

Congress of the United States
Washington, DC 20515

June 9, 2021

The Honorable Katherine Tai
United States Trade Representative
600 17th St, NW
Washington, DC 20508

Dear Ambassador Tai:

We write to express concern regarding the safeguard measures currently in place on crystalline silicone photovoltaic cell (CSPV) products. In order to strengthen domestic solar manufacturing and boost clean energy jobs in Washington state, we request that you exempt Canadian solar module imports from the safeguard tariff imposed by the Trump administration and increase the tariff-rate quota (TRQ) on solar cells to fully meet U.S. demand.

While we recognize the importance of U.S. trade remedies to respond to surging imports that seriously injure or threaten to seriously injure domestic industries, the targeted adjustments we call for in this letter would bolster the U.S. solar industry and create green jobs in a manner consistent with the findings of the U.S. International Trade Commission (ITC), the nonpartisan federal agency in charge of investigating and adjudicating such import injury claims.

For the following reasons, these actions will provide Washingtonians with good-paying jobs and advance the administration's goal of combatting climate change:

First, eliminating the tariff on Canadian solar module imports would increase Canadian investment in U.S. solar manufacturing. Ontario-based Silfab Solar has invested more than \$43 million since 2018 in efforts to grow and modernize a solar module manufacturing facility in Bellingham, Washington. The manufacturing plant, which now makes high-tech solar modules for residential and commercial customers throughout the U.S., employs more than 200 Washingtonians. In 2021, Silfab plans to invest an additional \$30 million to expand into a new manufacturing facility in Burlington, Washington. This substantial investment will enable Silfab to support 92 good-paying jobs. If the safeguard measures on solar modules and cells are removed, Silfab would be able to deploy additional capital at the Burlington plant and triple production, supporting more than 200 additional jobs.

Second, U.S. solar panel manufacturers cannot meet the enormous and increasing demand for solar panels now or in the foreseeable future. Imports are therefore necessary, and we should prioritize sourcing CSPV products from American allies such as Canada as opposed to other sources. This is so for several reasons, including: (1) Canada has fair labor standards and comparable environmental laws to the U.S.; and (2) Canadian producers do not use Chinese CSPV cells to manufacture modules in Canada—in fact, since July 2015, Canada has imposed its own trade remedy measures on solar module and laminate imports from China.

Third, in its 2017 safeguard investigation, the ITC found that imports of solar modules from Canada were not a source of serious injury to the U.S. domestic industry. As such, the ITC recommended that former President Trump exclude Canada from all safeguard measures on CSPV products. The Biden administration should reverse the prior administration's decision to ignore the ITC's findings and recommendation. Furthermore, in its March 2020 investigation, the ITC found that increasing the TRQ for solar cells would likely lead to "a substantial increase" in U.S. solar panel production and employment and not affect the one current U.S. producer of solar cells.

Eliminating the safeguard tariff on Canadian solar modules and increasing the TRQ on solar cells would boost solar manufacturing jobs in Washington state. These actions would also support the Biden administration's forward-leaning policies on clean energy and climate change and help strengthen U.S.-Canada trade relations.

Thank you for your consideration of this request.

Sincerely,



Suzan K. DelBene
Member of Congress



Patty Murray
United States Senator



Rick Larsen
Member of Congress