebuttal letter of November 21, we wrote: “While SUA supports an efficient and speedy process, we do not believe this means that it is impractical to consider *changes to the 2017 amendments, including those we have proposed*.” (Emphasis added.) Thus, ASC seems to assert that to “change the amendments” in any respect is necessarily the same as to have the 2014 agreements “stand without amendment.”

We would not, in fact, want the 2014 agreements to “stand without amendment.” We have been consistent critics of the original 2014 amendments, as ASC certainly knows, and in fact our comments in 2017 welcomed certain aspects of the then-proposed amendments, including changes to the percentage of sugar eligible to enter as refined.

ASC is free to support the 2017 amendments in their entirety. We want Commerce to understand, however, that the coalition’s claims about SUA’s position misstate our views, which we have previously made clear on the record. We appreciate this opportunity to clarify this matter for the record.

Sincerely,

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Richard E. Pasco  
President & General Counsel

**PUBLIC CERTIFICATE OF SERVICE**

**Sugar from Mexico**

**DOC Case Nos. A-201-845 & C-201-846**

I hereby certify that on November 25, 2019, copies of the foregoing public submission were served on the following by first class mail, postage prepaid mail.

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A handwritten signature in black ink, appearing to read "Richard E. Pasco". The signature is written in a cursive, flowing style with a horizontal line extending from the end of the name.

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Richard E. Pasco