The Honorable Penny Pritzker  
Secretary  
United States Department of Commerce  
1401 Constitution Ave., NW  
Washington, D.C. 20230

May 30, 2014

Dear Secretary Pritzker:

In recent years, solar energy has provided significant and sustained increases in both technology development and workforce growth. In 2013, over 140,000 workers were employed in the domestic solar industry. In fact, solar employment could grow by 15.6 percent this year, according to some estimates. From panel sales and installation to panel and component manufacturing, growth in the solar industry is an outstanding opportunity to create high-paying jobs and to enhance our energy security.

Some of these jobs are located in Butte, Montana, where one of our constituent companies produces electronic- and solar-grade crystalline silicon, a raw material used in solar panel production. That is why we are concerned with possible determinations from the Department of Commerce on a recent trade case brought by a German-based company, SolarWorld. In February, the Department began another round of investigations into alleged dumping and subsidies of Chinese solar panels, which may lead to additional tariffs and further retaliations from the Chinese government. Additional tariffs will increase costs for the entire solar supply chain and cause domestic solar prices to rise dramatically. Continuing to let this dispute play out one case at a time will limit job growth, and it may even lead to job loss.

While we hope that a negotiated settlement can be reached between the affected parties, the Chinese government, and our government, that is not a likely outcome at this point. As a result, we write to address the published scope of Certain Crystalline Silicon Photovoltaic Products from China and Taiwan, under investigation. (Case Nos. A-570-010, A-583-853, and C-570-011). As the Department prepares to release its preliminary determination on countervailing duties, we ask your consideration of two very important factors.

First, we encourage the Department to preserve the existing country of origin standard for crystalline silicon photovoltaic products to decide this and any future solar case. Crystalline silicon photovoltaic products are essential components of solar energy technology and a decision reversing previous Department rulings would, not only reverse 75 years of precedent, but would create long-lasting confusion and upheaval for American trade officials and manufacturers.

Second, we do not believe that there has been sufficient evidence presented to require the Department to reclassify some solar energy materials and products now recognized as domestic into foreign-made products. This would transform anti-dumping duties meant to protect American businesses into additional burdens on many domestic manufacturers.
We believe that an incorrect ruling from the Department on this case could ultimately increase the costs of manufacturing, installing, and using solar energy technology. Price spikes, government-imposed or market-created, will only stunt the growth of our nation's flourishing solar energy industry and drive Americans away from a promising renewable energy source.

The Department has a responsibility to promote the growth of the American economy. It also has an important duty to ensure U.S. business and consumer interests are protected here and abroad. We cannot allow a thriving and critically important industry, and the workers, consumers and businesses that depend on it, to be further harmed by this wrong-headed trade complaint. We appreciate your consideration and hope the Department stands by decades of trade precedent and stands with the 140,000 jobs in the domestic solar energy industry.

Sincerely,

Jon Tester

John Walsh