

Congress of the United States
Washington, DC 20510

May 17, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Biden,

We write to express our grave concern about the devastating economic and environmental impacts of the U.S. Department of Commerce anti-circumvention inquiry initiated on April 1, 2022 into crystalline silicon photovoltaic (CSPV) cells and panels imported from Malaysia, Vietnam, Thailand, and Cambodia. Many of us have repeatedly cautioned against the severe negative consequences this inquiry would have on the U.S. solar industry, and now that this investigation has been initiated, those consequences are playing out across the United States. We therefore respectfully request that the Department of Commerce take steps to expeditiously reach a preliminary determination as soon as duly possible; moreover, we ask that this determination take into account the larger ramifications for the U.S. economy and the global fight against climate change, in so far as is possible under the law.

If Commerce makes a positive determination—finding evidence of circumvention—Anti-Dumping/Countervailing Duties (AD/CVD) as high as 250% could be applied retroactively to all CSPV cells and panels that were imported from the countries in question since the initiation of the inquiry and potentially even earlier. This possibility has effectively frozen all imports of CSPV cells and panels from these countries, which account for more than 80% of CSPV panel imports and 54% of the panels used to meet domestic demand.

Just over a month into the investigation, this inquiry has already had a devastating impact on the American solar industry. A recently released survey of over 700 solar companies found that 83% of respondents were experiencing delays or cancellations from their CSPV suppliers. A project-level survey found that more than 50 gigawatts of new solar projects are currently canceled or delayed because of the Commerce inquiry. Modeling suggests that these cancellations and delays could cost the industry more than 100,000 jobs and increase CO₂ emissions by an additional 364 million metric tons of CO₂ between now and 2035, which is the equivalent emissions of 97 coal-fired power plants.¹

We are strong supporters of the domestic solar manufacturing sector, but the tariffs called for in the Auxin petition would not benefit the industry, outside of a few select firms. First, it is important to note that many domestic solar panel manufacturers produce solar modules using CSPV cells imported from the affected countries and would be harmed by duties ranging up to 250%, greatly increasing the cost of both domestic and imported CSPV modules. Secondly, the majority of solar manufacturing jobs in the U.S. are actually involved in the production of mounting, racking, trackers, and other balance of system

¹ SEIA. Impact of the Auxin Solar Tariff Investigation. *SEIA*. <https://www.seia.org/research-resources/impact-auxin-solar-tariff-investigation>.


components, rather than the solar modules themselves. Instead of freezing imports, killing jobs, and throwing the entire industry into disarray, incentives that lift all boats, like the Solar Energy Manufacturing for America Act and the solar investment tax credit, are a much more effective way to support domestic manufacturers and the American worker. Even so, factories cannot be built overnight; the expansion of the domestic solar manufacturing sector will take years, and in the meantime, we cannot afford to wait. The solar industry needs a ramp to increase domestic manufacturing, not a cliff.

Last but certainly not least, we are deeply concerned about the potential impact the anti-circumvention inquiry could have on our ability, as a country, to transition away from fossil fuels and toward 100% clean, zero-emission electricity. Solar power in the U.S. has seen incredible, explosive growth because it has become cheaper than any other power source. However, the 50% to 250% tariffs called for in the Auxin petition would set solar power back years in terms of cost competitiveness, and with no alternative CSPV supply, solar power adoption over the next two years would be nearly halved.


Mr. President, we commend you for setting ambitious emissions targets to reach 100% clean electricity by 2035 and net-zero economy-wide emissions by 2050. However, the present anti-circumvention inquiry threatens to completely derail the progress we have made. We therefore respectfully request that the Department of Commerce take steps to expeditiously reach a preliminary determination as soon as duly possible, and that this determination take into account the larger impact on American jobs and your administration's ambitious climate goals, in so far as is possible under the law.

Our future and that of our children depends on it.


Sincerely,



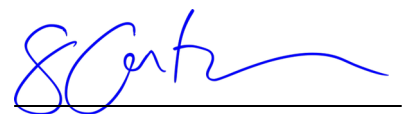
Raja Krishnamoorthi
Member of Congress



Scott H. Peters
Member of Congress



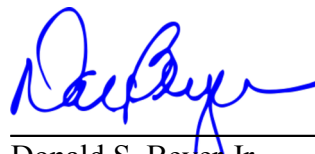
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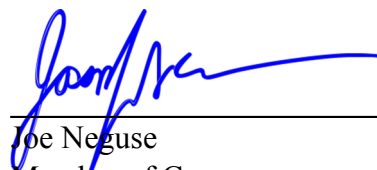
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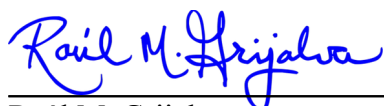
Rashida Tlaib
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Dina Titus
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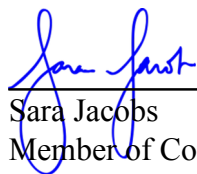
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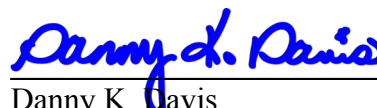
Seth Moulton
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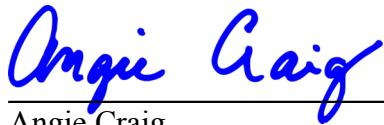
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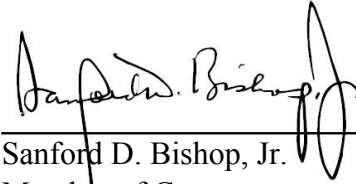
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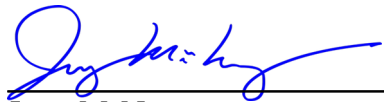
Tom Malinowski
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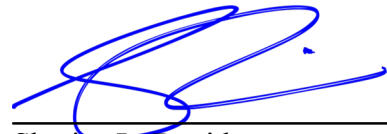
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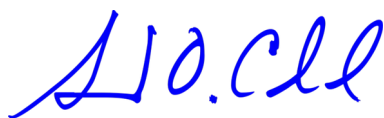
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Alma S. Adams, Ph.D.
Member of Congress



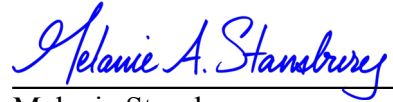
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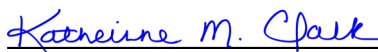
Cynthia Axne
Member of Congress



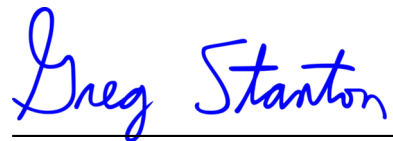
Jesús G. "Chuy" García
Member of Congress



Alan S. Lowenthal
Member of Congress



Katherine M. Clark
Member of Congress



Greg Stanton
Member of Congress

A handwritten signature in blue ink, appearing to be 'D. Phillips', with a long horizontal flourish extending to the right.

Dean Phillips
Member of Congress