

## United States Senate

December 6, 2023

The Honorable Gina Raimondo  
Department of Commerce  
1401 Constitution Ave. NW  
Washington, DC 20230

Dear Secretary Raimondo:

Section 232 of the Trade Expansion Act of 1962 authorizes the Secretary of the Department of Commerce (Secretary) to conduct investigations “to determine the effects on [US] national security” of imports of an article. This law allows any “interested party” to request Commerce initiate such an investigation to ascertain the effect of specific imports on the national security of the United States.

I write to request such an investigation into imports from Communist China of all grades of garlic, whole or separated into constituent cloves, whether or not peeled, chilled, fresh, frozen, provisionally preserved or packed in water or other neutral substance, and the threat they pose to U.S. national security. Food safety and security is an existential emergency that poses grave threats to our national security, public health, and economic prosperity.

In 2023, the U.S. International Trade Commission (ITC) concluded its fifth sunset review on the antidumping (AD) duties on fresh garlic from Communist China and determined to maintain the AD order on the good, continuing a nearly 30-year duty<sup>1</sup>.

Further, the Government Accountability Office (GAO) has also found that unpaid antidumping and countervailing duties (AD/CVD) are concentrated in a few products. Fresh garlic was the top product with unpaid AD duties totaling over half-a-billion dollars<sup>2</sup>.

But beyond these trade enforcement concerns, there is a severe public health concern over the quality and safety of garlic grown in foreign countries – most notably, garlic grown in Communist China. Communist China has the largest market-share and ranks number one for garlic imports into the U.S. annually. Concerns about China’s

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<sup>1</sup> ITC: [USITC Makes Determination in Five-Year \(Sunset\) Review Concerning Fresh Garlic from China | United States International Trade Commission](#)

<sup>2</sup> GAO: <https://www.gao.gov/products/gao-16-542>

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garlic exports go back to at least 1994, when the original AD duties were ordered on China for this product. As of 2022 data, Communist China also produces the largest quantity of garlic in the world, totaling 72.5 percent<sup>1</sup>.

Communist China's growth practices are well-documented in the public domain, from cooking blogs and home magazines to YouTube videos and documentaries. These practices include such offenses as fertilizing garlic with human feces and forms of sewage, growing garlic in sewage, bleaching garlic to make it appear whiter and cleaner to the eye after its growth in unsanitary conditions, and stripping the root end from garlic before it enters U.S. markets as to make it appear more appealing and also to comply with U.S. laws regarding prevention of soil-borne diseases and contaminants.

As garlic is a widely-used product for cooking and food preparation, the integrity and safety of this product are paramount to the entire population. To maintain a strong and stable economy, domestic tranquility, a productive society, public health and our national security, we must assure quality and confidence in our food supply to all Americans and their families. If our food is not safe to eat, we cannot expect our men and women in uniform to be equipped and able to do their jobs to defend our nation and her interests. Doctors, police officers, nurses, teachers, firefighters, military service members, retirement communities, moms and dads, and every American expects our government can and does make sure our food is safe to eat. We must ensure that to be the case and actively protect our market from harmful products and bad actors.

According to the law, once a Section 232 investigation is requested in writing, Commerce must "immediately initiate an appropriate investigation to determine the effects on the national security" of the subject imports. After consulting with the Secretary of Defense, other "appropriate officers of the United States," and the public, if appropriate, Commerce has 270 days from the initiation date to prepare a report advising the president whether the targeted product is being imported "in certain quantities or under such circumstances" to impair U.S. national security and to provide recommendations for action or inaction based on the findings.

The Bureau of Industry and Security (BIS) at Commerce is instructed to consider 1) existing domestic production of the product; 2) future capacity needed; 3) the manpower, raw materials, production equipment, facilities, and other supplies needed to meet projected national defense requirements; 4) growth requirements, including the investment, exploration, and development to meet them; and 5) any other relevant factors.

Commerce, in its investigation, must consider the impacts of foreign competition on the domestic industry and the effects on the displacement of domestic products, including: unemployment, decreases in public revenue, loss of investment, and other

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relevant factors causing or that will cause a weakening in the national economy. Following the BIS national security investigation, the president may choose to impose tariffs or quotas to offset the adverse effect, without any limit to the duration or amount.

This Department of Commerce has conducted dozens of 232 investigations. I believe food safety issues, especially on the matter of Communist Chinese garlic, grown and produced with sewage and other unsanitary practices, to be worthy of an investigation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Scott". The signature is stylized with a large initial "R" and a long, sweeping underline.

Rick Scott

United States Senator

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