Sugar from Mexico

Investigation Nos. 701-TA–513 and 731-TA–1249 (Second Review)

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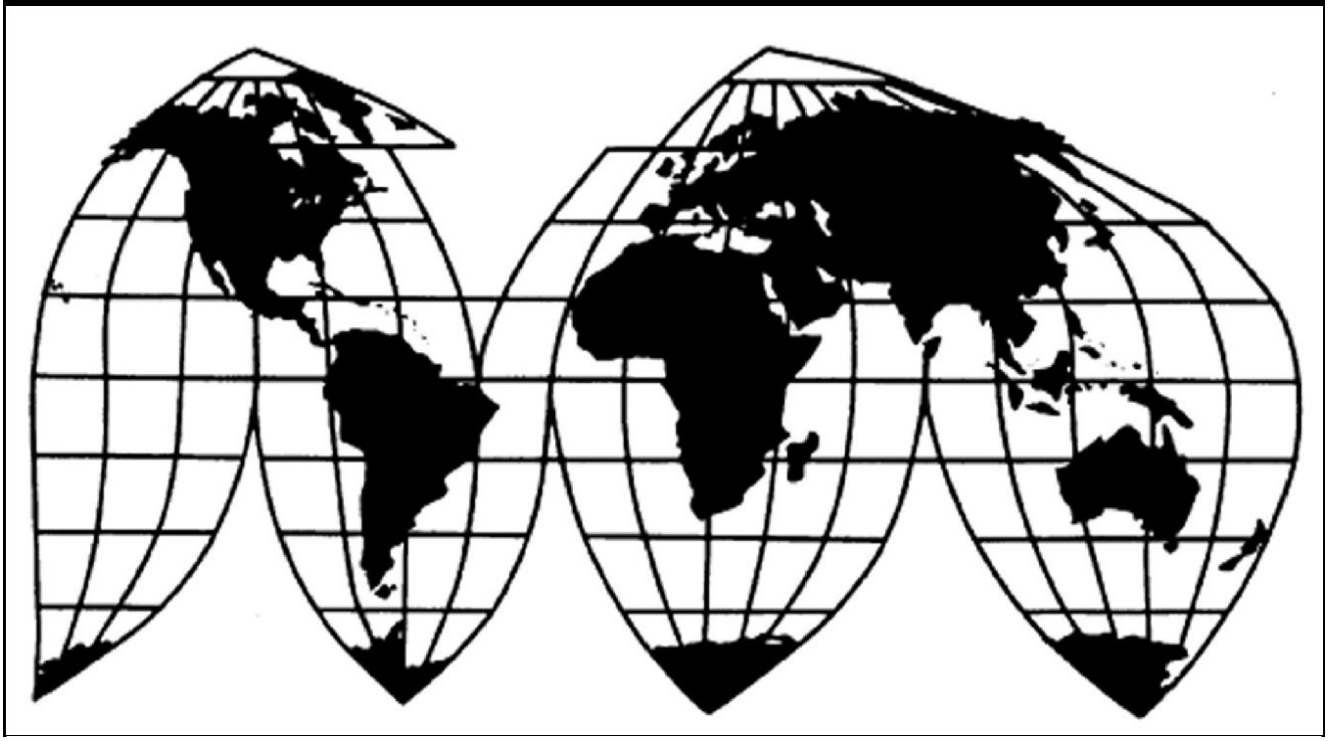
U.S. International Trade Commission



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U.S. International Trade Commission

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UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701-TA-513 and 731-TA-1249 (Second Review)

Sugar from Mexico

DETERMINATIONS

On the basis of the record[1] developed in the subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that termination of the suspended investigations on sugar from Mexico would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission instituted these reviews on March 3, 2025 (90 FR 11062, March 3, 2025) and determined on June 6, 2025 that it would conduct expedited reviews (90 FR 36070, July 31, 2025).

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Views of the Commission

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended ("the Tariff Act"), that termination of the suspended antidumping and countervailing duty investigations on sugar from Mexico would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. Background

The Original Investigations. On March 28, 2014, the American Sugar Coalition and its members, which include both domestic producers of sugar and associations of sugar producers (collectively, the "Coalition"),[1] filed antidumping and countervailing duty petitions on sugar from Mexico.[2] Following preliminary affirmative determinations by the Commission[3] and the U.S. Department of Commerce ("Commerce"), Commerce suspended the investigations effective December 19, 2014, based on agreements with the government of Mexico and Mexican producers/exporters of sugar.[4] [5]

On January 16, 2015, Imperial and AmCane submitted timely requests with Commerce to continue the investigations on sugar. Commerce resumed the investigations on May 4, 2015, and on September 23, 2015, it made affirmative dumping and subsidy determinations in the

[1] The current members of the Coalition are: American Sugar Cane League; American Sugarbeet Growers Association; American Sugar Refining, Inc.; Florida Sugar Cane League; Sugar Cane Growers Cooperative of Florida; and the United States Beet Sugar Association. The American Sugar Coalition's Response to the Commission's Notice of Institution, EDIS Doc No. 847645 (Apr. 2, 2025) ("Domestic Interested Party's Response") at 1 n.1, 2-3.

[2] Confidential Report, Memorandum INV-XX-070 (May 27, 2025) ("CR"); Public Report, *Sugar from Mexico*, Inv. Nos. 701-TA-513 and 731-TA-1249 (Second Review), USITC Pub. 5664 (Sept. 2025) ("PR") at 1.1-1.2.

[3] *Sugar from Mexico*, Inv. Nos. 701-TA-513 and 731-TA-1249 (Preliminary), USITC Pub. 4467 (May 2014) ("*Preliminary Determinations*").

[4] *Sugar from Mexico: Suspension of the Antidumping Investigation*, 79 Fed. Reg. 78039 (Dep't Commerce Dec. 29, 2014); *Sugar from Mexico: Suspension of the Countervailing Duty Investigation*, 79 Fed. Reg. 78044 (Dep't Commerce Dec. 29, 2014). The agreement between Commerce and the government of Mexico to suspend the countervailing duty investigation restricted the volume of direct or indirect exports of subject merchandise from Mexico to the United States, including restricting refined sugar (defined as sugar with polarity of 99.5 and above) to no more than 53 percent of exports during any export limit period. The agreement between Commerce and producers/exporters of sugar in Mexico to suspend the antidumping duty investigation set minimum reference prices for subject imports. *Id.*

[5] Subsequently, on January 8, 2015, domestic producers Imperial Sugar Company ("Imperial") and AmCane Sugar LLC ("AmCane") filed separate petitions with the Commission requesting reviews of the suspension agreements pursuant to sections 704(h) and 734(h) of the Tariff Act of 1930. As a result of these reviews, on March 19, 2015, the Commission determined that the agreements eliminated completely the injurious effect of subject imports. Consequently, the suspension agreements remained in effect. *Sugar from Mexico*, Inv. Nos. 704-TA-1 and 734-TA-1 (Review), USITC Pub. 4523 (April 2015); *see also Imperial Sugar Co. v. United States*, 181 F. Supp. 3d 1284 (Ct. Int'l Trade 2016) (affirming the Commission's determinations).

continued final investigations.[6] On November 6, 2015, the Commission determined that an industry in the United States was materially injured by reason of imports of dumped and subsidized sugar from Mexico.[7] As a result of the affirmative final determinations in the continued investigations, the suspension agreements remained in effect.

Effective June 30, 2017, Commerce amended the suspension agreements to redefine refined and other sugar based on polarity, which the U.S. Court of International Trade vacated on October 18, 2019.[8] Commerce subsequently issued new but substantially similar amendments to the suspension agreements on January 22, 2020.[9]

The First Reviews. On November 29, 2019, the Commission instituted its first five-year reviews of the suspension agreements on sugar from Mexico.[10] On April 21, 2020, after conducting expedited reviews, the Commission determined that the termination of the suspended investigations would likely lead to continuation of recurrence of material injury.[11] Consequently, on April 30, 2020, Commerce continued the suspension agreements.[12]

The Current Reviews. On March 3, 2025, the Commission instituted these second five-year reviews of the suspension agreements on sugar from Mexico.[13] On April 2, 2025, the Coalition, a domestic interested party comprised of domestic sugarcane growers, sugar beet farmers, cane sugar millers, sugar beet processors, and cane sugar refiners, filed a response to the notice of institution.[14] On June 6, 2025, the Commission determined that the domestic interested party group response to its notice of institution was adequate but that the respondent interested party response was inadequate.[15] Finding no other circumstances that

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[6] *Sugar from Mexico: Continuation of Antidumping and Countervailing Duty Investigations*, 80 Fed. Reg. 25278 (Dep't Commerce May 4, 2015); *Sugar from Mexico: Final Affirmative Countervailing Duty Determination*, 80 Fed. Reg. 57337 (Dep't Commerce Sept. 23, 2015); *Sugar from Mexico: Final Determination of Sales of Less Than Fair Value*, 80 Fed. Reg. 57341 (Dep't Commerce Sept. 23, 2015).

[7] *Sugar from Mexico*, Inv. Nos. 701-TA-513 and 731-TA-1249 (Final), USITC Pub. 4577 (Nov. 2015) ("*Original Determinations*").

[8] *Sugar From Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation*, 82 Fed. Reg. 31942 (Dep't Commerce July 11, 2017); *Sugar From Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation*, 82 Fed. Reg. 31945 (Dep't Commerce July 11, 2017); *CSC Sugar LLC v. United States*, Court No. 17-20214, Slip Op. 19-131 (Ct. Int'l Trade Oct. 18, 2019); *CSC Sugar LLC v. United States*, Court No. 17-20215, Slip Op. 19- 132 (Ct. Int'l Trade Oct. 18, 2019).

[9] *Sugar from Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation,* 85 Fed. Reg. 3613 (Dep't Commerce Jan. 22, 2020)*; Sugar From Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation,* 85 Fed. Reg. 3620 (Dep't Commerce July 11, 2017).

[10] *Sugar from Mexico; Institution of Five-Year Reviews,* 84 Fed. Reg. 65841 (Nov. 29, 2019).

[11] *Sugar from Mexico*, Inv. No. 701-TA-513 and 731-TA-1249 (Review), USITC Pub. 5045 at 3 (Apr. 2020) ("*First Reviews*").

[12] *Sugar From Mexico: Continuation of Suspension of Antidumping and Countervailing Duty Investigations*, 85 Fed. Reg. 23945 (Apr. 30, 2020).

[13] CR/PR at 1.1, Table 1.1; *Sugar From Mexico; Institution of Five-Year Reviews*, 90 Fed. Reg. 11062 (Mar. 3, 2025).

[14] Domestic Interested Party's Response at 1.

[15] Explanation of Commission Determination on Adequacy, EDIS Doc. No. 858626 (Aug. 5, 2025).

would warrant conducting full reviews, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act.[16] The Coalition filed comments with the Commission pursuant to 19 C.F.R. § 207.62(d)(1) regarding the determinations that the Commission should reach.[17]

U.S. industry data in these reviews are based on information supplied by the domestic interested party in its response to the notice of institution, which is estimated to have accounted for all domestic production of sugar in crop year ("CY") 2023/24.[18] U.S. import data and related information are based on Commerce's official import statistics.[19] Foreign industry data are based on information from the original investigations and prior reviews, information submitted by the domestic interested party in these expedited reviews, and publicly available information compiled by the Commission.[20] Additionally, one firm, ***, identified by the Coalition as a top U.S. purchaser of sugar, responded to the Commission's adequacy phase questionnaire.[21]

II. Domestic Like Product and Industry

A. Domestic Like Product

In making its determination under section 751(c) of the Tariff Act, the Commission defines the "domestic like product" and the "industry."[22] The Tariff Act defines "domestic like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle."[23] The Commission's practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.[24]

Commerce has defined the imported merchandise within the scope of the suspension agreements under review as follows:

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[16] Explanation of Commission Determination on Adequacy.

[17] Sugar from Mexico: Final Comments, EDIS Doc. 859595 (Aug. 14, 2025) ("Domestic Interested Party's Final Comments").

[18] CR/PR at 1.23. A crop year runs from October 1 through September 30. *Id.* at 1.8 n.24.

[19] CR/PR at Tables 1.7, 1.8.

[20] CR/PR at Tables 1.9, 1.10.

[21] CR/PR at D.3.

[22] 19 U.S.C. § 1677(4)(A).

[23] 19 U.S.C. § 1677(10); *see*, *e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Dep't of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int'l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), *aff'd*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

[24] *See*, *e.g.*, *Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

The product covered by this Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. The chemical sucrose gives sugar its essential character. Sucrose is a nonreducing disaccharide composed of glucose and fructose linked by a glycosidic bond via their anomeric carbons. The molecular formula for sucrose is C12 H22 O11; the International Union of Pure and Applied Chemistry (IUPAC) International Chemical Identifier (InChl) for sucrose is 1S/C12H22O11/c13-l-4-6(16)8(18)9(19)11(21-4)23-12(3- 15)10(20)7(17)5(2-14)22-12/h4-11,13-20H,1-3H2/t4-,5-,6-,7-,8+,9-,10+,11-,12+/m1/s1; the InChl Key for sucrose is CZMRCDWAGMRECN-UGDNZRGBSA-N; the U.S. National Institutes of Health PubChem Compound Identifier (CID) for sucrose is 5988; and the Chemical Abstracts Service (CAS) Number of sucrose is 57-50-1.

Sugar described in the previous paragraph includes products of all polarimeter readings described in various forms, such as raw sugar, estandar or standard sugar, high polarity or semirefined sugar, special white sugar, refined sugar, brown sugar, edible molasses, desugaring molasses, organic raw sugar, and organic refined sugar. Other sugar products, such as powdered sugar, colored sugar, flavored sugar, and liquids and syrups that contain 95 percent or more sugar by dry weight are also within the scope of this Agreement.

The scope of the Agreement does not include (1) sugar imported under the Refined Sugar Re-Export Programs of the U.S. Department of Agriculture;11 (2) sugar products produced in Mexico that contain 95 percent or more sugar by dry weight that originated outside of Mexico; (3) inedible molasses (other than inedible desugaring molasses noted above); (4) beverages; (5) candy; (6) certain specialty sugars; and (7) processed food products that contain sugar (e.g., cereals). Specialty sugars excluded from the scope of this Agreement are limited to the following: caramelized slab sugar candy, pearl sugar, rock candy, dragees for cooking and baking, fondant, golden syrup, and sugar decorations.

Merchandise covered by this Agreement is typically imported under the following headings of the Harmonized Tariff Schedule of the United States (HTSUS): 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015,

> 1701.99.5017, 1701.99.5025, 1701.99.5050, and 1702.90.4000. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this Agreement is dispositive.[25]

The sugar covered by the suspension agreements is chemically classified as sucrose, a naturally occurring carbohydrate.[26] Among the covered products are "raw" sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of less than 99.5 degrees) and "estandar," or Mexican standard sugar, which is sometimes referred to as "high polarity" or "semi-refined" sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of 99.2 to 99.6 degrees).[27] Raw cane sugar is used as a raw material input in the production of refined sugar, and it is unsuitable for human consumption.[28] Estandar can be used either as a raw material input in the production of refined sugar or as an input in the production of certain food and beverage products.[29]

Also included in the scope of the agreements are "refined" sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of at least 99.9 degrees; brown sugar; liquid sugar (sugar dissolved in water); organic raw sugar; and organic refined sugar.[30] These sugar products are used as a caloric sweetening agent in food and beverages, including bakery products, cereals, confections, sauces, cured meats, dairy products, and ice cream.[31] Inedible molasses, certain "specialty" sugars (*e.g.*, rock candy, fondant, and sugar decorations), and processed food products that contain sugar (*e.g*., beverages, candy, and cereals) are not within the scope of the agreements.[32]

In the original investigations, the Commission defined a single domestic like product, coextensive with the scope.[33] In the preliminary phase of the investigations, the Commission analyzed whether it should define separate like products corresponding to raw and refined sugar or to refined cane sugar and refined beet sugar, and whether the domestic like product should be defined more broadly than the scope to include high fructose corn syrup ("HFCS").[34] The Commission found that the record evidence pertaining to its semi-finished product analysis

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[25] *Sugar From Mexico: Final Results of the Expedited Second Sunset Review of the Agreement Suspending the Antidumping Duty Investigation*, 90 Fed. Reg. 30048 (July 8, 2025) and accompanying Issues and Decision Memorandum at 2-3, Case No. A-201-845, EDIS Doc. No. 856759 (July 1, 2025); *Sugar From Mexico: Final Results of the Expedited Second Sunset Review of the Agreement Suspending the Countervailing Duty Investigation*, 90 Fed. Reg. 30051 (July 8, 2025) and accompanying Issues and Decision Memorandum at 2-3, Case No. C-201-846, EDIS Doc. No. 856759 (July 1, 2025).

[26] CR/PR at 1.15.

[27] CR/PR at 1.16-1.17.

[28] CR/PR at 1.18.

[29] *First Reviews*, USITC Pub. 5045 at 8.

[30] CR/PR at 1.17.

[31] CR/PR at 1.19.

[32] CR/PR at 1.17.

[33] *Original Determinations*, USITC Pub. 4577 at 7-9.

[34] *Preliminary Determinations*, USITC Pub. 4467 at 8-14.

supported the inclusion of raw and refined sugar within the same domestic like product.[35] The Commission next determined that refined cane sugar and refined beet sugar should not be defined as separate like products.[36] Finally, the Commission concluded that the record in the preliminary phase of the investigations indicated that there were more differences than similarities between sugar and HFCS, demonstrating that a clear dividing line existed between the two products.[37] Thus, the Commission defined a single domestic like product, coextensive with the scope, which it maintained in the final phase of the investigations.[38]

In the first reviews, the domestic interested parties agreed with the domestic like product definition from the original investigations, and the Commission found that the record contained no new information suggesting that the characteristics and uses of domestically produced sugar had changed since the original investigations.[39] Consequently, it again defined a single domestic like product consisting of all sugar corresponding to the scope.[40]

Likewise, in these reviews, the Coalition agrees with the domestic like product definition from the prior proceedings, and the record contains no new information suggesting that the characteristics and uses of domestically produced sugar have changed since the prior proceedings.[41] Thus, we again define a single domestic like product consisting of all sugar corresponding to the scope.

B. Domestic Industry

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic "producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."[42] In defining the domestic industry, the Commission's general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In the prior proceedings, the Commission addressed multiple issues related to the definition of the domestic industry, which are each summarized below. In these reviews, the Coalition indicated that it agrees with the Commission's definition of the domestic industry in the prior proceedings.[43]

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[35] *Preliminary Determinations*, USITC Pub. 4467 at 8-10.

[36] *Preliminary Determinations*, USITC Pub. 4467 at 10-11.

[37] *Preliminary Determinations*, USITC Pub. 4467 at 12-14.

[38] *Original Determinations*, USITC Pub. 4577 at 8-9. In the final phase of the investigations, the Commission found that the record did not contain any new information regarding the domestic like product, and no party sought a different definition of the domestic like product. *Id*.

[39] *First Reviews*, USITC Pub. 5045 at 9.

[40] *First Reviews*, USITC Pub. 5045 at 9.

[41] Domestic Interested Party's Response at 40.

[42] 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. *See* 19 U.S.C. § 1677.

[43] Domestic Interested Party's Response at 40-42. In the original investigations, the Commission addressed whether certain producers known as "melt houses" engaged in sufficient production-related

1. Grower/Processor Issues

In cases involving processed agricultural products, section 771(4)(E) of the Tariff Act authorizes the Commission to include growers of a raw agricultural input within the domestic industry producing the processed agricultural product if:

> (a) the processed agricultural product is produced from the raw product through a single continuous line of production,[44] and
>
> (b) there is a substantial coincidence of economic interest between the growers and producers of the processed product based upon the relevant economic factors.[45]

In the original investigations, the Commission found that because the requirements of the statutory grower/processor provision were satisfied, sugar cane farmers and sugar beet growers were part of the domestic industry.[46] Specifically, it found that there was a continuous line of production from sugarcane and beet growers to processors, sugarcane and sugar beets had no other significant economic uses, and sugar was produced entirely from sugarcane and

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activities to be included in the domestic industry. *Original Determinations*, USITC Pub. 4577 at 9-13. "Melt houses" are firms that produce liquid sugar by adding water to semi-refined or refined sugar. *Id.* at 9-10. The Commission found that one melt house, CSC Sugar, engaged in sufficient activities to be considered a domestic producer, but that another, Archer Daniels Midland Company ("ADM"), did not. *Id.* at 9-13. Thus, the Commission included CSC Sugar in the domestic industry definition but excluded ADM from the definition. *Id*. at 9-10. The Commission adopted the same finding in the first reviews. *First Reviews*, USITC Pub. 5045 at 10-11. The record of these investigations contains no information concerning the operations of any melt houses, including CSC Sugar and ADM, as no melt house responded to the Commission's notice of institution and no data was presented in these investigations with respect to their operations that could be included or excluded from the data for the domestic industry as a whole. As such, the Commission is not presented with the issue of whether any melt house engages in sufficient production-related activities for purposes of being included in the domestic industry definition.

[44] The statute provides that the processed product shall be considered to be processed from the raw product in a single, continuous line of production if:

(a) the raw agricultural product is substantially or completely devoted to the production of the processed agricultural product; and

(b) the processed agricultural product is produced substantially or completely from the raw product. 19 U.S.C. § 1677(4)(E)(ii).

[45] In addressing coincidence of economic interest under the second prong of the test, the Commission may, in its discretion, consider price, added market value, or other economic interrelationships. Further:

(a) if price is taken into account, the Commission shall consider the degree of correlation between the price of the raw agricultural product and the price of the processed agricultural product; and

(b) if added market value is taken into account, the Commission shall consider whether the value of the raw agricultural product constitutes a significant percentage of the value of the processed agricultural product. 19 U.S.C. § 1677(4)(E)(iii).

[46] *Original Determinations*, USITC Pub. 4577 at 10-11.

sugar beets.[47] The Commission also concluded that there was a coincidence of economic interest between growers and sugar millers, processors, and refiners because a substantial proportion of sugar is milled, processed, and refined through cooperative arrangements.[48]

In the first reviews, the Commission found that the record contained no new information regarding the nature of the relationship between growers and processors and, in the absence of contrary argument, continued to find that growers were part of the domestic industry.[49] Likewise, the record of these investigations contains no new information regarding the nature of the relationship between growers and processors, and so we again find that growers are part of the domestic industry.

2. Related Parties

We must determine whether any producer of the domestic like product should be excluded from the domestic industry pursuant to section 771(4)(B) of the Tariff Act.[50] This provision allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise or which are themselves importers.[51] Exclusion of such a producer is within the Commission's discretion based upon the facts presented in each investigation.[52]

In the original investigations, the Commission found that appropriate circumstances did not exist to exclude any of the five domestic producers that imported subject merchandise.[53] In particular, it found that the domestic producers that imported subject merchandise did so primarily for processing into refined sugar in their domestic production facilities.[54] It also found that domestic cane refiners as a whole needed to import raw or semi-refined cane sugar as an

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[47] *Original Determinations*, USITC Pub. 4577 at 11.

[48] *Original Determinations*, USITC Pub. 4577 at 11.

[49] *First Reviews*, USITC Pub. 5045 at 12.

[50] *See* 19 U.S.C. § 1677(4)(B).

[51] *See Torrington Co v. United States*, 790 F. Supp. 1161, 1168 (Ct. Int'l Trade 1992), *aff'd without opinion*, 991 F.2d 809 (Fed. Cir. 1993); *Sandvik AB v. United States*, 721 F. Supp. 1322, 1331-32 (Ct. Int'l Trade 1989), *aff'd mem.,* 904 F.2d 46 (Fed. Cir. 1990); *Empire Plow Co. v. United States*, 675 F. Supp. 1348, 1352 (Ct. Int'l Trade 1987).

[52] The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude a related party include the following:

(1) the percentage of domestic production attributable to the importing producer;

(2) the reason the U.S. producer has decided to import the product subject to investigation (whether the firm benefits from the LTFV sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market);

(3) whether inclusion or exclusion of the related party will skew the data for the rest of the industry;

(4) the ratio of import shipments to U.S. production for the imported product; and

(5) whether the primary interest of the importing producer lies in domestic production or importation. *Changzhou Trina Solar Energy Co. v. USITC*, 100 F. Supp.3d 1314, 1326-31 (Ct. Int'l Trade 2015), *aff'd*, 879 F.3d 1377 (Fed. Cir. 2018); *see also Torrington Co. v. United States*, 790 F. Supp. at 1168

[53] *Original Determinations*, USITC Pub. 4577 at 12-13.

[54] *Original Determinations*, USITC Pub. 4577 at 12.

input for their domestic production of refined sugar because there was an insufficient volume of domestic raw sugar to supply their refineries, and therefore the fact that those refiners imported inputs from Mexico did not significantly detract from their primary interest in domestic production, notwithstanding high ratios of subject imports to domestic production.[55]

In the first reviews, two firms, Imperial and American Sugar Refining Inc. ("ASR"), imported subject merchandise, and ASR was also related to an exporter of subject merchandise.[56] The Commission found that those firms appeared to be importing subject merchandise for purposes of their domestic production activities, and thus, in the absence of contrary arguments, found that appropriate circumstances did not exist to exclude either from the domestic industry.[57]

In the current reviews, ASR again qualifies for possible exclusion under the related parties provision because it imported subject merchandise during the POR and ***.[58] The Coalition argues that appropriate circumstances do not exist to exclude ASR from the domestic industry as a related party.[59]

ASR is a petitioner,[60] and it produced *** short tons raw value ("STRV") in CY 2023/24, which accounted for *** percent of the total sugar produced in the United States during that period.[61] In CY 2023/24, it imported *** STRV of sugar from Mexico, equivalent to *** percent of the quantity of its U.S. production of sugar.[62] ASR's capacity utilization rate was *** the industry average,[63] and ASR ***.[64]

Given ASR's *** ratio of subject imports to its domestic production, its support of continuation of the suspension agreements, and its substantial share of U.S. production in CY 2023/24, its primary interest appears to be in domestic production. Furthermore, there is no indication that ASR's domestic production operations benefitted from, or was shielded from competition with, subject imports from Mexico in CY 2023/24, such that its inclusion in the domestic industry would skew the industry data. To the contrary, given ASR's substantial share of domestic production, its exclusion from the domestic industry would risk masking likely continuation or recurrence of material injury to the domestic industry. For all these reasons, and in the absence of any contrary argument, we find that appropriate circumstances do not exist to exclude ASR from the domestic industry.[65]

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[55] *Original Determinations*, USITC Pub. 4577 at 12-13.

[56] *First Reviews*, USITC Pub. 5045 at 13.

[57] *First Reviews*, USITC Pub. 5045 at 13.

[58] CR/PR at 1.30, Tables B.1, B.4; Domestic Interested Party's Response at 42.

[59] Domestic Interested Party's Response at 42.

[60] CR/PR at B.3; Domestic Interested Party's Response at 2.

[61] *Derived from* Domestic Interested Party's Response at Exhibit 1b, CR/PR at Table 1.6.

[62] CR/PR at 1.30, Table B.1, Note.

[63] *Compare* CR/PR at Table 1.6 *with* Domestic Industry Party's Response at Exh. 1.

[64] CR/PR at Table 1.5.

[65] The Coalition also identified CSC Sugar, Sucro, and Zucarmex/California Sugar Refineries as importers of subject merchandise. Domestic Interested Party's Response at 42. These firms did not respond to the notice of institution.

Given the lack of information in the record about these producers' current operations, we do not engage in a further related parties analysis concerning them. We observe that, even assuming *arguendo*

3. Conclusion

In sum, for the reasons discussed above, we define the domestic industry as all U.S. producers of sugar within the scope of the investigations, including cane farmers and beet growers.

III. Termination of the Suspended Antidumping and Countervailing Duty Investigations Would Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time

A. Legal Standards

In a five-year review conducted under section 751(c) of the Tariff Act, Commerce will revoke an antidumping or countervailing duty order or terminate a suspended investigation unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order, or termination of a suspended investigation, "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."[66] The SAA states that "under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports."[67] Thus, the likelihood standard is prospective in nature.[68] The U.S. Court of International Trade has found that "likely," as used in the five-year review provisions of the Act, means "probable," and the Commission applies that standard in five-year reviews.[69]

The statute states that "the Commission shall consider that the effects of revocation or

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that appropriate circumstances existed to exclude these firms from the domestic industry, the record contains no data specific to these firms that we could exclude.

[66] 19 U.S.C. § 1675a(a).

[67] SAA, H.R. Rep. No. 103-316 vol. I at 883-84. The SAA states that "{t}he likelihood of injury standard applies regardless of the nature of the Commission's original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed." *Id*. at 883.

[68] While the SAA states that "a separate determination regarding current material injury is not necessary," it indicates that "the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked." SAA at 884.

[69] *See NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int'l Trade 2003) ("'likely' means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)"), *aff'd mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) ("more likely than not" standard is "consistent with the court's opinion;" "the court has not interpreted 'likely' to imply any particular degree of 'certainty'"); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) ("standard is based on a likelihood of continuation or recurrence of injury, not a certainty"); *Usinor v. United States*, 26 CIT 767, 794 (2002) ("'likely' is tantamount to 'probable,' not merely

termination may not be imminent, but may manifest themselves only over a longer period of time."[70] According to the SAA, a "'reasonably foreseeable time' will vary from case-to-case, but normally will exceed the 'imminent' timeframe applicable in a threat of injury analysis in original investigations."[71]

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to "consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated."[72] It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).[73] The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission's determination.[74]

In evaluating the likely volume of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.[75] In doing so, the Commission must consider "all relevant economic factors," including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.[76]

In evaluating the likely price effects of subject imports if an order under review is

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'possible'").

[70] 19 U.S.C. § 1675a(a)(5).

[71] SAA at 887. Among the factors that the Commission should consider in this regard are "the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities." *Id*.

[72] 19 U.S.C. § 1675a(a)(1).

[73] 19 U.S.C. § 1675a(a)(1). Commerce has not made any duty absorption findings. *See Sugar From Mexico: Final Results of the Expedited Second Sunset Review of the Agreement Suspending the Antidumping Duty Investigation*, 90 Fed. Reg. 30048 (July 8, 2025) and accompanying Issues and Decision Memorandum at 2-3, Case No. A-201-845, EDIS Doc. No. 856759 (July 1, 2025).

[74] 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

[75] 19 U.S.C. § 1675a(a)(2).

[76] 19 U.S.C. § 1675a(a)(2)(A-D).

revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.[77]

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.[78] All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order under review and whether the industry is vulnerable to material injury upon revocation.[79]

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the sugar industry in Mexico. There is also limited information on the sugar market in the United States during the POR. Accordingly, for our determinations, we rely as appropriate on the facts available from the original investigations, and the limited new information on the record in these reviews.

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors "within the context of the business cycle and conditions of competition that are distinctive to the affected industry."[80] The following conditions of competition inform our determination.

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[77] *See* 19 U.S.C. § 1675a(a)(3). The SAA states that "{c}onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

[78] 19 U.S.C. § 1675a(a)(4).

[79] The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission "considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports." SAA at 885.

[80] 19 U.S.C. § 1675a(a)(4).

1. Demand Conditions

Prior Proceedings. In the original investigations, the Commission observed that apparent U.S. consumption of sugar initially increased from CY 2011/12 to CY 2012/13 and remained at the same level in CY 2013/14.[81] It further observed that most market participants reported that U.S. demand for sugar increased since October 2011, ascribing this to population growth and consumer substitution away from products using HFCS.[82] In addition, U.S. Department of Agriculture ("USDA") data indicated that U.S. shipments of sugar for use in food and beverages increased from CY 2011/12 to CY 2013/14.[83]

In the first reviews, the Commission observed that apparent U.S. consumption of sugar was higher in CY 2017/18 than it was in CY 2013/14.[84] It found, however, that the record showed that consumers were increasingly being advised to limit intake of added sugar.[85]

The Current Reviews. The domestic interested party indicates that demand for sugar derives from demand for products containing sugar, such as bakery products, beverages, confectionary products, food products, and candy.[86] It also asserts that demand for sugar in food and beverages rose irregularly.[87] Certain policy changes since the last review that focus on reducing added sugar in manufactured foods may reduce demand for sugar.[88] In addition, a publicly available USDA report indicates that purchasers in the U.S. market are increasingly demanding specialty sugars, including organic and non-GMO sugar, in lieu of non-specialty sugars, as demand for organic and non-GMO consumer-oriented products grows.[89] USDA estimates that organic sugar supply increased from 143,411 STRV during FY2015 to 310,477 STRV during FY2023, an increase of more than 116 percent.[90] Domestic suppliers accounted for less than 6.4 percent of organic sugar consumption in the United States between FY 2020 and 2023, and U.S. beet sugar does not generally meet organic or non-GMO standards because most sugar beet seed used in the United States has been genetically modified.[91]

Responding purchaser *** reported that there *** in the supply and demand conditions for sugar that have occurred in the United States or in the market for sugar in Mexico since January 1, 2020, and that it *** within a reasonably foreseeable time.[92]

Apparent U.S. consumption of sugar remained stable, although it was slightly higher in

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[81] *Original Determinations*, USITC Pub. 4577 at 19.

[82] *Original Determinations*, USITC Pub. 4577 at 20.

[83] *Original Determinations*, USITC Pub. 4577 at 20.

[84] *First Reviews*, USITC Pub. 5045 at 17.

[85] *First Reviews*, USITC Pub. 5045 at 17.

[86] Domestic Interested Party's Response at 13.

[87] Domestic Interested Party's Final Comments at 2-3.

[88] CR/PR at 1.23-1.24.

[89] CR/PR at 1.24.

[90] *Derived from* CR/PR at 1.24.

[91] CR/PR at 1.24. Over-quota imports of organic sugar increased by more than 400 percent from FY2020 to FY2023. The primary suppliers of U.S. certified organic sugar TRQ imports are Brazil, Paraguay, Colombia, Argentina, and Costa Rica. *Id*.

[92] CR/PR at D.3.

CY 2023/24, at *** STRV, than in CY 2017/18, at *** STRV.[93]

2. Supply Conditions

Prior Proceedings. In the original investigations, the Commission found that the domestic industry's market share rose overall during the POI, increasing from *** percent in CY 2011/12 to *** percent in CY 2012/13 before decreasing to *** percent in CY 2013/14.[94] Subject imports as a share of apparent U.S. consumption increased from *** percent in CY 2011/12 to *** percent in CY 2012/13 before decreasing to *** percent in CY 2013/14, a level *** percentage points higher than in CY 2011/12.[95] Nonsubject imports as a share of apparent U.S. consumption decreased from *** percent in CY 2011/12 to *** percent in CY 2012/13 before increasing to *** percent in CY 2013/14, a level *** percentage points lower than in CY 2011/12.[96]

In the first reviews, the domestic industry continued to be the largest source of supply to the U.S. market, accounting for *** percent of apparent U.S. consumption in CY 2017/18.[97] During that time, subject imports accounted for *** percent of apparent U.S. consumption and nonsubject imports accounted for *** percent of apparent U.S. consumption.[98] The Commission observed that sugar production had ceased in Hawaii and that U.S. sugar beet growers were facing severe weather conditions, leading to decreased production.[99]

The Current Reviews. The domestic industry continues to be the largest source of supply in the U.S. market, with a *** percent share of apparent U.S. consumption by quantity in CY 2023/24, down from *** percent in CY 2017/18.[100] The domestic industry's production capacity was *** STRV in CY 2023/24, down from *** STRV in CY 2017/18.[101]

There have been several developments in the domestic industry since the last reviews. In 2022, Sucro began operations at its new sugar refining facility in Buffalo, New York, which has an estimated annual production capacity of 350,000 metric tons.[102] In February 2024, Sucro also announced plans to build its second U.S. refinery near Chicago, Illinois, which is expected to open in 2026 with an estimated annual production capacity of 350,000 metric tons.[103] In November 2022, U.S. Sugar acquired Imperial.[104]

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[93] CR/PR at Table 1.8.

[94] *Original Determinations*, USITC Pub. 4577 at 20; Confidential Opinion in *Sugar from Mexico*, Inv. Nos. 701-TA-513 and 731-TA-1249 (Final), EDIS Doc No. 570468 at 29 (Dec. 10, 2015) ("Confidential Original Determinations").

[95] *Original Determinations*, USITC Pub. 4577 at 21; Confidential Original Determinations at 30.

[96] *Original Determinations*, USITC Pub. 4577 at 21; Confidential Original Determinations at 30.

[97] *First Reviews*, USITC Pub. 5045 at 18; Confidential Opinion in *Sugar from Mexico*, Inv. No. 701-TA-513 and 731-TA-1249 (First Review), EDIS Doc No. 708620 at 22-23 (Apr. 22, 2020) ("Confidential First Reviews").

[98] *First Reviews*, USITC Pub. 5045 at 18; Confidential First Reviews at 23.

[99] *First Reviews*, USITC Pub. 5045 at 18.

[100] CR/PR at Table 1.8.

[101] CR/PR at Table 1.6.

[102] CR/PR at Table 1.5.

[103] CR/PR at Table 1.5.

[104] CR/PR at Table 1.5.

Three refineries also closed during the POR: Michigan Sugar Co. closed its AmCane Refinery in Taylor, Michigan, in 2020; the American Crystal Sugar Company closed a beet processing plant in Sidney, Montana, in 2023; and Rio Grande Valley Sugar Growers announced the cessation of grower operations and closure of its sugar mill in Santa Rosa, Texas, in February 2024.[105] Additionally, ASR announced that it would be closing its Cleveland, Ohio, facility by July 2025 and Southern Minnesota Beet Sugar Cooperative announced that it would begin closing its plant in Brawley, California, in late July 2025.[106]

Subject imports were the smallest source of sugar in the U.S. market during the POR, accounting for *** percent of apparent U.S. consumption in CY 2023/24, down from *** percent in CY 2017/18.[107]

Nonsubject imports accounted for *** percent of apparent U.S. consumption in CY 2023/24, up from *** percent in CY 2017/18.[108] The largest sources of nonsubject imports in CY 2023/24 were Brazil, Guatemala, and the Dominican Republic.[109]

3. Substitutability and Importance of Price

Prior Proceedings. In the original investigations, the Commission found that domestically produced raw sugar and estandar, used as an input by refiners, were interchangeable with raw sugar from Mexico, and that domestically produced refined sugar for retail sale and use in downstream products was interchangeable with refined sugar from Mexico.[110] It observed, however, that estandar and refined sugar could only sometimes be used interchangeably.[111] Consequently, the Commission found that there was generally a moderate-to-high degree of substitutability between domestically produced sugar and subject imports.[112]

Regarding price, responding domestic producers, importers, and purchasers were divided on whether differences other than price were ever significant in purchasing decisions, but price was the factor that purchasers most frequently identified as very important.[113] The Commission found that, although non-price factors were important, the commodity nature of sugar and the moderate-to-high degree of substitutability between subject imports and the domestic like product indicated that price was an important factor in competition between domestic and Mexican sugar.[114]

In the first reviews, the Commission found that there was no new information warranting a different finding concerning substitutability or the importance of price in purchasing decisions.[115] Accordingly, it found that there was a moderate-to-high degree of

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[105] CR/PR at Table 1.5.
[106] CR/PR at Table 1.5.
[107] CR/PR at Table 1.8.
[108] CR/PR at Table 1.8.
[109] CR/PR at Table 1.7.
[110] *Original Determinations*, USITC Pub. 4577 at 22.
[111] *Original Determinations*, USITC Pub. 4577 at 22.
[112] *Original Determinations*, USITC Pub. 4577 at 22.
[113] *Original Determinations*, USITC Pub. 4577 at 22-23.
[114] *Original Determinations*, USITC Pub. 4577 at 23.
[115] *First Reviews*, USITC Pub. 5045 at 18.

substitutability between sugar from Mexico and the domestic like product, and that price continued to be an important factor in purchasing decisions.[116]

The Current Reviews. The record in these reviews contains no new information to indicate that the degree of substitutability between the domestic like product and subject imports or the importance of price in purchasing decisions has changed since the prior proceedings. The Coalition argues that these conditions of competition in the U.S. market for sugar remain unchanged.[117] Accordingly, we again find that there is a moderate-to-high degree of substitutability between sugar from Mexico and the domestic like product, and that price continues to be an important factor in purchasing decisions.

4. Other Conditions

Prior Proceedings. In its original determinations, the Commission found several conditions of competition distinctive to the U.S. sugar market relevant to its analysis. In particular, the Commission observed that the U.S. government regulated the U.S. sugar market using a variety of policy tools collectively known as the U.S. Sugar Program pursuant to the Agriculture Act of 2014 (the "2014 Farm Bill"), which essentially extended most elements of the Food, Conservation, and Energy Act of 2008 (the "2008 Farm Bill") through the 2018 crop year.[118] The Sugar Program served to control the supply of sugar in the U.S. market from domestic[119] and nonsubject import sources, but not from Mexico.[120] Rather, under the North American Free Trade Agreement ("NAFTA"), imports of sugar from Mexico had enjoyed

[116] *First Reviews*, USITC Pub. 5045 at 18.

[117] Domestic Interested Party's Response at 21.

[118] *Original Determinations*, USITC Pub. 4577 at 17-19.

[119] The Commission observed that USDA regulated the quantity of sugar supplied by domestic producers to the U.S. market by assigning marketing allotments to sugar beet processors and to sugar cane millers, and it also provided loans to sugar cane millers and sugar beet processors through the Commodity Credit Corporation ("CCC"). As the Commission explained, sugar cane millers and sugar beet processors could forfeit the sugar pledged as collateral for loans to the CCC in lieu of repaying the loans and would generally do so when market prices fell below the applicable sugar loan rates, plus interest and costs. The CCC could not sell forfeited sugar into the U.S. market for human consumption but was required to dispose of it through re-export program credit swaps and sales of sugar to ethanol production or for other non-food uses. As the Commission explained, the Secretary of Agriculture was required to operate the U.S. Sugar Program at no net cost to the U.S. government by avoiding, to the maximum extent possible, any forfeiture of sugar to the CCC. To accomplish this goal, the USDA used marketing allotments and the regulation of nonsubject imports as well as two other programs. Under the "payment-in-kind" PIK program, the USDA allowed processors and growers to bid on raw cane sugar or refined beet sugar held by the CCC in exchange for reducing their own production or planting/harvesting of a specified acreage, as the case may be. Under the Feedstock Flexibility Program, the USDA was required to sell surplus sugar stocks, including forfeited sugar, to ethanol producers, and could also purchase refined sugar from domestic producers for sale to ethanol producers. The Commission noted that, during the period of investigation, the USDA removed domestically produced sugar from the U.S. market for human consumption for the first time since 2004. *Original Determinations*, USITC Pub. 4577 at 17-19.

[120] *Original Determinations*, USITC Pub. 4577 at 19.

unlimited access to the U.S. market since January 1, 2008.[121] The Commission also observed that USDA, with the Office of the U.S. Trade Representative ("USTR"), regulated imports of sugar from sources other than Mexico using tariff rate quotas ("TRQs").[122]

The Commission also discussed other relevant conditions of competition in the U.S. market. In particular, it found that raw materials accounted for a large majority of the cost of production for both sugar cane milling and sugar beet processing.[123] The cost of raw materials for millers (*i.e.*, sugar cane) and processers and refiners (*i.e.*, sugar beets and raw cane sugar, respectively) as a percentage of total cost of goods sold ("COGS") fell during the period of investigation.[124] The Commission also found relevant to its analysis the prevalence of short- and long-term contracts in the U.S. sugar market as well as the use of reference data in setting pricing.[125]

In the first reviews, the Commission noted that the U.S. Sugar Program provisions discussed in the original determinations remained in effect through 2018, and the Agricultural Improvement Act of 2018 extended those provisions through CY 2023.[126] It also observed that Commerce had amended the 2014 Suspension Agreements with Mexico and that the amendments had been subject to litigation at the U.S. Court of International Trade.[127]

The Current Reviews. In 2019, the U.S. Court of International Trade ordered Commerce to vacate the 2017 Amendments on procedural grounds.[128] Commerce subsequently issued new but substantially similar amendments to the suspension agreements in January 2020.[129] The Coalition argues that other conditions of competition discussed in the original investigations remain applicable in these reviews. Such conditions include that raw materials account for a large majority of the cost of production, the prevalence of short- and long-term contracts, and the use of reference data in setting pricing.[130] The U.S. sugar program also remains a relevant condition of competition.

U.S. imports of sugar originating in Mexico were granted duty-free, quota-free treatment under NAFTA as of January 1, 2008, which was continued under the provisions of the United States-Mexico-Canada Agreement ("USMCA").[131]

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[121] *Original Determinations*, USITC Pub. 4577 at 19.

[122] *Original Determinations*, USITC Pub. 4577 at 19.

[123] *Original Determinations*, USITC Pub. 4577 at 23.

[124] *Original Determinations*, USITC Pub. 4577 at 23.

[125] *Original Determinations*, USITC Pub. 4577 at 23-24.

[126] *First Reviews*, USITC Pub. 5045 at 20.

[127] *First Reviews*, USITC Pub. 5045 at 20-21.

[128] *CSC Sugar LLC v. United States*, Court No. 17-20214, Slip Op. 19-131 (Ct. Int'l Trade Oct. 18, 2019); *CSC Sugar LLC v. United States*, Court No. 17-20215, Slip Op. 19-132 (Ct. Int'l Trade Oct. 18, 2019).

[129] *Sugar from Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation,* 85 Fed. Reg. 3613 (Dep't Commerce Jan. 22, 2020)*; Sugar From Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation,* 85 Fed. Reg. 3620 (Dep't Commerce July 11, 2017).

[130] Domestic Interested Party's Response at 21-22.

[131] CR/PR at 1.5-1.6.

Effective March 4, 2025, any sugar from Mexico was subject to a 25 percent *ad valorem* duty under the International Emergency Economic Powers Act ("IEEPA").[132] As of March 7, 2025, only sugar from Mexico that did not enter subject to duty-free treatment under the USMCA was subject to the 25 percent *ad valorem* duty under IEEPA.[133]

C. Likely Volume of Subject Imports

Prior Proceedings. In the original investigations, the Commission found that the volume and increase in volume of subject imports were significant both in absolute terms and relative to apparent U.S. consumption. Subject import volume increased from 1.1 million STRV in CY 2011/12 to 2.1 million STRV in CY 2012/13 before declining to 2.0 million STRV in CY 2013/14, a level 89.9 percent higher than in CY 2011/12.[134] As a share of apparent U.S. consumption, subject imports increased irregularly by *** percentage points, increasing from *** percent in CY 2011/12 to *** percent in CY 2012/13 before decreasing to *** percent in CY 2013/14.[135] The Commission observed that in CY 2012/13, as subject imports increased sharply, USDA undertook regulatory actions to limit TRQ imports and requested that certain TRQ quota holders voluntarily reduce their imports.[136]

In the first reviews, the Commission found that subject imports maintained a presence in the U.S. market, at fluctuating and generally declining levels; the quantity of subject imports ranged from a high of 1.6 million STRV in 2015 to a low of 1.1 million STRV in 2017.[137] There were 1.2 million STRV of subject imports in CY 2017/18, accounting for *** percent of apparent U.S. consumption.[138] The Commission observed that subject producers had expanded both capacity and production since the original investigations and had considerable excess capacity.[139] Based on global trade atlas ("GTA") export data, it also found that subject producers were dependent on exports, primarily to the United States.[140] Accordingly, the Commission concluded that the likely volume of subject imports, both in absolute terms and relative to consumption in the United States, would likely be significant if the suspended investigations were terminated.[141]

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[132] CR/PR at 1.7.

[133] CR/PR at 1.7. Most U.S. sugar imports have been subject to TRQs since October 1, 1990. Effective April 5, 2025, goods, including sugar, from most countries were subject to an additional 10 percent ad valorem reciprocal duty under the IEEPA. On April 9, 2025, goods, including sugar, from selected countries were instead assigned an individualized country duty. Effective April 10, 2025, however, individualized country duties were suspended. Sugar from Mexico is not subject to these tariffs under IEEPA. *Id.* at 1.7-1.8.

[134] *Original Determinations*, USITC Pub. 4577 at 24.

[135] *Original Determinations*, USITC Pub. 4577 at 24; Confidential Original Determinations at 36.

[136] *Original Determinations*, USITC Pub. 4577 at 25.

[137] *First Reviews*, USITC Pub. 5045 at 21.

[138] *First Reviews*, USITC Pub. 5045 at 21-22; Confidential First Reviews at 28.

[139] *First Reviews*, USITC Pub. 5045 at 22.

[140] *First Reviews*, USITC Pub. 5045 at 22.

[141] *First Reviews*, USITC Pub. 5045 at 23.

The Current Reviews. Subject imports remained in the U.S. market during the POR, fluctuating throughout most of the period before declining to a much lower volume than during the prior proceedings.[142] Subject imports increased from 956,000 STRV in 2019 to 1.3 million STRV in 2020, decreased to 1.0 million STRV in 2021, increased to 1.3 million STRV in 2022, then declined to 1.1 million STRV in 2023 and 476,000 STRV in 2024.[143] By comparison, they were 1.2 million STRV in CY 2017/18 and 2.0 million STRV in CY 2013/14.[144] Subject imports accounted for *** percent of apparent U.S. consumption in CY 2023/24, compared to *** percent in CY 2017/18 and *** percent in 2013/14.[145]

The record in these five-year reviews contains limited information on the subject industry in Mexico. The information available, however, indicates that subject producers have the ability and incentive to increase their exports of sugar to the U.S. market if the suspended investigations were terminated, and that the U.S. market remains attractive to subject producers. The Coalition has identified 61 possible producers of sugar in Mexico.[146] Although sugar production in Mexico has trended downward since CY 2013/14 due to environmental factors, production and processing inefficiencies, and crop vulnerability to disease,[147] according to a USDA projection provided by the Coalition, sugar production in Mexico is expected to increase in CY 2024/25.[148]

Record evidence also indicates that the U.S. market remains attractive to subject producers. As noted above, subject imports maintained a presence, albeit diminished, in the U.S. market during the period of review, indicating that subject producers and exporters have distribution networks and customers in the United States.[149] Additionally, notwithstanding the fact that sugar from Mexico is not subject to antidumping or countervailing duty orders in other third-country markets, the United States remains by far the largest export market for sugar produced in Mexico even with the suspension agreements in place.[150] According to GTA data, in 2020, 2023, and 2024, the United States accounted for over 90 percent of Mexico's sugar exports.[151] While most of the sugar exported from Mexico during the POR went to the United States, termination of the suspended investigations would likely incentivize larger yields, and

[142] CR/PR at Table 1.7.

[143] CR/PR at Table 1.7.

[144] CR/PR at Table 1.8.

[145] CR/PR at Table 1.8.

[146] CR/PR at 1.34; Domestic Interested Party's Response at Exh. 1a.

[147] CR/PR at 1.34-1.35. Azucar Groupo Saenz, Compania Azucarera del Rio Guayalejo, SA de CV ("Saenz") closed its sugar mill in Xicotencatl, Tamaulipas, after the CY 2019/20 harvest, and sold that facility and another to Pantaleon Group in 2020. *Id.* at Table 1.9.

[148] Domestic Interested Party's Response at 26, Exh. 11.

[149] CR/PR at Table 1.8.

[150] *See* CR/PR at Table 1.10; *Sugar from Mexico: Suspension of the Countervailing Duty Investigation*, 79 Fed. Reg. 78044 (Dep't Commerce Dec. 29, 2014). The agreement between Commerce and the government of Mexico to suspend the countervailing duty investigation restricted the volume of direct or indirect exports of subject merchandise from Mexico to the United States, including restricting refined sugar (defined as sugar with polarity of 99.5 and above) to no more than 53 percent of exports during any export limit period. *Id.*

[151] *See* CR/PR at Table 1.10.

thereby larger export volumes, as subject producers would likely seek to match or surpass the import levels that existed prior to the imposition of suspension agreements. Notably, subject import levels from 2019 to 2023 were comparable to subject import levels during the original investigations. While sugar production in Mexico has trended downward since CY 2012/13, with environmental and various operational issues contributing to the decline,[152] there is no indication that steps would not be taken to alleviate those issues if the subject industry was presented with the opportunity to make additional sales in the U.S. market. Further, a USDA report anticipates increased sugar production in Mexico in CY 2024/25 notwithstanding the suspension agreements.[153] In light of the foregoing, we conclude that the likely volume of subject imports, both in absolute terms and relative to consumption in the United States, would be significant if the suspended investigations were terminated.[154]

D. Likely Price Effects

Prior Proceedings. In the original investigations, the Commission found that that there was significant underselling by subject imports and that subject imports depressed prices of the domestic like product to a significant degree during the period of investigation.[155] In particular, the Commission found that subject imports undersold the domestic like product in the majority of monthly comparisons of pricing data for shipments to unrelated U.S. customers.[156] The Commission also collected purchase cost data from domestic producers that imported sugar for refining, observing that the reported volume of direct imports far exceeded the volume reported for comparisons of prices to unrelated purchasers.[157] It found that the reported purchase costs of direct imports were considerably lower – often more than 20 percent lower – than the prices domestic producers charged for that product and that differences of this magnitude were likely too large to be explained by any differential in the costs associated with being a direct importer.[158] Based on the foregoing, the Commission found that there had been significant underselling by subject imports.[159]

The Commission further found that subject imports depressed prices for the domestic like product to a significant degree during the period of investigation.[160] It observed that the price of each domestically produced pricing product was significantly lower in October 2014 than in September 2011, with the greatest and most sustained declines typically occurring in CY 2012/13 and the beginning of CY 2013/14, when the overall volume of subject imports increased dramatically.[161] The Commission also indicated that prices for subject imports often

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[152] CR/PR at 1.35.

[153] Domestic Interested Party's Response at 26, Exh. 11.

[154] The record of these expedited reviews does not contain information concerning product shifting or inventories of the subject merchandise.

[155] *Original Determinations*, USITC Pub. 4577 at 26-28.

[156] *Original Determinations*, USITC Pub. 4577 at 26-28.

[157] *Original Determinations*, USITC Pub. 4577 at 26-28.

[158] *Original Determinations*, USITC Pub. 4577 at 26-28.

[159] *Original Determinations*, USITC Pub. 4577 at 26-28.

[160] *Original Determinations*, USITC Pub. 4577 at 29.

[161] *Original Determinations*, USITC Pub. 4577 at 29.

declined at a greater rate than prices for the domestic like product, and subject import prices were often lower than the prices for imports from all other sources.[162] It further observed that the net sales average unit values ("AUVs") reported by growers, millers, and processors and refiners similarly declined during the period of investigation.[163] Thus, the Commission concluded that the significant and increasing volume of subject imports in 2013 that were sold at low and declining prices forced the domestic industry to cut prices and drove a significant portion of nonsubject imports out of the U.S. market.[164]

In the first reviews, the Commission noted that the record did not contain recent product-specific pricing information.[165] After reiterating its findings of a moderate-to-high degree of substitutability and price being an important factor in purchasing decisions, it found that there was likely to be significant underselling of the domestic like product by subject imports and that subject imports were likely to enter the United States at prices that would have significant depressing or suppressing effects on the price of the domestic like product.[166]

The Current Reviews. As discussed in section III.B.3 above, we continue to find that there is a moderate-to-high degree of substitutability between sugar from Mexico and the domestic like product, and that price continues to be an important factor in purchasing decisions.

The record in these expedited reviews does not contain recent product-specific pricing information. Given the moderate-to-high degree of substitutability between subject imports and the domestic like product and that price is an important factor in purchasing decisions, and in view of subject import pricing during the POI, we find that the likely significant volume of subject imports would likely undersell the domestic like product to a significant degree, requiring the domestic industry to either cut prices, as they did in the original investigations, or restrain price increases to compete on the basis of price, or risk losing sales and market share to subject imports. Thus, we find that subject imports are likely to have significant price effects if the suspended investigations were terminated.

E. Likely Impact

Prior Proceedings. In the original investigations, the Commission found that, as apparent U.S. consumption increased over the POI, the domestic industry's production and shipments by quantity increased.[167] It further found that notwithstanding those increases, certain key measures of industry performance declined during that period, and all segments of the domestic industry -- growers, millers, processers, and refiners -- experienced significant deterioration in financial performance due to sharp price declines.[168] The Commission found that, as the significant and increasing volume of subject imports depressed domestic prices for both raw and refined sugar, the value of the domestic industry's U.S. shipments and net sales

[162] *Original Determinations*, USITC Pub. 4577 at 29.
[163] *Original Determinations*, USITC Pub. 4577 at 29.
[164] *Original Determinations*, USITC Pub. 4577 at 29.
[165] *First Reviews*, USITC Pub. 5045 at 24.
[166] *First Reviews*, USITC Pub. 5045 at 24.
[167] *Original Determinations*, USITC Pub. 4577 at 33.
[168] *Original Determinations*, USITC Pub. 4577 at 33-37.

decreased markedly, notwithstanding that the quantity of the domestic industry's total U.S. shipments and sales increased or fluctuated.[169] This led to declines in the industry's financial performance.[170]

The Commission also found that declining prices required the U.S. government to spend $258.7 million to remove one million STRV of domestically produced sugar from the U.S. market, in an effort to stabilize prices.[171] It concluded that, because of the significant price effects of subject imports, the domestic industry obtained significantly lower prices and therefore lower revenues and profitability than it would have otherwise.[172] Thus, the Commission found that subject imports had a significant impact on the domestic industry during the POI.[173]

In its non-attribution analysis, the Commission observed that, notwithstanding that nonsubject imports increased by quantity from CY 2012/13 to CY 2013/14, their volume and market share declined sharply over the full period of investigation.[174] The Commission further found that the increasing volume of low-priced subject imports during CY 2012/13 caused a reduction in the quantity of TRQ imports from nonsubject countries that year.[175] Therefore, it concluded that nonsubject imports could not have been a cause of the significant price declines the domestic industry experienced during that period.[176]

The Commission also considered other factors, including declining global prices, favorable weather conditions that resulted in a bumper domestic crop in CY 2012/13, declining domestic beet sugar prices, and competition among domestic producers, as well as the fact that certain domestic refiners accounted for a significant portion of the increase in subject imports during the POI.[177] It concluded that, although these factors may have contributed to some extent to market conditions during the period of investigation, they could not fully explain the declines in the prices of the domestic like product that occurred during the POI.[178]

In the first reviews, the Commission considered the limited information available on the domestic industry's performance in CY 2018/19 and found that it was insufficient to make a finding on whether the domestic industry was vulnerable to the continuation or recurrence of material injury if the suspended investigations were terminated.[179] It found that the termination of the suspended investigations would likely lead to a significant volume of subject imports that would likely undersell the domestic like product and have significant depressing or

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[169] *Original Determinations*, USITC Pub. 4577 at 36-37.

[170] *Original Determinations*, USITC Pub. 4577 at 36.

[171] *Original Determinations*, USITC Pub. 4577 at 36. As the Commission explained, the special rules for agricultural products, 19 U.S.C. § 1677(7)(D)(ii), provide, in relevant part, that "in assessing material injury by reason of subject imports, the Commission must consider any increased burden of government income or price support programs." *Id.* at 36 n.218.

[172] *Original Determinations*, USITC Pub. 4577 at 36-37.

[173] *Original Determinations*, USITC Pub. 4577 at 36-37.

[174] *Original Determinations*, USITC Pub. 4577 at 37.

[175] *Original Determinations*, USITC Pub. 4577 at 37.

[176] *Original Determinations*, USITC Pub. 4577 at 37.

[177] *Original Determinations*, USITC Pub. 4577 at 37.

[178] *Original Determinations*, USITC Pub. 4577 at 37.

[179] *First Reviews*, USITC Pub. 5045 at 26.

suppressing effects on domestic like product prices, which in turn would likely have a significant impact on the domestic industry.[180]

In its non-attribution analysis, the Commission found that the presence of nonsubject imports would not prevent subject imports from significantly increasing their presence in the U.S. market if the suspended investigations were terminated and that, given the moderate-to-high degree of substitutability between subject imports and the domestic like product, any increase in subject import volume and market penetration would likely to come at the expense of the domestic industry.[181] Accordingly, it concluded that termination of the suspended antidumping and countervailing duty investigations on sugar from Mexico would likely have a significant adverse impact on domestic producers of sugar within a reasonably foreseeable time.[182]

The Current Reviews. The record in these expedited reviews contains limited information concerning the domestic industry's performance since the last reviews.

The information available indicates that the domestic industry's performance was generally *** in terms of trade measures *** in terms of financial measures in CY 2023/24, as compared to its performance in the last CY of each of the periods examined in the prior proceedings.[183] The domestic industry's capacity and production, at *** STRV and *** STRV, respectively, were lower in CY 2023/24 than in the prior proceedings, while its capacity utilization, at *** percent, was higher than in CY 2012/13 but lower than in CY 2017/18.[184]

The domestic industry's U.S. shipments by quantity, at *** STRV, were higher in CY 2023/24 than in CY 2012/13 but lower than in CY 2017/18; however, its U.S. shipments by value, at $***, were higher in CY 2023/24 than in the last years of both prior proceedings.[185] In CY 2023/24, its net sales AUV was $*** per STRV.[186] In CY 2023/24, the domestic industry's net sales value was higher than in the prior proceedings, at $***, and its COGS-to-net-sales ratio was lower, at *** percent.[187] The domestic industry's gross profit, operating income, and operating income margin, at $***, $***, and *** percent, respectively, were all higher in CY 2023/24 than in the prior proceedings.[188] Although the domestic industry had a *** capacity

[180] *First Reviews*, USITC Pub. 5045 at 26.

[181] *First Reviews*, USITC Pub. 5045 at 26.

[182] *First Reviews*, USITC Pub. 5045 at 26.

[183] CR/PR at Table 1.6.

[184] CR/PR at Table 1.6. In CY 2012/13, the domestic industry's capacity, production, and capacity utilization were *** STRV, *** STRV, and *** percent, respectively. *Id.* In CY 2017/18, its capacity, production, and capacity utilization were *** STRV, *** STRV, and *** percent, respectively. *Id.*

[185] CR/PR at Table 1.6. In CY 2013/14, the domestic industry's U.S. shipments by quantity and value were *** STRV and $***, respectively. *Id.* In CY 2017/18, its U.S. shipments by quantity and value were *** STRV and $***, respectively. *Id.*

[186] CR/PR at Table 1.6. The domestic industry's AUV in CY 2013/14 and CY 2017/18 is not available. *See id.*

[187] CR/PR at Table 1.6. In CY 2013/14, the domestic industry's net sales and COGS-to-net-sales ratio were $*** and *** percent, respectively. *Id.* In CY 2017/18, its net sales and COGS-to-net-sales ratio were $*** and *** percent, respectively. *Id.*

[188] CR/PR at Table 1.6. In CY 2013/14, the domestic industry's gross profit, operating income, and operating income margin were $***, ***, and *** percent, respectively. *Id.* In CY 2017/18, its gross

utilization rate in CY 2023/24, the industry's profitability was *** during that period. The limited information on the record is insufficient for us to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of termination of the suspension agreements.

Based on the information available on the record, we find that termination of the suspended investigations would likely result in a significant volume of subject imports that would likely undersell the domestic like product to a significant degree. Given the moderate-to-high degree of substitutability between subject imports and the domestic like product and that price is an important factor in purchasing decisions, these significant volumes of low-priced imports would likely capture sales and market share from the domestic industry and/or force domestic producers to lower their prices or forgo needed price increases in order to maintain their sales, thereby depressing or suppressing prices for the domestic like product to a significant degree. The likely significant volume of subject imports and their adverse price effects would negatively affect the domestic industry's capacity, production, capacity utilization, shipments, and market share, which would in turn negatively impact the industry's profitability and employment, as well as its ability to raise capital and make and maintain necessary capital investments. Consequently, we conclude that if the suspended investigations were terminated, subject imports from Mexico would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports. Nonsubject imports have increased their presence in the U.S. market since the prior reviews, accounting for *** percent of apparent U.S. consumption in CY 2023/24 as compared to *** percent in CY 2017/18.[189] The record indicates that the increase in nonsubject imports during the POI was primarily driven by increased demand for specialty sugars, including organic and non-GMO sugar, which cannot be supplied by some U.S. producers due to their sourced crop being genetically modified. The record, however, has limited information about specialty sugars, including the portion of the U.S. market that prefers or requires them and the production capacities of such products in the United States and Mexico. Notably, the domestic industry maintained a substantial share of the U.S. market in CY 2023/24. Additionally, given the moderate-to-high degree of substitutability between subject imports and the domestic like product, any increase in subject import volume and market penetration resulting from termination of the suspended investigations is likely to come, at least in part, at the expense of the domestic industry. Consequently, we find that the increased presence of nonsubject imports would not prevent subject imports from having a significant impact on the domestic industry within a reasonably foreseeable time.

Accordingly, we conclude that termination of the suspended antidumping and countervailing duty investigations on sugar from Mexico would likely have a significant adverse impact on domestic producers of sugar within a reasonably foreseeable time.

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profit, operating income, and operating income margin were $***, ***, and *** percent, respectively. *Id.*

[189] CR/PR at Table 1.8.

IV. Conclusion

For the above reasons, we determine that termination of the suspended antidumping and countervailing duty investigations on sugar from Mexico would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Information obtained in these reviews

Background

On March 3, 2025, the U.S. International Trade Commission ("Commission") gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"),[1] that it had instituted reviews to determine whether termination of the suspended investigations on sugar from Mexico would likely lead to the continuation or recurrence of material injury to a domestic industry.[2] All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.[3] [4] Table 1.1 presents information relating to the background and schedule of this proceeding:

Table 1.1 Sugar: Information relating to the background and schedule of this proceeding

Effective date	Action
March 3, 2025	Notice of initiation by Commerce (90 FR 11039, March 3, 2025)
March 3, 2025	Notice of institution by Commission (90 FR 11062, March 3, 2025)
June 6, 2025	Commission's vote on adequacy
June 12 and July 8, 2025	Commerce's results of its expedited reviews
September 5, 2025	Commission's determinations and views

The original investigations

The original investigations resulted from petitions filed on March 28, 2014 with the Department of Commerce ("Commerce") and the Commission by American Sugar Coalition and its members: American Sugar Cane League, Thibodaux, Louisiana; American Sugarbeet Growers Association, Washington, DC; American Sugar Refining, Inc., West Palm Beach, Florida; Florida

[1] 19 U.S.C. 1675(c).

[2] 90 FR 11062, March 3, 2025. In accordance with section 751(c) of the Act, the U.S. Department of Commerce ("Commerce") published a notice of initiation of five-year reviews of the suspended investigations. 90 FR 11039, March 3, 2025. Pertinent Federal Register notices are referenced in app. A, and may be found at the Commission's website (www.usitc.gov).

[3] As part of their response to the notice of institution, interested parties were requested to provide company-specific information. Information regarding responses to the notice of institution is presented in app. B. Summary data compiled in the original investigations are presented in app. C.

[4] Interested parties were also requested to provide a list of three to five leading purchasers in the U.S. market for the domestic like product and the subject merchandise. Presented in app. D are the responses received from purchaser surveys transmitted to the purchasers identified in this proceeding.

Sugar Cane League, Washington, DC; Hawaiian Commercial and Sugar Company, Puunene, Hawaii; Rio Grande Valley Sugar Growers, Inc., Santa Rosa, Texas; Sugar Cane Growers Cooperative of Florida, Belle Glade, Florida; and United States Beet Sugar Association, Washington, DC.[5] Following the Commission's and Commerce's preliminary affirmative determinations, Commerce suspended the antidumping duty and countervailing duty investigations on sugar from Mexico, effective December 19, 2014, pursuant to suspension agreements. Subsequently, on January 8, 2015, domestic producers and importers, Imperial Sugar and AmCane Sugar LLC ("AmCane"), filed separate petitions with the Commission requesting reviews of the suspension agreements pursuant to sections 704(h) and 734(h) of the Tariff Act of 1930 (19 U.S.C. §1671c(h), 1673c(h)).[6] On January 16, 2015, Imperial and AmCane also submitted timely requests to Commerce to continue the antidumping and countervailing duty investigations.[7] On March 19, 2015, the Commission determined that the agreements Commerce entered into with Mexican exporters of sugar and the government of Mexico suspending the antidumping and countervailing duty investigations concerning sugar from Mexico eliminated completely the injurious effect of subject imports.[8] Commerce resumed its investigations on May 4, 2015.[9] On September 23, 2015, Commerce determined that imports of sugar from Mexico were being sold at less than fair value ("LTFV") and subsidized by the Government of Mexico with final weighted-average dumping margins ranging from 40.48 to 42.14 percent and net subsidy rates ranging from 5.78 to 43.93 percent.[10] The Commission determined on November 9, 2015 that the domestic industry was materially injured by reason of imports of sugar from Mexico.[11]

The first five-year reviews

On March 3, 2020, the Commission determined that it would conduct expedited reviews of the suspended antidumping and countervailing duty investigations on sugar from Mexico.[12] Effective April 7, 2020, Commerce determined that termination of the agreement and suspended investigations on sugar from Mexico would be likely lead to the continuation or

[5] Sugar from Mexico, Inv. Nos. 701-TA-513 and 731-TA-1249 (Final), USITC Publication 4577, November 2015 ("Original publication"), p. 1.1.

[6] 19 U.S.C. §§ 1671c(h), 1673c(h); 80 FR 25278, May 4, 2015.

[7] 80 FR 25278, Mary 4, 2015.

[8] Original publication p. 1.1.

[9] 80 FR 24278, May 4, 2015.

[10] 80 FR 57341 and 80 FR 57337, September 23, 2015.

[11] 80 FR 70833, November 16, 2015.

[12] 85 FR 15224, March 17, 2020.

recurrence of dumping and subsidization with prevailing dumping margins up to 42.14 percent and subsidy rates of up to 43.93 percent.[13] On April 21, 2020, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.[14] Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective April 30, 2020, Commerce published its notice of continuation of suspension of the antidumping and countervailing duty investigations on sugar from Mexico.[15]

Previous and related investigations

The Commission has conducted a number of previous import relief investigations on sugar or similar merchandise, as presented in table 1.2.

Table 1.2 Sugar: Previous and related Commission proceedings and current status

Date	Number	Country	ITC original determination	Current status
1979	AA-1921-198	Belgium	Affirmative	Order revoked 2004
1979	AA-1921-199	France	Affirmative	Order revoked 2004
1979	AA-1921-200	Germany	Affirmative	Order revoked 2004
1980	731-TA-3	Canada	Affirmative	Order revoked 1999
1982	104-TAA-7	European Community	Affirmative	Order revoked 2004

Source: U.S. International Trade Commission publications and Federal Register notices.

Note: "Date" refers to the year in which the investigation was instituted by the Commission.

Commerce's five-year reviews

Commerce announced that it would conduct expedited reviews with respect to the suspended investigations of sugar from Mexico with the intent of issuing the final results of these reviews based on the facts available not later than July 1, 2025.[16] Commerce publishes its Issues and Decision Memoranda and its final results concurrently, accessible upon publication at https://access.trade.gov/public/FRNoticesListLayout.aspx and subsequently on the Commission's Electronic Document Information System ("EDIS"). Issues and Decision Memoranda contain complete and up-to-date information regarding the background and

[13] 85 FR 19438 and 85 FR 19454, April 7, 2020.
[14] 85 FR 23063, April 24, 2020.
[15] 85 FR 23945, April 30, 2020.
[16] Letter from Alex Villanueva, Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Nannette Christ, Director of Investigations, April 22, 2025.

history of the order, including scope rulings, duty absorption, changed circumstances reviews, and anticircumvention, as well as any decisions that may have been pending at the issuance of this report. Any foreign producers or exporters that are not currently subject to the Agreement suspending the antidumping and countervailing duty investigations on imports of sugar from Mexico are noted in the sections titled "The original investigations" and "U.S. imports," if applicable.

The product

Commerce's scope

Commerce has defined the scope as follows:

> *The merchandise subject to the AD and CVD Agreements is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. The chemical sucrose gives sugar its essential character. Sucrose is a nonreducing disaccharide composed of glucose and fructose linked by a glycosidic bond via their anomeric carbons. The molecular formula for sucrose is $C_{12}H_{22}0_{11}$; the International Union of Pure and Applied Chemistry (IUPAC) International Chemical Identifier (InChl) for sucrose is 1S/C12H22O11/c13-1-4-6(16)8(18)9(19)11(21-4)23-12(3-15)10(20)7(17)5(2-14)22-12/h4-11,13-20H,1-3H2/t4-,5-,6-,7-,8+,9-,10+,11-,12+/m1/s1, the InChl Key for sucrose is CZMRCDWAGMRECN-UGDNZRGBSA-N; the U.S. National Institutes of Health PubChem Compound Identifier (CID) for sucrose is 5988; and the Chemical Abstracts Service (CAS) Number of sucrose is 57-50-1.*
>
> *Sugar includes products of all polarimeter readings described in various forms, such as raw sugar, estandar or standard sugar, high polarity or semi-refined sugar, special white sugar, refined sugar, brown sugar, edible molasses, de-sugaring molasses, organic raw sugar, and organic refined sugar. Other sugar products, such as powdered sugar, colored sugar, flavored sugar, and liquids and syrups that contain 95 percent or more sugar by dry weight are also within the scope of these AD and CVD Agreements. Merchandise covered by these AD and CVD Agreements is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1000, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1010, 1701.99.1025, 1701.99.1050, 1701.99.5010,*

1701.99.5025, 1701.99.5050, and 1702.90.4000. The scope of the AD and CVD Agreements excludes sugar imported under the Refined Sugar Re-Export Programs of the U.S. Department of Agriculture, sugar products produced in Mexico that contain 95 percent or more sugar by dry weight that originated outside of Mexico, inedible molasses (other than inedible desugaring molasses noted above), beverages, candy, certain specialty sugars, and processed food products that contain sugar (e.g., cereals). Specialty sugars excluded from the scope of these AD and CVD Agreements are limited to the following: Caramelized slab sugar candy, pearl sugar, rock candy, dragees or cooking and baking, fondant, golden syrup, and sugar decorations. [17]

U.S. tariff treatment

Sugar from Mexico covered by these suspended antidumping and countervailing duty investigations is currently imported under the HTS statistical reporting numbers shown in table 1.3.[18] U.S. imports of sugar from Mexico, including products within the scope of these investigations, that are originating goods of Mexico, were granted duty-free, quota-free treatment under the North American Free Trade Agreement ("NAFTA") as of January 1, 2008.[19]

[17] 85 FR 23945, April 30, 2020.

[18] Sugar covered by these suspended investigations includes products of all polarimeter readings in various forms including raw sugar, estandar or standard sugar, high polarity or semi-refined sugar, special white sugar, refined sugar, brown sugar, edible molasses, desugaring molasses, organic raw sugar, and organic refined sugar. Other sugar products such as powdered sugar, colored sugar, flavored sugar, and liquids and syrups that contain 95 percent or more sugar by dry weight are also within scope. United States Department of Commerce ("DOC"), Enforcement and Compliance, Suspension Agreements, Sugar from Mexico, "Complete Text of the Antidumping Duty Suspension Agreement," https://enforcement.trade.gov/agreements/sugar-mexico/, accessed April 4, 2025; 85 FR 3613, January, 22, 2020; 85 FR 3620, January 22, 2020.

[19] Duties on sugar from Mexico were subject to a 15-year phase out period under NAFTA. In July 2006, the United States and Mexico negotiated additional import quotas, and in 2008 sugar trade between the two countries became duty-free and quota-free. For detailed discussion of this agreement, see also Congressional Research Service ("CRS"), "Sugar Policy Issues," May 12, 2006, https://www.everycrsreport.com/files/20060512_IB95117_b0353643005bffb8b163cf047f70d982fe790c50.pdf; and CRS, Sugar Market Developments and Policy Issues, https://www.everycrsreport.com/reports/R40995.html, May 11, 2010, retrieved April 2, 2025.

Duty-free, quota-free access for U.S. sugar imports from Mexico was continued under the provisions of the United States-Mexico-Canada Agreement ("USMCA").[20]

Table 1.3 Sugar from Mexico: HTS classification of sugar products within the scope of these reviews

HTS statistical reporting numbers	Brief description
1701.12.1000	Raw beet sugar, in-quota
1701.12.5000	Raw beet sugar, over-quota
1701.13.1000	Raw cane sugar, non-centrifugal, in-quota
1701.13.5000	Raw cane sugar, non-centrifugal, over-quota
1701.14.1020	Raw cane sugar, centrifugal, certified organic, in-quota
1701.14.1040	Raw cane sugar, centrifugal, not certified organic, in-quota
1701.14.5000	Raw cane sugar, centrifugal, over-quota
1701.91.1000	Sugar, other than raw, containing additional coloring but not flavoring, in-quota
1701.91.3000	Sugar, other than raw, containing additional coloring but not flavoring, over-quota
1701.99.1015	Sugar, other than raw, not containing additional coloring or flavoring, specialty sugars, certified organic, in-quota
1701.99.1017	Sugar, other than raw, not containing additional coloring or flavoring, specialty sugars, not certified organic, in-quota
1701.99.1025	Sugar, other than raw, not containing additional coloring or flavoring, not specialty sugars, not for further processing, in-quota
1701.99.1050	Sugar, other than raw, not containing additional coloring or flavoring, not specialty sugars, for further processing, in-quota
1701.99.5015	Sugar, other than raw, not containing additional coloring or flavoring, specialty sugars, certified organic, over-quota
1701.99.5017	Sugar, other than raw, not containing additional coloring or flavoring, specialty sugars, not certified organic, over-quota
1701.99.5025	Sugar, other than raw, not containing additional coloring or flavoring, not specialty sugars, not for further processing, over-quota
1701.99.5050	Sugar, other than raw, not containing additional coloring of flavoring, not specialty sugars, for further processing, over-quota
1702.90.4000	Other cane and beet syrups, not elsewhere specified or included
1703.10.3000	Cane molasses, for extraction of sugar or human consumption

Source: USITC, HTS (2025), Revision 11, Publication 5617, April 2025.

Note: "Specialty sugar" is defined to include the following: brown slab sugar (also known as (a.k.a.) slab sugar candy), pearl (a.k.a., perl, perle, nibs) sugar, vanilla sugar, rock candy, demerara sugar, dragees for cooking and baking, fondant (a creamy blend of sugar and glucose), ti light sugar (99.2 percent sugar with the residual comprised of the artificial sweeteners aspartame and acesulfame K), caster sugar, golden syrup, ferdiana granella grossa, golden granulated sugar, muscovado, molasses sugar, sugar decorations, sugar cubes, and other sugars, as determined by the United States Trade Representative, that would be considered specialty sugar products within the normal commerce of the United States. 61 FR 26783, May 29, 1996. The scope as set forth by Commerce limits excluded specialty sugar to: caramelized slab sugar candy, pearl sugar, rock candy, dragees for cooking and baking, fondant, golden syrup, and sugar decorations. Thus, classifications 1701.99.1015, 1701.99.1017, 1701.99.5015, and

[20] Executive Office of the President ("EOP"), Office of the United States Trade Representative ("USTR"), "Agreement between the United States of America, the United Mexican States, and Canada 7/1/20 Text," https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between, retrieved March 28, 2025.

1701.99.5017, 1701.99.5025, and 1701.99.5050 include specialty sugars that may be outside the scope of these reviews.

Note: Classifications 1701.14.1020, 1701.14.1040, 1701.99.1015 and 1701.99.1017 were added to the HTS in 2017 and were thus not included in Commerce's 2015 scope language. Classifications 1701.99.5015 and 1701.99.5017 were added to the HTS in 2020 and were thus not included in Commerce's 2010 scope language. HTS 1703.10.3000 is not specifically listed in the DOC scope description; however, most of the imports under this classification are used for the extraction of in-scope sugar; therefore, since 2023, USDA has included the in-scope sugar equivalent content of products imported under 1703.10.3000 in World Agriculture, Supply and Demand Estimates; thus, directly reducing the maximum level of sugar imports from Mexico allowed under the suspension agreements.

Effective March 4, 2025, any sugar from Mexico was subject to an additional 25 percent ad valorem duty under the International Emergency Economic Powers Act ("IEEPA"). As of March 7, 2025, only sugar from Mexico that did not enter subject to duty-free treatment under the USMCA was subject to the additional 25 percent ad valorem duty under IEEPA.[21]

Effective April 5, 2025, goods, including sugar, from most countries were subject to an additional 10 percent ad valorem reciprocal duty under the IEEPA. As of April 9, 2025, goods, including sugar, from selected countries were instead assigned an individualized country reciprocal duty. Effective April 10, 2025, however, individualized country reciprocal duties were suspended. Sugar from Mexico is not subject to these reciprocal tariffs under IEEPA.[22]

To summarize, sugar originating from Mexico that enters under the provisions of USMCA, as of this report, is not subject to any additional duties.

Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection. As discussed elsewhere, terminology used by industry and in the suspension agreement for "raw" and "refined" sugar may not directly correspond to the HTS definitions.[23]

[21] 90 FR 9117, February 7, 2025; 90 FR 9185, February 10, 2025; 90 FR 11787, March 11, 2025. See also HTS headings 9903.01.01, 9903.01.04, and 9903.01.05; and U.S. notes 2(a) and 2(c) to subchapter III of chapter 99 and related tariff provisions for this duty treatment. USITC, HTS (2025) Revision 11, Publication 5617, April 2025, pp. 99.3.1, 99.3.296.

[22] 90 FR 15041, April 7, 2025. See also HTS heading 9903.01.27 and 9903.01.29 and U.S. note 2(v) to subchapter III of chapter 99 and related tariff provisions for this duty treatment. USITC, HTS (2025) Revision 11, Publication 5617, April 2025, pp. 99.3.1, 99.3.296, and 99.3.299.

[23] Subheading Note 1 of Chapter 17 defines raw sugar thusly: "For the purposes of subheadings 1701.12, 1701.13 and 1701.14, 'raw sugar' means sugar whose content of sucrose by weight, in the dry state, corresponds to a polarimeter reading of less than 99.5 degrees. USITC, HTS (2025), Revision 11, Publication 5617, April 2025, p. 17.1.

Tariff-rate quotas on U.S. sugar imports

Most U.S. sugar imports have been subject to tariff-rate quotas ("TRQs") since October 1, 1990.[24] TRQs were initially established to satisfy a General Agreement on Tariffs and Trade ("GATT") ruling against the U.S. system of fixed sugar quotas.[25] In the Uruguay Round Agreement on Agriculture ("URAA") the United States committed to minimum TRQs on sugar. The United States established these World Trade Organization ("WTO") TRQs starting in October 1995. The United States committed to import not less than 1,117,195 metric tons raw value ("MTRV") (1,231,484 short tons raw value ("STRV")) of raw cane sugar.[26] Additionally, the United States committed to import not less than 22,000 MTRV (24,252 STRV) of other sugars (includes refined sugars, specialty sugars, and raw beet sugar), syrups, and molasses.[27] The Secretary of Agriculture is authorized to increase the TRQ quantities above the minimum WTO

[24] October 1 is the beginning of the U.S. sugar quota year and runs concurrently with the U.S. federal fiscal year, beginning on October 1 of one year and ending on September 30 of the following year and is designated by the year in which it ends. Therefore, throughout this report, "FY2024" is used to designate the period covering October 1, 2023, through September 30, 2024, and represents the U.S. fiscal and the U.S. sugar quota year. On the other hand, "crop" years will be designated as "2023/24" for two reasons: (1) crop years across countries are not necessarily concurrent nor consistently designated with the U.S. fiscal year; and, (2) sugar marketed during U.S. FY2024, for example, will have generally been processed from sugar beets or sugar cane that began its respective growing season during the spring of 2023, that is, during U.S. FY2023.

[25] The initial TRQ quantity was 1.725 million metric tons of raw sugar with an in-quota tariff of 0.625 cents per pound and an over-quota rate of 16 cents per pound. Alvarez, Jose and Leo C. Polopolus, Sugar and the General Agreement on Tariffs and Trade, Institute of Food and Agricultural Sciences, University of Florida, https://ufdcimages.uflib.ufl.edu/ir/00/00/09/54/00001/sc02200.pdf, retrieved March 19, 2025.

[26] The conversion factor is 1 metric ton raw value equals 1.10231125 short tons raw value. 88 FR 42909, July 5, 2023. The United States' minimum in-quota sugar import quantity is set by commitments made in Schedule XX of the GATT Marrakesh Protocol; however, the Secretary of Agriculture can adjust these figures upward under certain circumstances, to allow a larger quantity of sugar to enter at the lower, in-quota, duty rate. Additional U.S. Note 5(a)(i) to chapter 17 of the HTS provides for separate TRQs for imports of raw cane sugar and imports of other sugars, syrups, and molasses. The first portion of the WTO TRQ is commonly referred to as the raw cane sugar TRQ and includes products provided for under subheadings 1701.13.10 and 1701.14.10; both of which are included in the scope of these reviews. WTO, Schedule XX – United States of America, April 15, 1994, https://goods-schedules.wto.org/member/united-states-of-america, accessed March 20, 2025; HTS (2025) Revision 11, Publication 5617, April 2025, Chapter 17, Additional U.S. Notes, 5(a)(i) and 5(a)(ii), pp. 7.1 to 7.2

[27] This portion of the WTO TRQ is commonly referred to as the refined sugar TRQ. Sugar imported under the refined sugar TRQ can be produced from either sugar beets or sugarcane. Imports of certain other sugars, syrups, and molasses are provided for under HTS subheadings 1701.12.10, 1701.91.10, 1701.99.10 that are included in the scope of these reviews; and HTS subheadings 1702.90.10 and 2106.91.44 that are not included in the scope of these reviews. HTS (2025) Revision 11, Publication 5617, April 2025, Chapter 17, Additional U.S. Note 5(a)(i), p. 7.1.

requirements when domestic supplies of sugar may be inadequate and has done so every year since these investigations were initiated.[28]

The Office of the United States Trade Representative ("USTR") allocates the entire raw cane sugar TRQ quantity on a country-by-country basis based on historical shipments.[29] USTR has re-allocated unused portions of these historically-based initial raw cane sugar allocations most years since initiation of these investigations.[30] For refined sugar, USTR allocates a portion of the TRQ in-quota quantity to specific countries, while the remainder is generally available on a global first-come, first-served basis.[31]

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[28] HTS (2025) Revision 11, Publication 5617, April 2025, Additional U.S. Notes, Note 5(a)(ii), p.7.2. The raw sugar portion of the WTO TRQ was increased during FY2016 (127,006 MTRV), FY2017 (244,690 MRTV), FY2020 (317,515 MTRV), FY2021 (90,100 MTRV), FY2022 (90,718 MTRV), FY2023 (125,000 MTRV), and FY2024 (125,000 MTRV). The refined sugar portion of the WTO TRQ has increased every year from FY2015 (122,000 MTRV) to FY2024 (232,000 MTRV). These increases in the refined WTO TRQ were mostly allocated to specialty sugar, including organic sugar. 89 FR 16524, March 7, 2024; 88 FR 43544, July 10, 2023; 88 FR 42909, July 5, 2023; 87 FR 41106, July 11, 2022; 86 FR 50871, September 13, 2021; 86 FR 47284, August 24, 2021; 86 FR 36249, July 9, 2021; 85 FR 55812, September 22, 2020; 85 FR 41226, July 9, 2020, 85 FR; 18913, April 3, 2020; 84 FR 30691, June 27, 2019; 83 FR 30688, June 29, 2018; 82 FR 29822, June 30, 2017; 82 FR 34472, August 2, 2017; 82 FR 11893, February 27, 2017; 81 FR 31224, May 18, 2016; 81 FR 27390, May 6, 2016; 80 FR 34129, June 15, 2015; 79 FR 52625, September 4, 2014.

[29] See 88 FR 46363, July 19, 2023, for the initial FY2024 country allocations. The raw cane sugar TRQ is initially allocated based on imports during 1975 to 1981, a period during which U.S. sugar imports were considered relatively unrestricted. USDA, ERS, "Sugar Imports Under Tariff-Rate Quotas," https://www.ers.usda.gov/topics/crops/sugar-and-sweeteners/trade#:~:text=Most%20U.S.%20sugar%20imports%20are,%2C%20and%2013%20percent%2C%20respectively, retrieved March 20, 2025. Initial quantities have not changed, with one recent exception. Nicaragua had been allocated 22,114 MTRV until FY2023; Nicaragua has not received an allocation since FY2023. This action appears to be in response to Executive Orders 13851 and 14088, declaring an Emergency with respect to the situation in Nicaragua and additional steps taken to address that situation. 83 FR 61505, November 29, 2018; 87 FR 64685, October 26,2022; see also Wiseman, Paul and Gabriela Selser, "Turning Up Heat, US Targets Nicaraguan Sugar Imports," Associated Press, July 21, 2022, https://apnews.com/article/united-states-global-trade-nicaragua-daniel-ortega-ff975a5e33b2ebf44c84b5d00417d636, retrieved April 7, 2025. The raw cane sugar TRQ is administered by a system of licenses called Certificates of Quota Eligibility ("CQEs"). CQEs are provided by the USDA to foreign governments to distribute to exporters. Each shipment must be accompanied by a valid CQE.

[30] See 88 FR 83595, November 30, 2023; and 88 FR 89004, December 26, 2023, for reallocation of FY2024 unused quantities; and 89 FR 19635, March 19, 2024, for allocation of additional TRQ quantities in FY024.

[31] The minimum refined sugar TRQ of 22,000 MTRV was allocated as follows during FY2024: 1,656 MTRV was reserved for specialty sugar; 10,300 MTRV was allocated to Canada; 2,954 MTRV was allocated to Mexico; and 7,090 MTRV was allocated on a first-come, first-served basis. Canada is allowed to utilize the first-come, first-served quantities before filling its reserved amount. Under the USMCA,

(*continued*...)

For FY2024 the most recent quota year for which final data are available, the raw cane sugar TRQ in-quota quantity was initially set at the minimum level of 1,117,195 MTRV (1,231,484 STRV).[32] The aggregate TRQ quantity for certain sugars, syrups, and molasses (also referred to as refined sugar) was initially set at 232,000 MTRV (255,736 STRV), including 211,656 MTRV (233,310 STRV) reserved for specialty sugar.[33] Table 1.4 presents the final country-specific raw cane sugar TRQ allocations for FY2024.[34]

Canada is allocated not less than 10,300 MTRV of refined sugar that is a product of Canada; and 59,250 MT for the sugar containing products TRQ (Additional U.S. Note 2 to chapter 17). USTR, Trade Agreements, United States-Mexico-Canada Agreement, Agreement between the United States of America, the United Mexican States, and Canada 7/1/20 Text, Chapter 3, Agriculture, https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/03_Agriculture.pdf, accessed March 20, 2025.

[32] 88 FR 42909, July 5, 2023.

[33] The specialty sugar TRQ is divided into five tranches to allow for orderly marketing throughout the year. 88 FR 42909, July 5, 2023.

[34] 88 FR 42909, July 5, 2023.

Table 1.4 Sugar: U.S. raw cane sugar WTO TRQ allocations and entries, FY2024

Country	Entries final (MTRV)	TRQ (MTRV)	Final shortfalls (MTRV)	Entries' share of TRQ (percent)
Argentina	61,852	61,852	0	100
Australia	134,946	134,946	0	100
Barbados	122	4,314	4,192	2.8
Belize	17,884	17,884	0	100
Bolivia	12,996	13,006	10	99.9
Brazil	235,679	235,748	69	100
Colombia	27,556	39,020	11,464	70.6
Costa Rica	24,386	24,387	1	100
Dominican Republic	185,015	189,343	4,328	97.7
Ecuador	14,417	17,884	3,467	80.6
El Salvador	42,272	42,272	0	100
Eswatini (Swaziland)	26,013	26,013	0	100
Fiji	14,586	14,586	0	100
Guatemala	77,537	78,041	504	99.4
Guyana	15,986	19,511	3,525	81.9
Honduras	16,258	16,258	0	100
India	2,957	8,606	5,649	34.4
Jamaica	4,668	17,884	13,216	26.1
Malawi	10,183	14,384	4,201	70.8
Mauritius	16,789	17,262	473	97.3
Mexico	0	7,258	7,258	0
Mozambique	21,136	21,136	0	100
Panama	41,588	41,715	127	99.7
Paraguay	5,869	7,258	1,389	80.9
Peru	64,038	66,660	2,622	96.1
Philippines	24,880	25,300	420	98.3
South Africa	37,346	37,394	48	99.9
Thailand	22,762	22,762	0	100
Zimbabwe	19,510	19,511	1	100
Total	1,179,231	1,242,195	62,964	94.9

Source: USDA, ERS, Sugar and Sweeteners Yearbook Tables, Table 57, March 30, 2025.

Note: The marketing and quota year for sugar corresponds to the federal fiscal year (October 1 to September 30 of the following calendar year). FY2024 began on October 1, 2023 and concluded on September 30, 2024. On July 5, 2023 (88 FR 42909), USDA set the FY2024 raw sugar WTO TRQ at the minimum level to which the United States is committed by the URAA, 1,117,195 MRTV; on March 7, 2024 (89 FR 16524), USDA increased the FY2024 raw sugar WTO TRQ by 125,000 MTRV for a total WTO TRQ quantity of 1,242,195 MTRV. On July 19, 2023 (88 FR 46363), USTR allocated the initial quantity of raw cane sugar. USTR subsequently made reallocations of unused quantities on November 11, 2023 (88 FR 83595) and December 26, 2023 (88 FR 89004) and allocated the additional allotments on March 19, 2024 (89 FR 19635). Congo, Cote d'Ivoire, Gabon, Haiti, Madagascar, Papua New Guinea, St. Kitts and Nevis, Taiwan, Trinidad & Tobago, and Uruguay receive initial allocations but are not listed in this table because, after reallocation, their final entries, final TRQ allocations, final shortfalls, and fill rate are zero.

In-quota and over-quota duties under WTO raw cane sugar TRQs

Raw cane sugar imports under the WTO TRQ (HTS subheadings 1701.13.10 and 1701.14.10) are within the scope of these reviews. Raw cane sugar imports are assessed an in-quota general duty rate of 1.4606 cents per kilogram (0.6625 cents per pound) based on sugar with a polarimeter reading of 100 degrees.[35] The duty rate is reduced by 0.020668 cents per kilogram (0.009375 cents per pound) for each degree of polarity under 100 degrees (and fractions of a degree in proportion) but not less than 0.943854 cents per kilogram (0.428129 cents per pound).[36] These general in-quota duties rates have not changed since these investigations were initiated.[37]

In-quota raw cane sugar imports from selected countries are eligible for duty-free treatment under preferential trade arrangements ("PTAs"). These PTAs include the Generalized System of Preferences ("GSP"),[38] the Caribbean Basin Economic Recovery Act ("CBERA"),[39] and the African Growth and Opportunity Act ("AGOA"). Under the provisions of certain free trade agreements, ("FTAs"), individual countries have been provided duty-free access to their WTO raw cane sugar in-quota quantities, including Costa-Rica, the Dominican Republic, El Salvador,

[35] Effective April 5, 2025, WTO in-quota raw cane sugar from all countries was subject to an additional 10 percent ad valorem duty with certain countries subject to higher duties as follows: Congo, 11 percent; Côte d`Ivoire, 21 percent; Fiji, 32 percent; Guyana, 38 percent; India, 26 percent; Madagascar, 47 percent; Malawi, 17 percent; Mauritius, 40 percent; Mozambique, 16 percent; Philippines, 17 percent; South Africa, 30 percent; Taiwan, 32 percent; Thailand, 36 percent; Zimbabwe, 18 percent. 90 FR 15041. USITC, HTS (2025), Revision 11, Publication 5617, Chapter 99, Subchapter III, 9903.01.43 through 9903.01.76, p. 99-III-299–99-III-307.

[36] The minimum tariff rate of 0.943854 cents per kilogram corresponds to a polarimeter reading of 74.99416 degrees.

[37] In-quota duty rates also apply to imports of raw cane sugar under general note 15 to the HTS (relating to imports not entered for general consumption) and to imports of raw cane sugar to be used in the production of polyhydric alcohols or to be refined and re-exported in refined form or in sugar-containing products, or to be substituted for domestically produced raw cane sugar that has been or will be exported, although these shipments are not counted toward the quota quantities that would cause over-quota rates to be charged. These products are not in the scope of these reviews.

[38] GSP was authorized by the Trade Act of 1974 subject to periodic Congressional re-authorization. GSP authorization expired on December 31, 2020, and as of this writing had not been re-authorized. U.S. CBP has issued guidance for importers to continue to flag GSP-eligible imports if GSP is renewed with a retroactive refund clause. See U.S. CBP, "Generalized System of Preferences (GSP)," https://www.cbp.gov/trade/priority-issues/trade-agreements/special-trade-legislation/generalized-system-preferences, retrieved April 1, 2025.

[39] U.S. imports of sugars, syrups, and molasses under heading 1701 and subheadings 1702.90.20 and 2106.90.44 from Antigua and Barbuda, Montserrat, Netherlands Antilles, Saint Lucia, and Saint Vincent and the Grenadines are not eligible for duty-free treatment under CBERA. See General Note 7(d)(i) of the HTS. USITC, HTS (2025), GN p.2 CBERA.

Guatemala, Honduras, and Nicaragua as members of CAFTA-DR free trade agreement; Colombia; Panama; and Peru.[40]

Raw cane sugar imports in excess of the quota allocations (HTS subheadings 1701.13.50 and 1701.14.50) are within the scope of these reviews. These imports are not subject to quantity limitations but are subject to much higher over-quota duty rates of 33.87 cents per kilogram (15.36 cents per pound). The over-quota duty ranged from 68.3 percent of the average world raw sugar price during FY2023 to 123.5 percent during FY2020.[41] Under NAFTA provisions, over-quota imports of sugar from Mexico became eligible for duty-free treatment as of January 1, 2008, thus, without the suspension agreements currently in place, duty-free imports of raw cane sugar from Mexico would not be subject to any quantitative limits. Other countries with special duty rates under these HTS subheadings include Bahrain, Chile, Jordan, South Korea, Oman, Singapore, Peru, Colombia, Panama, Morocco that have duty-free rates.[42] The CAFTA-DR countries, Peru, Colombia, and Panama have additional TRQ access negotiated through individual FTAs (see details below).

In-quota and over-quota duties under WTO refined sugar TRQ

Refined sugar imports under the WTO TRQ (HTS subheadings 1701.12.10, 1701.91.10, 1701.99.10) are within the scope of these reviews. These imports are assessed an in-quota general duty rate of 3.6606 cents per kilogram (1.66 cents per pound) based on sugar with a polarimeter reading of 100 degrees. This duty rate is reduced by 0.020668 cent per kilogram (0.009375 cents per pound) for each degree of purity under 100 degrees (and fraction of a degree in proportion) but not less than 3.143854 cents per kilogram.[43] Syrup and molasses imports subject to the WTO TRQ (HTS subheading 1702.90.10 and 2106.90.44) are not within the scope of these reviews.

Refined sugar imports in excess of the quota allocations (HTS subheadings 1701.12.50 1701.91.30, 1701.99.30 and 1701.99.50) are within the scope of these reviews. These imports are not subject to quantity limitations but are subject to much higher over-quota duty rates of

[40] Bahrain, Canada, Chile, Israel, Jordan, Korea, Morocco, Oman, and Singapore have duty-free access to HTS subheadings 1704.13.10 and 1704.14.10 under provisions of FTAs, but do not receive country-specific allocations under the WTO TRQ for raw cane sugar covered under these HTS subheadings.

[41] USITC staff calculations based on USDA, Sugar and Sweeteners Yearbook Tables, Table 3b–World raw sugar nearby futures price, ICE Contract 11, https://ers.usda.gov/sites/default/files/_laserfiche/DataFiles/53304/Group%202%20Tables%20-%20World%20US%20and%20Mexican%20Sugar%20and%20Corn%20Sweetener%20Prices.xlsx?v=99707 , accessed March 31, 2025.

[42] Bahrain, Jordan, Oman, and Singapore are not large producers or exporters of sugar.

[43] The minimum tariff rate corresponds to a polarimeter reading of 74.99416 degrees.

35.74 cents per kilogram (16.21 cents per pound). The over-quota duty ranged from 57.4 percent of the world refined sugar price in FY2023 to 98.9 percent in FY2020.[44] Under NAFTA provisions, over-quota imports of these sugar products from Mexico became eligible for duty-free treatment as of January 1, 2008, thus, without the suspension agreements currently in place, duty-free imports of these sugar products from Mexico would not be subject to any quantitative limits. Other countries with special duty rates under these HTS subheadings include Bahrain, Chile, Jordan, South Korea, Oman, Singapore, Peru, Colombia, Panama, Morocco that have duty-free rates.[45]

TRQs under other FTAs

The United States has also committed to provide additional TRQ sugar access in several FTAs; including trade agreements with the CAFTA-DR countries consisting of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua; as well as Chile, Morocco, Peru, Colombia, and Panama.[46] These TRQs include both in-scope and out-of-scope sugar and sugar-containing products. These additional TRQs are, however, subject to net exporter provisions; with duty-free treatment granted to the lesser of the scheduled quantity or the net export balance.[47] USTR annually calculates the net export position of each of these countries based on the most recent annual data available.[48] During calendar year 2024, additional quantities were allocated countries with net export positions greater than zero. These were zero for Chile, zero for Morocco, 14,960 MTRV for Costa Rica, zero for the Dominican Republic, 38,760 MTRV for El Salvador, 53,580 MTRV for Guatemala, 10,880 MTRV

[44] USITC staff calculations based on USDA, Sugar and Sweeteners Yearbook Tables, Table 2–World white (refined) sugar nearby futures price, ICE Contract No. 5, https://ers.usda.gov/sites/default/files/_laserfiche/DataFiles/53304/Group%202%20Tables%20-%20World%20US%20and%20Mexican%20Sugar%20and%20Corn%20Sweetener%20Prices.xlsx?v=99707 , accessed March 31, 2025.

[45] Bahrain, Jordan, Oman, and Singapore are not large producers or exporters of sugar.

[46] In contrast to the WTO sugar quota year which runs concurrent with the U.S. federal fiscal year, October 1 through September 30; the quota year for these FTA TRQs covers the calendar year, January 1 through December 31.

[47] Quantities in excess of these preferential TRQs are subject to general over-quota duty rates.

[48] Chile's and Morocco's FTA TRQ quantities were limited to a quantity equal to the amount of their trade surplus; neither has achieved a trade surplus since 2015. Peru's FTA TRQ quantity was the amount of its trade surplus, up to quantities specified in the agreement and was up to 11,700 MTRV during calendar year ("CY") 2024; Peru has not, for the most part, had a trade surplus in sugar since CY2015. USDA, Sugar and Sweeteners Yearbook, "Table 59a U.S. sugar tariff-rate quota allocations and entries by month under free trade agreements," https://ers.usda.gov/sites/default/files/_laserfiche/DataFiles/53304/Table%2059%20-%20US%20Sugar%20FTA%20Imports.xlsx?v=17492, accessed April 1, 2025; USITC, HTS (2025), Revision 11, Publication 5617, April 2025, Chapter 98.

for Honduras, 29,920 MTRV for Nicaragua, zero for Peru, 59,000 MTRV for Colombia, and zero for Panama.[49]

TRQs for sugar-containing products

In addition to TRQs on raw cane sugar and other sugars, syrups, and molasses, USTR annually establishes and publishes a sugar-containing products ("SCP") TRQ.[50] These products are not within the scope of these reviews. The maximum quantity allocated to this TRQ is 64,709 metric tons (71,329 short tons), of which 59,250 metric tons (65,312 short tons) is allocated to Canada.[51] The remainder is allocated on a first-come, first-serviced basis. SCPs are not generally within the scope of these reviews. Articles from Mexico are not eligible to be imported under these in-quota HTS subheadings.

Other in-scope sugar products

Other syrups derived from sugarcane and sugar beets (HTS subheading 1702.90.40) and molasses derived from sugarcane for extraction of sugar or human consumption (HTS subheading 1703.10.30) are not subject to the WTO TRQs but are within the scope of these reviews. The general duty rate on imports under these subheadings is 0.35 cents per liter.[52] Imports of these products are eligible for duty-free treatment under all PTAs and FTAs.

Description and uses[53]

Sugar within the scope of these suspended investigations primarily consists of sucrose from which it derives its essential properties and characteristics. Sucrose is a disaccharide consisting of one molecule of glucose bound to one molecule of fructose; it is a carbohydrate that is produced naturally in fruits and vegetables through photosynthesis.[54]

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[49] 88 FR 88697, December 22, 2023. USDA, ERS, Sugar and Sweeteners Yearbook, Table 59a U.S. sugar tariff-rate quota allocations and entries by month under free trade agreements, https://ers.usda.gov/sites/default/files/_laserfiche/DataFiles/53304/Table%2059%20-%20US%20Sugar%20FTA%20Imports.xlsx?v=17492, accessed April 1, 2025.

[50] The SCP TRQ is described in additional U.S. notes 8 to chapter 17 and includes articles containing over 10 percent by dry weight of sugars described in additional U.S. note 3 to chapter 17. The SCP TRQ includes products entered under HTS subheadings 1701.91.54, 1704.90.74, 1806.20.95, 1806.90.55, 1901.10.74, 1901.90.69, 2101.12.51, 2101.20.51, 2106.90.78, and 2106.90.95. These subheadings include flavored/colored sugar, sugar confectionary, and food preparations (e.g., dry powder mixes such as sweetened tea) containing sugar.

[51] 88 FR 46363, July 19, 2023.

[52] USITC, HTS (2025), Revision 11, Publication 5617, April 2025, Chapter 17.

[53] Unless otherwise noted, this information is based on Sugar from Mexico (Review), USITC Publication 5045, April 2020 ("First review publication"), pp. 1.18 to 1.21.

[54] Richard, Charley, International Cane Sugar Refiners Institute, Overview, July 15, 2024.

Sucrose is found in quantities large enough for commercial extraction in the stalk of sugarcane (11 to 14.5 percent sucrose in the stalk and 10 to 21 percent in cane juice)[55] and in the white root of sugar beets (16 to 20 percent sucrose is typical but up to 23 percent is attainable).[56] Sugarcane is a perennial subtropical grass that may be harvested for several seasons before requiring replanting, a process called ratooning. Sugar beets are an annual vegetable which grows in more temperate climates and are usually grown in rotation with other crops to avoid disease and pest problems which occur when two beet crops are grown successively in the same field.

The products covered by these reviews include "raw" and "refined" sugar derived from sugarcane or sugar beets from Mexico. The Harmonized System (HS) nomenclature, industry terminology and practice, and suspension agreement language do not necessarily use the same definitions or descriptions for raw and refined sugar. The HTS defines "raw sugar" for the purposes of subheadings 1701.12 (beet sugar), 1701.13 (non-centrifugal cane sugar), and 1701.14 (Other cane sugar), as sugar whose content of sucrose by weight, in the dry state, corresponds to a polarimeter reading of less than 99.5 degrees.[57] Sugar with a polarity reading of 99.5 or greater falls under an "other" subheading, and is generally referred to as refined sugar.

The U.S. Food and Drug Administration ("FDA"), as well as the sugar refining industry, generally consider raw sugar as that which requires further processing (refining) to be suitable for human consumption and refined sugar as that which requires no further processing for human consumption, regardless of the polarimeter reading.[58] The scope and these reviews also include "estandar," or Mexican standard sugar, which is sometimes referred to as "high

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[55] Sucrose accumulation is affected by cane variety, maturity, climate and weather conditions, and growing location. Makur, Majur Mading, et. al, Clarifying Capacity of Eco-Friendly Nano Cao and Okra (*Abelmoschus Esculentus*) Extract on the Processing of Sugarcane Juice: A Review," International Research Journal of science and Technology, Vol. 1, Issue 1, 2019, 21–30, https://irjst.com/wp-content/uploads/December2019-v1-i1/IRJST111904.pdf, retrieved April 8, 2025; Poindexter, Steve, "Factors That Affect Sucrose Accumulation (Part 1)," Germains Seed Technology, https://germains.com/us/factors-affect-sucrose-accumulation-part-1/, January 28, 2019, retrieved on April 7, 2025.

[56] Poindexter, Steve, "Factors That Affect Sucrose Accumulation (Part 1)," Germains Seed Technology, January 28, 2019, https://germains.com/us/factors-affect-sucrose-accumulation-part-1/, retrieved April 7, 2025.

[57] USITC, HTS (2025) Revision 11, Publication 5617, April 2025, Chapter 17, Subheading Note 1, p. 17.1.

[58] FDA, Compliance Policy Guide, "CPG Sec 515.400 Raw Sugar," March 1995, https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-515400-raw-sugar, retrieved April 2, 2025.

polarity" or "semi-refined" sugar (sugar with a sucrose content by weight in a dry state that corresponds to a polarimeter reading of 99.2 to 99.6 degrees).[59]

The amended agreement suspending the countervailing duty investigation ("CVD SA") defines "other sugar" to include: (1) sugar at a polarity of less than 99.2, as produced and measured on a dry basis; (2) where such sugar is additional U.S. needs sugar,[60] as defined in Section II.U, sugar at a polarity of less than 99.5, as produced and measure on a dry basis; and, (3) in the event that Section V.B.4.d is exercised, sugar at a polarity specified by USDA that is below 99.5, as produced and measure on a dry basis. Moreover, other sugar as defined by the CVD SA must be exported to the United States in bulk and free flowing in the hold of an ocean-going vessel; thus, rendering this sugar as "raw" by the FDA definition and requiring refining to be made suitable for human consumption.[61]

Also included in the scope of these suspended investigations are "refined" or white sugars with sucrose content by weight in a dry state that corresponds to a polarimeter reading of 99.9 degrees; brown sugar; liquid sugar (sugar dissolved in water); organic raw sugar, and organic refined sugar.[62] The CVD SA defines refined sugar as: (1) sugar at a polarity of 99.2 and above, as produced and measured on a dry basis; (2) sugar considered to be refined sugar under Section II.K;[63] (3) where such sugar is Additional U.S. Needs Sugar as defined in Section II.U, sugar at a polarity of 99.5 and above, as produced and measured on a dry basis; and, (4) in the event that Section V.B.4.d is exercised, sugar at a polarity specified by USDA that is 99.5 or above, as produced and measured on a dry basis.[64]

Inedible molasses is not within the scope of these reviews. Certain specialty sugars (caramelized slab sugar candy, pearl sugar, rock candy, dragees for cooking and baking, fondant, golden syrup, and sugar decorations) are excluded from the scope of these reviews, as are processed food products that contain sugar (e.g., beverages, candy, and cereals). Fructose-sugar blends are considered in-scope products classified under HTS subheading 1702.90.40.

Raw and refined sugar made from sugarcane is generally produced using a two-stage process. The sugarcane is initially cut and milled to obtain sugar cane juice. Through a process

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[59] See scope definition above.

[60] Section II.U defines "Additional U.S. Needs Sugar" as the quantity of Sugar allowed to be exported, over and above the Export limit calculated under Section V.B.3, to fill a need identified by USDA in the U.S. market for a particular types and quantity of Sugar, and offered to Mexico pursuant to Section V.B.4.c. 85 FR 3613, January 15, 2020.

[61] 85 FR 3613, January 22, 2020; and 84 FR 67718, December 11, 2019.

[62] See scope definition above.

[63] Section II.K of the CVD SA defines "Other Sugar" means Sugar that does not meet the definition of Refined Sugar under this Agreement. 79 FR 78044, December 29, 2014.

[64] 85 FR 3613, January 22, 2020; and 84 FR 67718, December 11, 2019.

of filtering, evaporating, and centrifuging, sugar cane mills obtain large sucrose crystals coated with molasses. This intermediate product is normally 90 to 99 percent pure sucrose[65] and is the primary "sugar" product shipped in world trade. This product is typically stored and handled in bulk using heavy machinery that introduces additional impurities. Thus, this "raw" cane sugar is not sold directly to U.S. consumers because the FDA considers it unsuitable for human consumption use, either as food or as an intermediate food ingredient because of the high level of impurities it contains.

Bulk raw cane sugar is mostly sold to traditional sugar refineries that extract nearly all remaining impurities to produce white granulated sugar. Traditional refineries can refine any grade of raw cane sugar using traditional refining steps that include affination, melting, clarification, char or ion exchange treatment, decolorization, polishing, evaporation, centrifuging, and granulation.[66] Most traditional U.S. refining facilities are independently located and do not include sugarcane milling operations and some are quite distant from sugarcane mills. Some of these independently located U.S. sugar refineries may rely on a mix of raw sugar from both domestic and imported sources.[67]

Unlike the two-step process to obtain refined sugar from sugarcane, sugar beets grown in the United States are converted directly into refined sugar in a single facility using a continuous process in which no intermediate raw sugar is produced. Sugar beets are washed and sliced into cossettes; the cossettes are then immersed in hot water to extract sucrose via osmosis. The sugar juice is treated with lime and carbon dioxide, then filtered, evaporated, crystalized, centrifuged, and dried to obtain refined sugar.[68] Sucrose from sugar beets and sucrose from sugarcane are identical.

Liquid sucrose is a saturated aqueous solution of sucrose and water generally containing about 67 percent solids. Liquid sugar may be produced at refineries from high grade refinery liquors prior to crystallization; or it may be produced from crystalized raw or refined sugar.[69] Facilities, commonly known as "melt houses," produce liquid sugar by melting crystalized refined sugar and combining it with water. Some facilities further purify raw cane sugar using

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[65] Purity of sugar is measured by use of a polarimeter, thus the purity of sugar is described in "degrees." For example, 95 percent pure cane sugar would be described as "95 degree" polarity sugar.

[66] Richard, Charley, International Cane Sugar Refiners Institute, Overview, July 15, 2024.

[67] Richard, Charley, International Cane Sugar Refiners Institute, Overview, July 15, 2024.

[68] Michigan State University (MSU), "The Sugar Beet Industry in Michigan," http://geo.msu.edu/extra/geogmich/beetindustry.html, retrieved May 5, 2025.

[69] There are two types of liquid sucrose; one type is made from melted granulated sugar; the other is made from high grade refinery process liquors. Sugar Process Technologies, "Liquid Sugar Manufacturing Process, Liquid Sucrose, Liquid Invert," https://www.sugarprocesstech.com/liquid-sugar/, retrieved April 7, 2025.

more sophisticated methods and machinery during the liquid sugar production process. These non-traditional sugar refineries typically start with very high polarity ("VHP") raw cane sugar.[70] Liquid sugar is most often used in beverage production, but is also used in ice cream, yogurt, cereals, sweets, jellies and preserves, and baked goods.[71]

Various brown sugars are also included in the scope of these reviews. Standard brown sugar is made by mixing refined/white sugar with various amount of molasses.[72] Demerara sugar is made by dehydrating cane syrup after it is extracted from sugar cane, turbinado is a partially processed sugar where surface molasses has been washed off, Muscovado sugar is unrefined cane sugar without the molasses removed, and free-flowing brown sugar is regular brown sugar that has undergone a special heating and drying process. [73]

The primary use of sugar in the United States is for human consumption, as a caloric sweetening agent in foods. Among its various applications are use in beverages, bakery products, cereals, confections, sauces, and meat curing; use in dairy and ice cream applications; and sales directly to consumers. Most sugar is ultimately sold in pure granulated or powdered sucrose forms. Substantial quantities also reach consumers as liquid sugar, and in forms other than chemically pure sucrose, such as brown sugar and invert sugar syrups,[74] or as sugar blends with glucose or fructose. During calendar year 2024, 65.1 percent of total U.S. sugar delivered

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[70] VHP raw cane sugar is defined as having a sucrose content of 99.4 percent (99.4 polarity) or more with an International Commission for Uniform Methods of Sugar Analysis ("ICUMSA") color score of 600 to 1500. The Sugar Room, "Raw Sugar," https://www.thesugar-room.com/raw-sugar#:~:text=VHP%20sugar%20is%20defined%20as%20being%20sugar,sucrose%20content%20of%2099.4%20%%20or%20more.&text=VHP%20raw%20sugar%20is%20a%20Brazilian%20invention%2C,was%20made%20up%20of%20liquids%20and%20contaminants, retrieved April 15, 2025. White table sugar typically has an ICUMSA color score of less than 100. Sugar Cane Pro, Common Grades, https://sugarcanepro.com/quality.html, retrieved April 15, 2025. Non-traditional refineries use fewer steps than traditional refineries and thus may use less energy and water to produce colored liquid sugar; these steps include melting, clarification, decolorization, press filtration, and ultra-violet light treatment. CSC Sugar (a.k.a. Sugaright), Sucro, and Zucarmex (a.k.a. California Sugar Refiners) generally operate non-traditional refineries. Richard, Charley, International Cane Sugar Refiners Institute, Overview, July 15, 2024.

[71] The Sugar Association, "Sugar 101, Sugar Types", https://www.sugar.org/sugar/types/, retrieved April 15, 2025.

[72] The Sugar Association, "Sugar 101, Sugar Types", https://www.sugar.org/sugar/types/, retrieved April 15, 2025.

[73] The Sugar Association, "Sugar 101, Sugar Types", https://www.sugar.org/sugar/types/, retrieved April 15, 2025.

[74] Inversion is the process by which sucrose is split into its two component sugars, glucose and fructose; the resulting product is invert sugar, a liquid sugar with equal parts glucose and fructose. The Sugar Association, "Sugar 101, Sugar Types", https://www.sugar.org/sugar/types/, retrieved April 15, 2025.

for human consumption was to industrial users, mainly as an ingredient in processed foods.[75] Retail deliveries accounted for 11.7 percent of deliveries in 2024. The remaining deliveries were to wholesale grocers, hotels, restaurants, and other institutional buyers.

Manufacturing process[76]

Production of refined sugar from sugar cane is a two-step processes of milling sugarcane and refining raw sugar. Although converting sugar beets into refined sugar is a continuous process performed in a single facility, the basic manufacturing steps are similar to the combined operations of milling sugarcane and refining raw cane sugar into a final product. The production of liquid sugar may occur at a sugar refinery or beet factory, at a dedicated facility or "melt house", or at an end users' facility. Non-traditional refineries that focus on production of colored liquid sugar have increased their presence and capacity in the industry (see new developments below). A description of each type of manufacturing process follows.

Sugarcane mill

In a sugarcane mill, harvested sugarcane is crushed, soaked, and squeezed to extract the juice. The leftover pulp (bagasse) is often used as boiler fuel to generate electricity to power the mill. The sugarcane juice is clarified by adding calcium hydroxide (lime) and carbon dioxide, which trap solid impurities; these solids are allowed to settle out of the solution. The clarified sugarcane juice is then evaporated and crystalized and placed into evaporators and high-speed rotating centrifuges, where extra water is evaporated, and the sugar is separated from blackstrap molasses (a byproduct sold mainly as animal feed). The final raw sugar product has a characteristic amber color and is sold or transferred to refineries for further processing.

Traditional cane sugar refinery[77]

Sugar refining applies mechanical and chemical processes to raw cane sugar to remove nearly all impurities and produce almost pure sucrose or crystalized white sugar. The first step of the refining process, affination, removes the residual molasses coating from the raw sugar

[75] Industrial uses include bakery, cereal, and allied products; confectionery and related products; ice cream and dairy products; beverages; canned, bottled, and frozen foods, other food uses, and non-food use. USDA, ERS, Sugar and Sweetener Yearbook Tables, "Table 20a, sugar deliveries for human consumption by type of user, by calendar year," https://ers.usda.gov/sites/default/files/_laserfiche/DataFiles/53304/Group%204%20Tables%20-%20Fiscal%20Year%20US%20and%20MX%20Supply%20and%20Use.xlsx?v=45962, accessed April 15, 2025.

[76] Unless otherwise noted, this information is based on First review publication pp. 1.21 to 1.22.

[77] This information is primary based on presentations at 46th International Cane Sugar Refiner's Institute, July 15 to 26, 2024, Nicholls State University, Thibodaux, LA.

crystals. Raw cane sugar is combined with a solution of molasses and water called "affination syrup." This mixture, called "magma," is placed in high-speed rotating centrifuges which separates impurities from raw sugar crystals. The washed crystals are melted to form "liquor," which is treated by carbonation or phosphatation and mechanical filtration to remove additional impurities. The "liquor" is decolorized by filtering it through granular bits of bone char, activated charcoal, or an ion exchange resin to remove most of the remaining impurities. The final processing step evaporates excess water, re-crystallizes the sugar, and removes nearly all remaining impurities, leaving the sucrose crystals dry enough to be sorted, packaged, and stored for shipment to customers. A variety of products are produced from this traditional refining process, including granulated sugar, specialty sugars (such as brown sugar and powdered sugar), liquid sucrose, sugar syrups, and molasses.

Sugar beet processing

Unlike sugarcane, sugar beets are processed from the sugar beet directly into refined sugar in a continuous process within the same manufacturing facility.[78] The beets are first sliced into thin strips called "cossettes." The cossettes are then soaked in hot water to remove sucrose and create "raw juice." Any leftover sugar beet pulp is pressed into pellets and sold as livestock feed. The sugar juice is then mixed with lime and carbon dioxide to trap and remove solid impurities from the solution. Excess water is removed by evaporators, and the sugar is then crystallized and separated from the rest of the solution, called molasses, by centrifuges. Molasses is sold as an ingredient for animal feed, and to manufacturers for making lysine, baker's yeast, and other products. At the end of the process, the sugar crystals are dried, cooled, and sorted by crystal size for packaging.

[78] Some facilities may divert and store thick juice, which contains approximately 60 percent sugar, for later processing. However, this practice is not common in the U.S. industry.

Liquid sugar facilities

Liquid sugar or sucrose is produced at traditional raw cane sugar refineries, beet sugar factories, non-traditional sugar refineries, melt houses, and end-user facilities. The production process depends on the nature of the sugar used as the input material. Traditional sugar refineries (cane and beet), melt houses, and end-users simply melt previously crystalized refined sugar and add water to produce white liquid sugar. Non-traditional refineries typically purify VHP raw cane sugar or lower quality refined sugar which allows them to use fewer steps to reduce energy and water consumption relative to traditional refinery processes.[79] Non-traditional refineries focus on producing colored liquid sugar but may produce white liquid sugar as well. Non-traditional sugar refineries are typically smaller than traditional refineries and located in close proximity to customers to minimize transportation costs associated with shipping a liquid versus a dry product. According to a U.S. industry source, in 2014 there were approximately 20 companies operating 38 melt houses in the United States.

The industry in the United States

U.S. producers

During the final phase of the original investigations, the Commission received U.S. producer questionnaires from 25 (sugarcane millers, sugarcane refiners, and sugar beet processors) firms, which accounted for all known production of raw and refined sugar in the United States during October 2011 through September 2014.[80] In addition, the Commission received 87 usable U.S. grower questionnaires from the largest suppliers of sugar beets to the beet processors and sugarcane to the cane millers. During the first five-year reviews, domestic interested parties provided lists of hundreds of known and currently operating U.S. sugar cane farmers and sugar beet farmers/growers as well as approximately 28 cane millers, cane refiners, and sugar beet processors. Two responding domestic interested parties accounted for all production of sugar in the United States during crop year 2017/18.[81]

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[79] By starting with high polarity low-color raw sugar, non-traditional refineries are able to limit processing to melting, filtration, and selective decolorization. Sucro's Lakawana facility has capacity to crystalize sugar but mostly sells sugar in a liquid form. USDA considers, CSC Sugar LLC (a.k.a., Sugaright), and Sucro to be refineries for the purposes of the sugar re-export program. USDA, FAS, "Licensees operating under 7 CFR 1530," https://apps.fas.usda.gov/sugars/FASSugarsLicensees.aspx, accessed May 5, 2025. In the original investigations, the Commission found CSC Sugar to be included in the domestic industry. Original publication, p. 10.

[80] Original publication, p. 1.5.

[81] First review publication, p. 1.23.

In response to the Commission's notice of institution in these current reviews, domestic interested parties provided a list of 20 known and currently operating U.S. producers of sugar. Seven entities, (including six trade associations and one firm) provided U.S. industry data in response to the Commission's notice of institution and accounted for approximately all production of sugar in the United States during crop year 2023/24.[82]

Recent developments

Table 1.5 presents events in the U.S. industry since the Commission's last five-year reviews of these suspended investigations. Since the Commission's last reviews, the following developments have occurred in the United States sugar industry.

Demand

Sugar demand could be negatively affected by the Trump administration's Make America Healthy Again (MAHA) campaign which has focused on reducing added sugar in manufactured foods, especially sugar-sweetened beverages (SSB).[83] Several proposed changes to the Supplemental Nutrition Assistance Program ("SNAP", a.k.a. the food stamp program), could indirectly affect demand for sugar.[84] New taxes on soda and other SSB could also affect

[82] Domestic interested parties provided additional data for Louisiana Sugar Refiners. See exh. 18 and domestic interested parties' response to the notice of institution, April 2, 2025, pp. 37 to 39.

[83] 90 FR 9833, February 19, 2025 (Establishing the President's Make American Healthy Again Commission); Stolberg, Sheryl Gay, and Kim Severson, "Kennedy Declares 'Sugar is Poison' While Announcing Ban of Food Dyes," New York Times, April 23, 2025, https://www.nytimes.com/2025/04/22/us/politics/rfk-jr-food-dye-ban-sugar.html, retrieved April 23, 2025.

[84] USDA, "HHS and USDA Hold First Public MAHA Event," Press Release, April 4, 2025, https://www.usda.gov/about-usda/news/press-releases/2025/04/04/hhs-and-usda-hold-first-public-maha-event-outline-vision-healthier-america, retrieved April 22, 2025. Higham, Aliss, "Two States Request to Ban Soda, Candy From SNAP Benefits," Newsweek, April 16, 2025, https://www.newsweek.com/arkansas-indiana-request-soda-candy-ban-snap-benefits-2060315, accessed April 25, 2025. Lucas, Amelia, and Melissa Repko, Proposed SNAP Cuts Could Pressure Low-income Shoppers," CNBC, April 16, 2025, https://www.cnbc.com/2025/04/16/proposed-snap-cuts-pressure-low-income-shoppers-retailers.html#:~:text=About%205%25%20of%20SNAP%20benefits,drinks%2C%20juices%20and%20powder%20mixes, retrieved April 21, 2025; USDA, "Foods Typically Purchased by Supplemental Nutrition Assistance Program (SNAP) Households – Appendices," November 2016, https://fns-prod.azureedge.us/sites/default/files/ops/SNAPFoodsTypicallyPurchased-Appendices.pdf, accessed April 22, 2025.

demand for sugar.[85] A 2024 study showed that SSB taxes can have a significant effect on consumption; the study showed that prices increased by more than 33 percent, and correspondingly, volume decreased by 33 percent. USDA reported that during CY2024, 887,000 short tons of refined sugar were delivered for beverage use; 33 percent of CY2024 beverage use represents more than 290,000 short tons of refined sugar.[86]

The growing market for specialty sugar, including organic and non-GMO sugar, has been driven by growing demand for processed organic and non-GMO consumer-oriented products.[87] USDA estimates that organic sugar supply increased from 130,100 MTRV during FY2015 to 281,660 MTRV during FY2023, an increase of more than 116 percent. Most sugar meeting these standards is imported, during FY2020 through FY2023, less than 6.4 percent of organic sugar was domestically sourced. Over-quota imports of organic sugar increased by more than 400 percent from FY2020 to FY2023. Moreover, U.S. beet sugar, which generally receives about 55 percent of domestic market allocations, does not generally meet organic or non-GMO standards because most sugar beet seed used in the United States has been genetically modified. The primary suppliers of U.S. certified organic sugar TRQ imports are Brazil, Paraguay, Colombia, Argentina, and Costa Rica.

[85] Tax Policy Center, "How do State and Local Soda Taxes Work?," https://taxpolicycenter.org/briefing-book/how-do-state-and-local-soda-taxes-work, retrieved April 23, 2025; Kaplan, Scott, et. al, "Evaluation of Changes in Prices and Purchases Following Implementation of Sugar-Sweetened Beverage Taxes Across the US," JAMA Health Forum, January 5, 2024, https://jamanetwork.com/journals/jama-health-forum/fullarticle/2813506?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=010524, retrieved April 22, 2025.

[86] Note that four States (Arizona, California, Michigan, and Washington) have passed laws that preempt municipalities from implementing local taxes on SSB, however, the California and Washington laws were not retroactive. State level taxes on SSB were proposed in Hawaii, Massachusetts, Rhode Island, and West Virginia but were not enacted. Tax Policy Center, "How do State and Local Soda Taxes Work?," https://taxpolicycenter.org/briefing-book/how-do-state-and-local-soda-taxes-work, retrieved April 22, 2025.

[87] This paragraph is sourced from USDA, ERS, "U.S. Organic Sugar Sources," in Sugar and Sweeteners Outlook: May 2023, https://ers.usda.gov/sites/default/files/_laserfiche/outlooks/106577/SSS-M-417.pdf?v=13795, retrieved April 23, 2025.

Supply

Over-quota or high-tier sugar imports have increased substantially.[88] Before FY2018, U.S. sugar imports under high-tier duties only exceeded one percent of total U.S. sugar imports once (6.2 percent in FY2010). From FY2018 through FY2024, high-tier sugar imports increased at a CAGR of nearly more than 62 percent, from 58,001 MTRV (2.0 percent of total imports) in FY2018 to 412,502 MTRV (12.6 percent) in FY2023, jumping to 1,066,869 MTRV (30.3 percent) in FY2024.[89] Factors that have contributed to increased high-tier imports likely include (1) decreasing imports from Mexico (see Mexico Recent Developments below), (2) TRQ administration (see below), (3) expansion of non-traditional refining operations that do not have an integrated supply of domestic raw cane sugar (see new plant construction below), (4) large margins between U.S. domestic and world sugar prices, and (5) increased demand for organic and non-GMO sugar (see above).

Shortfalls in imports under the WTO raw cane sugar TRQ continue to persist. Sugar imports under the WTO raw cane sugar TRQ are the second leading source of U.S. import supply after Mexico. The Government Accountability Office ("GAO") concluding in a 2023 report that shortfalls were, in part, the result of the historical allocation method based on 40-year-old market conditions and import patterns, even though some countries that receive initial allocation no longer produce or export sugar.[90] Another factor that could affect the supply of sugar are quantity-based safeguards.[91]

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[88] Hagstrom, Jerry, "High tier imports now regular but controversial part of US sugar supply," Tri-State Livestock News, March 1, 2024, https://www.tsln.com/news/high-tier-imports-now-regular-but-controversial-part-of-us-sugar-supply/, retrieved April 23, 2025.

[89] USDA, ERS, "Table 61a–U.S. Monthly Sugar Imports, by Source, since fiscal year 2008," https://ers.usda.gov/sites/default/files/_laserfiche/DataFiles/53304/Table%2061%20-%20US%20Sugar%20Imports%20from%20All%20Sources.xlsx?v=71702, accessed April 23, 2025.

[90] GAO, Sugar Program, October 2023, https://www.gao.gov/assets/d24106144.pdf, retrieved April 23, 2025, p.36.

[91] Effective April 16, 2025, the Administrator of the Foreign Agricultural Service (as the Secretary of Agriculture's delegee) having determined that the yearly special safeguard trigger for certain articles containing over 65 percent of sugar on a dry weight basis had been exceeded, imposed additional safeguard duties as described in subheadings 9904.17.39 through 9904.17.48 of the HTS. 90 FR 15949, April 16, 2025.

Table 1.5 Sugar: Developments in the U.S. industry

Item	Firm	Event
Plant opening	Sucro	In 2022, Sucro began operations at its new sugar refining facility new Buffalo (Lackawanna), New York. The estimated annual production capacity is 350,000 metric tons.
Plant opening	Sucro	In February 2024, Sucro announced plans to build its second U.S. refinery near Chicago (University Park), Illinois. Operations are expected to begin sometime in 2026. The estimated annual capacity of the proposed operation is 350,000 metric tons.
Closure	Southern Minnesota Beet Sugar Cooperative ("SMBSC")	On April 22, 2025, the SMBSC announced that the Spreckels Sugar Company in Brawley, California would be decommissioned. Closure of the processing plant will begin in late July 2025, after the current crop is harvested and processed. Warehousing and shipping operations will continue until all products have been shipped from the facility, likely in late 2025 or early 2026. The SMBSC press release stated that external factors including uncertainty in the macroeconomic environment and the impact of inflation since the COVID-19 pandemic, increased volume of high-tier sugar imports, and out-of-date loan rates, resulted in cumulative losses over 10 years that rendered the Brawley operations financially unsustainable. The Brawley plant directly employed about 450 persons.
Closure	Michigan Sugar Company	Michigan Sugar Co. closed the AmCane Refinery in Taylor, Michigan in 2020. Michigan Sugar Co. had purchased the facility in 2016. The facility processed about 100,000 short tons of imported raw cane sugar into liquid sugar, granulated sugar, and boiled brown sugar, and employed about 100 workers. The reason cited for the closure was an inconsistent supply chain, exacerbated by the unexpected loss of a deep-water port where raw cane sugar was being delivered and unloaded.
Closure	American Crystal Sugar Company	In April 2023, the American Crystal Sugar Company closed Sidney Sugars' beet processing plant in Sidney, Montana. The plant was closed for lack of a local sugar beet supply. American Crystal had purchased the plant in 2002 from Imperial Sugar. The cooperative typically produced about 1.5 million tons of sugar cane annually yielding about 160,000 tons of raw cane sugar. The milling operations employed about 190 full-time and 300 seasonal workers. American Crystal attributed the closure to insufficient local sugar beet production such that operations were unprofitable, with contracted acres falling from 30,774 in FY2021 decreasing to 18,400 acres in FY2022. Local beet growers, members of the Montana-Dakota Beet Growers Association, but not members of the American Crystal Cooperative, attributed the decreased acres to substantial reductions in payments to local beet growers during American Crystal's ownership tenure, and especially with respect to the most recent contract period. The

Item	Firm	Event
		Sidney plant employed 300 workers, but this number does not include farm labor and seasonal harvest labor.
Closure	Rio Grande Valley Sugar Growers ("RGVSG")	In February 2024, the RGVSG announced the cessation of grower operations and closure of sugar mill in Santa Rosa, Texas. The mill had been in existence since 1973.
Closure	American Sugar Refining ("ASR Group")	In November 2024, the ASR Group announced closure of Cleveland facility, resulting in the permanent layoff of 90 employees. It expects full closure of facility by July 2025. This plant packaged granulated sugar, light brown sugar, powdered sugar, non-dairy creamers, and artificial sweeteners. The ASR Group acquired the packaging facility in 1995.
Acquisition	U.S. Sugar acquired Imperial Sugar Company from Louis Dreyfus Company LLC ("LDC").	In March 2021, LDC announced that it was selling the business and assets of Imperial Sugar Company ("Imperial") to U.S. Sugar. LDC had acquired Imperial in 2012. The purchase included the Savannah cane sugar refinery, a liquification facility in Kentucky, and the Imperial Sugar brands. The United States filed an unsuccessful civil antitrust suit to enjoin acquisition. The acquisition was finalized in November 2022. The operations of the Savannah refinery and the Clewiston refinery are estimated to account for 11.6 percent and 10.9 percent of total refining capacity in the United States, respectively.

Sources: Sucro, "Sucro Wins Approval from USDA for Sugar Refiner's License," https://sucro.us/sucro-wins-approval-from-usda-for-sugar-refiners-license/, retrieved May 19, 2025; Sucro, "Sucro Announces Plant for New Cane Sugar Refinery in Chicago," https://sucro.us/sucro-announces-plans-for-new-cane-sugar-refinery-in-chicago-adding-new-specialty-domestic-capacity-to-growing-and-underserved-u-s-market/, retrieved May 19, 2025; Southern Minnesota Beet Sugar Cooperative, "Southern Minnesota Beet Sugar Cooperative to Decommission Spreckels Sugar Company, Inc. in California," www.smbsc.com/ourstory-2/SMBSCMediaReleaseReSpreckelsSugarCompany2025.04.22.pdf, retrieved May 19, 2025; Galloway, Mitch, "Michigan Sugar to Close Sugar Cane Facility in Taylor," *Michigan Farm News*, November 20, 2019, https://www.michiganfarmnews.com/michigan-sugar-to-close-sugar-cane-facility-in-taylor, retrieved May 19, 2025; Hanacek, Andy, "American Crystal Sugar Closing Montana Plant due to Lack of Local Sugar Beet Supply," *Food Processing*, February 7, 2023, https://www.foodprocessing.com/ingredients/sweetening-solutions/news/21549020/american-crystal-sugar-closing-montana-plant-due-to-lack-of-local-sugar-beet-supply, retrieved May 19, 2025; Rio Grande Valley, Sugar Growers, Inc., "Press Release," February 22, 2024, https://www.rgvsugar.com/, retrieved May 19, 2025; Houmard, Celeste, "Cleveland's American Sugar Refining, Inc. Location to Close, Layoffs in 2025, *Yahoo!News*, November 17, 2024, https://www.yahoo.com/news/cleveland-american-sugar-refining-inc-225226657.html?guccounter=1, retrieved May 19, 2025; Sterk, Ron, "US Sugar Corp. Finalized Imperial Deal," Food Business News, November 30, 2022, retrieved May 19, 2025.
Staff Reporter, "Spreckels to close last sugar beet plant in California," The Desert Review, April 23, 2025, https://www.thedesertreview.com/agriculture/spreckels-to-close-last-sugar-beet-plant-in-california/article_205bec53-584e-423e-b2dd-6db0d345db68.html, retrieved April 25, 2025.
American Crystal reported that contracted acres had fallen from 30,744 for the 2021 crop year to less than 20,000 for the 2022 and 2023 crop years. Sidney Sugars, "American Crystal to Close Operations at Sidney Sugars Beet Sugar Factory," Press Release, February 6, 2023, https://www.crystalsugar.com/wp-content/uploads/2025/03/American-Crystal-to-close-Sidney-Sugars-operations_2-6-2023.pdf, retrieved April 21, 2025.
American Crystal reported that contracted acres had fallen from 30,744 for the 2021 crop year to less than 20,000 for the 2022 and 2023 crop years. Sidney Sugars, "American Crystal to Close Operations at

Sidney Sugars Beet Sugar Factory," Press Release, February 6, 2023, https://www.crystalsugar.com/wp-content/uploads/2025/03/American-Crystal-to-close-Sidney-Sugars-operations_2-6-2023.pdf, retrieved April 21, 2025.
Gehrke, Brad, "Would a Spoonful of Sugar Help: Is the Competition Structure in the U.S. Raw Cane Sugar Refining Sector Changing?," USITC Executive Briefing on Trade, November 2024, https://www.usitc.gov/publications/332/executive_briefings/ebot_gehrke_sugar_industry_structure_part_3.pdf, retrieved April 22, 2025.

U.S. producers' trade and financial data

The Commission asked domestic interested parties to provide trade and financial data in their response to the notice of institution in the current five-year reviews. Table 1.6 presents a compilation of the trade and financial data submitted from all responding U.S. producers in the original investigations and subsequent five-year reviews. [92]

[92] In these reviews, domestic interested parties provided additional data on Louisiana Sugar Refining's capacity (*** STRV) and U.S. shipments (*** STRV) for 2023 to 2024. Domestic interested parties' response to notice of institution, April 2, 2025, exh. 18.

Table 1.6 Sugar: Trade and financial data submitted by U.S. processors and U.S. refiners, 2013/14, 2017/18, and 2023/24

Quantity in 1,000 STRV; value in 1,000 dollars; unit value in dollars per STRV; ratio in percent

Item	Measure	2013/14	2017/18	2023/24
Capacity	Quantity	***	***	***
Production	Quantity	***	***	***
Capacity utilization	Ratio	***	***	***
U.S. shipments	Quantity	***	***	***
U.S. shipments (Domestically grown sugar)	Value	***	NA	NA
U.S. shipments (Additional U.S. value on imported sugar)	Value	***	NA	NA
U.S. shipments (Total U.S. producers' domestic sugar)	Value	***	***	***
U.S. shipments (Domestically grown sugar)	Unit value	NA	NA	***
Net sales	Value	***	***	***
COGS	Value	***	***	***
COGS to net sales	Ratio	***	***	***
Gross profit or (loss)	Value	***	***	***
SG&A expenses	Value	***	***	***
Operating income or (loss)	Value	***	***	***
Operating income or (loss) to net sales	Ratio	***	***	***

Source: For the years 2013/14 and 2017/18, data are compiled using data submitted in the Commission's original investigations and first five-year reviews. For the year 2023/24, data are compiled using data submitted by domestic interested parties. Domestic interested parties' supplemental response to the notice of institution, April 17, 2025, exh. S2.

Note: Domestic interested parties also provided aggregate crop year 2023/24 data for millers, farmers and growers. Millers' reported quantities were in 1,000 STRV, value in 1,000 dollars, unit value in dollars per STRV and ratio in percent: capacity (*** STRV), production (*** STRV), capacity utilization (*** percent), U.S. shipments quantity (*** STRV), U.S. shipments value $***, U.S. shipment unit value $*** per STRV), Net sales ($***), COGS ($***), COGS to net sales (*** percent), gross profit or (loss) ($***), SG&A expenses ($***), Operating income or (loss) ($***), operating income or (loss) to net sales (*** percent). Domestic interested parties' supplemental response to notice of institution, April 17, 2025, exh. S1.

Note: Aggregate data for farmers and growers: total acres owned and leased (*** acres), total acres of sugarcane and sugar beets harvested (*** acres), capacity utilization (*** percent), Yield short tons per acre (*** percent). Domestic interested parties' response to notice of institution, April 2, 2025, exh. 1a and supplemental response, May 15, 2025, p. 2.

Note: For a discussion of data coverage, please see "U.S. producers" section.

Definitions of the domestic like product and domestic industry

The domestic like product is defined as the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is defined as the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. Under the related parties' provision, the Commission may exclude a U.S. producer from the domestic industry for purposes of its injury determination if "appropriate circumstances" exist.[93]

In its original determinations and first expedited five-year review determinations, the Commission defined a single domestic like product consisting of all sugar that is coextensive with Commerce's scope.[94] It defined the defined the domestic industry as all U.S. producers of sugar within Commerce's scope, including sugarcane and sugar beet farmers/growers, as well as cane millers, cane refiners, and sugar beet processors, but did not include one firm because it did not engage in sufficient production-related activities. In its expedited five-year review determinations, the Commission defined the domestic industry as all U.S. producers of sugar within Commerce's scope, including cane farmers and beet growers, and it adopted the same findings as to production-related activities as it did in its original investigations.[95] In crop year 2023/24, U.S. producer American Sugar Refining Inc. ("ASR") accounted for *** percent of total subject imports from Mexico and its subject imports were equivalent to *** percent of the quantity of its U.S. production of sugar, ASR accounted for *** percent of U.S. production (refining and processing operations) in crop year 2023/24.[96]

U.S. importers

During the final phase of the original investigations, the Commission received U.S. importer questionnaires from 14 firms, which accounted for approximately 76.2 percent of

[93] Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

[94] In the original investigations, the Commission declined to define the domestic like product more broadly to include high fructose corn syrup. It also found that the record evidence pertaining to its semi-finished product analysis supported the inclusion of raw and refined sugar within the domestic like product. First review publication, p. 9.

[95] 90 FR 11062, March 3, 2025.

[96] Coverage is calculated using Domestic interested parties' response and official import statistics. Domestic interested parties' response to the notice of institution, April 2, 2025, exh. 1a and supplemental response of April 17, 2025, exh. S2, respectively.

total U.S. imports of sugar from Mexico between October 2011 and September 2014.[97] Import data presented in the original investigations are based on official Commerce statistics.

Although the Commission did not receive responses from any respondent interested parties in its first five-year reviews, the domestic interested parties provided a list of almost 100 firms that may have imported sugar from Mexico.[98] Import data presented in the first reviews are based on official Commerce statistics.

Although the Commission did not receive responses from any respondent interested parties in these current reviews, in its response to the Commission's notice of institution, the domestic interested parties provided a list of 65 potential U.S. importers of sugar.[99]

U.S. imports

Table 1.7 presents the quantity, value, and unit value of U.S. imports from Mexico as well as the other top sources of U.S. imports (shown in descending order of calendar year 2024 imports by quantity).

[97] Original publication, p. 4.1.

[98] Sugar from Mexico (Review), Confidential Report, INV-SS-015, November 29, 2019, as revised in INV-SS-040, April 3, 2020 ("First review confidential report") p. 1.29.

[99] Domestic interested parties' response to the notice of institution, April 2, 2025, exh. 1a.

Table 1.7 Sugar: U.S. imports, by source and period

Quantity in 1,000 STRV; value in 1,000 dollars; unit value in dollars per STRV

U.S. imports from	Measure	2019	2020	2021	2022	2023	2024
Mexico	Quantity	956	1,294	1,014	1,276	1,066	476
Brazil	Quantity	130	630	487	407	772	1,365
Guatemala	Quantity	100	202	190	245	251	304
Dominican Republic	Quantity	0	233	226	260	198	198
All other sources	Quantity	341	1,438	1,152	1,178	1,049	1,334
Nonsubject sources	Quantity	571	2,504	2,055	2,090	2,271	3,200
All import sources	Quantity	1,527	3,798	3,069	3,366	3,337	3,676
Mexico	Value	511,768	734,321	605,254	876,852	795,110	401,944
Brazil	Value	90,938	308,968	268,939	241,355	475,424	793,194
Guatemala	Value	54,242	95,544	101,064	147,063	150,114	195,090
Dominican Republic	Value	273	118,284	121,220	154,469	131,669	162,986
All other sources	Value	214,511	826,209	689,470	803,092	798,909	1,014,098
Nonsubject sources	Value	359,964	1,349,006	1,180,693	1,345,980	1,556,117	2,165,369
All import sources	Value	871,732	2,083,326	1,785,948	2,222,831	2,351,227	2,567,313
Mexico	Unit value	535	567	597	687	746	844
Brazil	Unit value	698	490	552	593	615	581
Guatemala	Unit value	541	473	532	601	597	642
Dominican Republic	Unit value	1,083	507	536	594	664	824
All other sources	Unit value	630	575	599	682	762	760
Nonsubject sources	Unit value	630	539	575	644	685	677
All import sources	Unit value	571	549	582	660	705	698

Source: Compiled from official Commerce statistics for HTS statistical reporting numbers 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015, 1701.99.5017, 1701.99.5025, 1701.99.5050, 1702.90.4000, and 1703.10.3000, accessed April 16, 2025.

Note: Because of rounding, figure may not add to total shown.

Note: Quantity and value data shown as “0” represent values greater than zero, but less than “500” STRV.

Note: 1701.12.1000 did not include any imports.

Apparent U.S. consumption and market shares

Table 1.8 presents data on U.S. producers’ U.S. shipments, U.S. imports, apparent U.S. consumption, and market shares.

Table 1.8 Sugar: Apparent U.S. consumption and market shares, by source and period

Quantity in 1,000 STRV; value in 1,000 dollars; shares in percent

Source	Measure	2013/14	2017/18	2023/24
U.S. producers	Quantity	***	***	***
Mexico	Quantity	2,013	1,191	476
Nonsubject sources	Quantity	1,030	1,364	3,200
All import sources	Quantity	3,043	2,555	3,676
Apparent U.S. consumption	Quantity	***	***	***
U.S. producers (Domestically grown sugar)	Value	***	NA	NA
U.S. producers (Additional US value on imported sugar)	Value	***	NA	NA
U.S. producers (Total value attributable to refiners and processors)	Value	***	***	***
Mexico	Value	944,524	648,622	401,944
Nonsubject sources	Value	489,740	722,106	2,165,369
All import sources	Value	1,434,264	1,370,728	2,567,313
Apparent U.S. consumption	Value	***	***	***
U.S. producers	Share of quantity	***	***	***
Mexico	Share of quantity	***	***	***
Nonsubject sources	Share of quantity	***	***	***
All import sources	Share of quantity	***	***	***
U.S. producers’ U.S. shipments (Domestically grown sugar)	Share of value	***	NA	NA
Additional U.S. value on imported sugar	Share of value	***	NA	NA
Total U.S. producers’ domestic value	Share of value	***	***	***
Mexico	Share of value	***	***	***
Nonsubject sources	Share of value	***	***	***
All import sources	Share of value	***	***	***

Source: For the years 2013/14 and 2017/18, data are compiled using data submitted in the Commission’s original investigations and first five-year reviews. For the years 2023/24, U.S. producers’ U.S. shipments

are compiled from the domestic interested parties' response to the Commission's notice of institution and U.S. imports are compiled using official Commerce statistics under HTS statistical reporting numbers 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015, 1701.99.5017, 1701.99.5025, 1701.99.5050, 1702.90.4000, and 1703.10.3000, accessed April 16, 2025.

Note: Share of quantity is the share of apparent U.S. consumption by quantity in percent; share of value is the share of apparent U.S. consumption by value in percent.

Note: For crop year 2013/14, apparent U.S. consumption is derived from U.S. shipments of imports, rather than U.S. imports.

Note: 1701.12.1000 did not include any imports.

Note: For a discussion of data coverage, please see "U.S. producers" and "U.S. importers" sections.

The industry in Mexico

Producers in Mexico

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from 17 firms, which accounted for approximately 97 percent of production of sugar in Mexico during crop year 2013/14, and approximately 98.1 percent of sugar exports from Mexico to the United States during crop year 2013/14.[100]

Although the Commission did not receive responses from any respondent interested parties in its first five-year reviews, the domestic interested parties provided a list of 80 possible producers of sugar in Mexico in that proceeding.[101]

Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested parties provided a list of 61 possible producers of sugar in Mexico.[102]

Recent developments

Table 1.9 presents events in the sugar industry in Mexico since the Commission's last five-year reviews of these suspended investigations. Since the Commission's last review, the following developments have occurred in the Mexican sugar industry.

[100] Original publication, p. 7.6.

[101] First review publication, p. 1.34.

[102] Domestic interested parties' response to the notice of institution, April 2, 2025, exh. 1a.

Production and yield trends

Since peaking at nearly 7 million metric tons ("MMT") tel quell (actual weight), in crop year 2012/13, sugar production in Mexico has trended downward.[103] Persistent drought over two seasons caused Mexican sugar production to drop to its lowest level in 16 years; 4.7 MMT in the 2023/24 season.[104] Inherent inefficiencies in Mexico's sugar production and processing have reportedly contributed to the decreasing production trend. Sugarcane milling in Mexico suffers from low productivity, obsolete technology, and poor-quality production that is compounded by high costs and limited diversification.[105] Moreover, sugarcane growing practices in Mexico contribute to stresses that increase sugarcane's vulnerability to disease, pests, weeds, water loss (such as the recent droughts), storms and other unpredictable natural events.[106]

Two growing practices have been identified as drivers of decreasing sugarcane yields in Mexico include ratoon yield decline and a low proportion of irrigated fields.[107] Since peak production during the 2012/13 season, sugarcane yields in Mexico have experienced a

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[103] See CONADESUCA, Cifras de Cierre de Superficie Cosechada, y de Produccioin de Cana Y Azucar, Zafra 2012/13, Actualizado con datos al 20 de Agosto de 2013, http://www.gob.mx/cms/uploads/attachment/file/143329/Reporte_36a_-_Final_1314__1413310490_.pdf, accessed May 7, 2025.

[104] The cane harvesting and milling season in Mexico generally begins in November or December of one year and concludes between May and July of the following year depending on conditions. CONADESUCA, DIEPROC – Production Progress Reports, https://www.gob.mx/conadesuca/documentos/dieproc-reportes-de-avance-de-produccion, accessed April 29, 2025.

USDA, FAS, "Sugar Semi-annual – Mexico," https://www.fas.usda.gov/data/mexico-sugar-semi-annual-9, October 2, 2024, accessed April 24, 2025.

[105] Mendoza, Maria Guadalupe Galindo and Pedro Perez Medina, "Situation and Regional Contrasts of the Mexican Sugarcane Sector and its Environmental Impact," Revista de Geografia Agricola 72(2), April 2024 https://revistas.chapingo.mx/geografia/article/view/r.rga.2022.72.10, accessed April 24, 2025.

[106] Aguilar-Rivera, N., et. Al, "The Mexican Sugarcane Industry," Sugar Tech, September 2012, https://link.springer.com/article/10.1007/s12355-012-0151-3, accessed April 24, 2025.

[107] Ratooning refers to removing most of the above-ground vegetation while allowing the next crop to regrow from the remaining roots and stubble. Sugarcane yields are known to decline with an increase as the number of ratoon crops increase, though research has also shown that ratooning may increase net returns. Shanthy, et. al., "Constraints and Opportunities in Sugarcane Ratoon Management," Journal of Sugarcane Research, 2014; Dlamini, Njabulo, and Zhou, Marvellous, "Soils and Seasons Effect on Sugarcane Ratoon Yield," Field Crop Research, August 1, 2022, https://www.sciencedirect.com/science/article/abs/pii/S0378429022001599, accessed April 24, 2025; O'Rourke, Vincent, "Why are Sugarcane Yields in Mexico Declining," CZ Insights, May 18, 2022, https://www.czapp.com/analyst-insights/why-are-sugarcane-yields-in-mexico-declining/, accessed April 24, 2025.

decreasing trend at about 1,072 kilograms/hectare ("kg/ha") annually, decreasing from 78,520 kg/ha during 2012/13 to 62,030 kg/ha in 2023/24.[108] Based on the typical 7-year replanting cycle in Mexico, at least 70 percent of Mexico's sugarcane would be harvested from fields on the third ratoon crop or older. In addition, about 60 percent of sugarcane in Mexico is not irrigated. Consequently, about 43 percent of Mexico's sugarcane acreage is older and lacks irrigation making it more vulnerable to stresses that reduce yield, including the recent drought.[109] Moreover, the Mexican industry is dominated by small-scale sugarcane growers (the average sugarcane farmer has 4.3 hectares of sugarcane) who are less likely to invest in irrigation, faster re-planting of cane, fertilizer, and improved seed to increase yields.[110]

Closures

The Guayalejo River Sugar Company, part of Azucar Grupo Saenz ("Saenz") at that time, ceased operations at its mill in Xicotencatl, Tamaulipas (also identified as the Aron Saenz Garza mill), after the 2019/20 harvest and milling season. The mill had operated since the 1948/49 season and reached peak production of more than 136,000 metric tons of sugar during the 2007/08 season.[111] In 2023, it was reported that the Pantaleon Group ("Pantaleon") (see acquisitions below), was considering reopening the mill,[112] however, Pantaleon does not list the mill as among its current operations in Mexico.[113] Pantaleon owns and operates the El Mante mill that is approximately 30 kilometers from Xicotencatl. During the 2019/20 season, Comite Nacional Para El Desarrollo Sustentable de la Cana Azucar (National Committee for the Sustainable Development of Sugarcane or "CONADESUCA") reported sugar production from 50 mills. During the 2023/24 season, CONADESUCA reported sugar production from 49 mills.

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[108] CONADESUCA, DIEPROC – Production Progress Reports, https://www.gob.mx/conadesuca/documentos/dieproc-reportes-de-avance-de-produccion, accessed April 29, 2025.

[109] O'Rourke, Vincent, "Why are Sugarcane Yields in Mexico Declining," CZ Insights, May 18, 2022, https://www.czapp.com/analyst-insights/why-are-sugarcane-yields-in-mexico-declining/, accessed April 24, 2025.

[110] O'Rourke, Vincent, "Why are Sugarcane Yields in Mexico Declining," CZ Insights, May 18, 2022, https://www.czapp.com/analyst-insights/why-are-sugarcane-yields-in-mexico-declining/, accessed April 24, 2025.

[111] Rosas, Arturo, "Xico Sugar Mill Confirms Final Closure," Un Periodismo Inteligente La Talacha Noreste, August 5, 2020, https://latalachanoreste.com/2020/08/05/confirma-ingenio-de-xico-cierre-definitivo/, accessed April 24, 2025.

[112] Echartea, Alejandro, "Sugar Mill Reactivated in Xicotencatl," El Manana, April 3, 2023, https://www.elmanana.com/tamaulipas/cdvictoria/en-xicotencatl-reactivan-ingenio-azucarero/5689127, accessed April 24, 2025.

[113] Pantaleon Group, "Our Operations – Mexico," https://www.pantaleon.com/#ingenios-mexico, accessed April 24, 2025.

Comparison of these two lists confirmed that the mill at Aron Saenz Garza reported sugar production during 2019/20 but not during 2023/24.[114]

Acquisitions

In November 2020, it was reported that Saenz sold its El Mante sugar mill to Pantaleon.[115] Pantaleon is a Guatemalan-based company that operates one sugar mill in Guatemala, one sugar mill in Nicaragua, and two sugar mills in Mexico.[116] In Mexico, Pantaleon owns and operates the Panuco mill (15,000 metric tons daily grinding capacity that produced nearly 194,000 metric tons of sugar during the 2022/23 season) and the El Mante mill (12,000 metric ton per day grinding capacity that produced more than 120,000 metric tons of sugar during the 2022/23 season). Pantaleon has sugar marketing operations based in Chile, and Miami, Florida.

Table 1.9 Sugar: Developments in the Mexican industry

Item	Firm	Event
Closure	Azucar Groupo Saenz, Compania Azucarera del Rio Guayalejo, SA de CV ("Saenz")	Saenz announced that the sugar mill located near Xicotencatl, Tamaulipas, would close operations after the 2019/20 harvest and milling season due to an adverse financial situation.
Acquisition	Pantaleon Group ("Pantaleon")	Pantaleon acquired 2 mills previously owned by Saenz in 2020 including the El Mante sugar mill and the Xicotencatl sugar mill. Pantaleon had acquired the Panuco sugar mill in 2011.

Sources: Editorial Staff, "The Guayalejo River Sugar Mill Announces the Closure of the Xicotencatl Sugar Mill in Tamaulipas," Gaceta.mx, https://www.gaceta.mx/2020/07/azucarera-del-rio-guayalejo-anuncia-el-cierre-del-ingenio-de-xicotencatl-tamaulipas/, retrieved April 23, 2025; Sugar Knowledge International, "Sugar Industry News," November 2020, https://www.sucrose.com/industry/newsarchive/n1120.html, retrieved April 24, 2025.

[114] CONADESUCA, "DIEPROC Field Bulletins," https://www.gob.mx/conadesuca/documentos/dieproc-boletines-de-campo, accessed April 30, 2025.

[115] Sugar Knowledge International, "Sugar Industry News," November 2020, https://www.sucrose.com/industry/newsarchive/n1120.html, accessed April 24, 2025.

[116] Pantaleon Group, "Our Operations – Mexico," https://www.pantaleon.com/#ingenios-mexico, accessed April 24, 2025.

Exports

Table 1.10 presents export data for sugar classified under HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.90, and 1703.10. These subheadings include in-scope sugar and may also include out-of-scope products (by destination market in descending order of quantity for calendar year 2024).

Table 1.10. Sugar: Quantity of exports from Mexico, by destination and calendar year

Quantity in 1,000 STRV

Destination market	2019	2020	2021	2022	2023	2024
United States	1,275	1,435	1,224	1,595	1,217	583
Canada	300	4	49	35	5	46
Morocco	486	0	141	139	0	0
Other markets	254	50	101	141	11	2
All markets	2,315	1,488	1,515	1,911	1,233	631

Source: S&P Global, Global Trade Analytics Suite, HS subheadings 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.90, and 1703.10. These data represent mirror data as export data from Mexico was incomplete. These data may overstate in-scope trade as HS subheadings 1701.91, 1701.99, 1702.90, and 1703.10 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to total shown.

Note: Quantity and value data shown as "0" represent values greater than zero, but less than "500" STRV or dollars.

Third-country trade actions

Based on available information, sugar from Mexico has not been subject to other antidumping or countervailing duty investigations outside the United States.

The global market

Brazil is by far the largest exporter of sugar globally (table 1.11). The global sugar market generally cycles between years of surplus annual balance and years of deficit annual balance. Since the last reviews in 2020, the global market was in a deficit balance during 2020/21 and 2021/22, in surplus balance during 2022/23 and 2023/24, and is expected to finish the 2024/25 crop year in deficit. Recently, it was found that the 2025/26 crop year is likely to change from a

deficit to a surplus primarily based on production changes in Brazil, Turkey, Russia, and the United States.[117]

Most sugar mills in Brazil are co-located with ethanol production facilities, thus, when the ratio of sugar to ethanol prices is below a certain threshold, Brazilian sugar producers will divert cane juice away from sugar production to ethanol production and vice versa. Most recently, prices have favored sugar production. Moreover, in 2023, the Brazilian sugar industry increased crystallization capacity. Thus, Brazilian producers can increase the sugar mix ratio, allowing more sugar to be produced with the same crushing capacity. Moreover, based on operational advantages, corn-based ethanol production has been increasing and substituting for cane-based ethanol in the domestic market. Corn ethanol has higher margins, can be produced consistently throughout the year because corn is storable, and has considerable room for increased production.[118] For example, during 2021 to 2024 the sugar mix ranged between 45 and 49 percent, during 2024/25 the sugar mix ratio increased to 52 percent, an unprecedented level.[119]

Recently, the European Union member states ("EU") moved from the third largest exporter to the second largest exporter. This is largely related to the elimination of production and export quotas and the exit of the United Kingdom from the EU.[120] Exports from Thailand and India, the third and fourth leading exporters, respectively, have been variable (table 1.11). Both the government of India and the government of Thailand provide substantial subsidies to

[117] S&P Global Commodity Insights, "Short Term Sugar Market Outlook" May 7, 2025, pp. 1 to 3.

[118] S&P Global Commodity Insights, "Sugar Market Special Report," March 20, 2025, pp. 3 to 4.

[119] S&P Global Commodity Insights, "Short Term Sugar Market Outlook" June 27, 2024 and April 2, 2025, p.3; S&P Global Commodity Insights, "Sugar Market Special Report," March 20, 2025, p.1.

[120] The EU is the world's largest producer of beet sugar and is also a significant importer and refiner of raw cane sugar. Sugar production quotas ended effective September 30, 2017. European Commission ("EC"), "The End of Sugar Production Quotas in the EU," September 28, 2017, https://ec.europa.eu/commission/presscorner/detail/en/memo_17_3488, accessed May 1, 2025; EC, "Agriculture and Rural Development, Sugar, Overview," https://agriculture.ec.europa.eu/farming/crop-productions-and-plant-based-products/sugar_en, accessed May 1, 2025.

sugar cane growers.[121] The government of India, from time to time, will restrict exports to balance internal production and consumption to maintain stable domestic prices.[122]

Table 1.11 presents global export data for sugar classified under HS subheadings 1701.11, 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.90, and 1703.10. These subheadings include in-scope sugar and may also include out-of-scope products (by source in descending order of quantity for 2024).

Table 1.11 Raw and Refined Sugar: Short tons, raw value of global exports by country and calendar year

Quantity in 1,000 STRV

Exporting country	2019	2020	2021	2022	2023	2024
Brazil	21,115	36,149	32,169	32,166	36,919	45,118
EU27	9,404	8,529	9,011	8,936	8,197	10,373
Thailand	12,661	7,639	5,083	8,810	9,900	7,575
India	7,118	9,302	12,667	16,365	9,014	4,464
Guatemala	2,879	2,474	1,963	2,318	1,714	2,045
China	800	783	669	798	956	1,068
Pakistan	792	48	4	359	398	1,015

[121] The Thai government generally sets the minimum price of sugarcane well above market prices. USDA, FAS, "Sugar Annual – Thailand," April 16, 2025, https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Sugar%20Annual_Bangkok_Thailand_TH2025-0015, accessed April 30, 2025. The India national government's Fair and Remunerative Price (FRP) is above the cost of production; moreover, States that do not follow the FRP have State advised prices. USDA, FAS, "Sugar Annual – India," April 17, 2024, https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Sugar%20Annual_New%20Delhi_India_IN2024-0020, accessed April 16, 2025.

[122] The government of India most recently banned most sugar exports from June 1, 2022 through October 31, 2023, and continues to maintain various export restrictions at this time. USDA, FAS, "India Restricts Sugar Exports Beyond October 31 for Indefinite Period," November 16, 2023, https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=India%20Restricts%20Sugar%20Exports%20Beyond%20October%2031%20for%20Indefinite%20Period%20_New%20Delhi_India_IN2023-0083, accessed May 1, 2025; USDA, FAS, "Sugar Semi-annual – India," September 30, 2024, https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Sugar%20Semi-annual_New%20Delhi_India_IN2024-0045, accessed May 1, 2025.

Exporting country	2019	2020	2021	2022	2023	2024
Indonesia	809	651	1,163	1,231	1,224	912
Ukraine	280	178	39	219	607	893
South Africa	1,760	1,244	724	671	974	835
El Salvador	918	1,064	999	750	865	808
Morocco	632	796	749	887	707	787
Egypt	391	482	574	512	805	752
Colombia	841	954	749	804	782	689
Mexico	2,315	1,488	1,515	1,911	1,233	631
Other markets	72,483	8,832	7,844	6,312	5,875	4,852
All markets	135,199	80,613	75,921	83,050	80,169	82,818

Source: S&P Global, Global Trade Analytics Suite, HS subheadings 1701.11, 1701.12, 1701.13, 1701.14, 1701.91, 1701.99, 1702.90, and 1703.10. These data may overstate in-scope trade as HS subheadings 1701.91, 1701.99, 1702.90, and 1703.10 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to total shown.

Note: These data for Mexico are mirror data as the export data for Mexico were incomplete.

APPENDIX A

FEDERAL REGISTER NOTICES

The Commission makes available notices relevant to its investigations and reviews on its website, www.usitc.gov. In addition, the following tabulation presents, in chronological order, Federal Register notices issued by the Commission and Commerce during the current proceeding.

Citation	Title	Link
90 FR 11039 March 3, 2025	Initiation of Five-Year (Sunset) Reviews	https://www.govinfo.gov/content/pkg/FR-2025-03-03/pdf/2025-03376.pdf
90 FR 11062 March 3, 2025	Sugar from Mexico; Institution of Five-Year Reviews	https://www.govinfo.gov/content/pkg/FR-2025-03-03/pdf/2025-03282.pdf

APPENDIX B

RESPONSES TO THE NOTICE OF INSTITUTION

Responses to the Commission's notice of institution

Individual responses

The Commission received one submission in response to its notice of institution in the subject reviews.[1] They were filed on behalf of the following entities:

1. American Sugar Coalition ("ASC") and its members. (The members of the American Sugar Coalition are as follows: American Sugar Cane League ("ASCL"); American Sugarbeet Growers Association ("ASGA"); American Sugar Refining, Inc. ("ASR"); Florida Sugar Cane League ("FSCL"); Sugar Cane Growers Cooperative of Florida ("SCGCF"); United States Beet Sugar Association ("USBSA")), a trade coalition a majority of whose members are domestic sugarcane growers, sugar beet farmers, cane sugar millers, sugar beet processors, and cane sugar cane refiners of sugar (collectively referred to as "domestic interested parties"). ASC also provided data on imports and exports of sugar from Mexico by member American Sugar Refining, Inc. ("ASR") in its domestic interested party response to the notice of institution. No other member of ASC imported subject merchandise during CY 2023/24. ASC supports continuation of the suspension agreements covering imports of sugar from Mexico.[2]

A complete response to the Commission's notice of institution requires that the responding interested party submit to the Commission all the information listed in the notice. Responding firms are given an opportunity to remedy or explain deficiencies in their responses and to provide clarifying details where appropriate. A summary of the number of responses and estimates of coverage for each is shown in table B.1.

[1] The Commission's notice of institution requested data for crop year ("CY") (typically October through September) 2023/24.

[2] Domestic interested parties' response to the notice of institution, April 2, 2025, p. 1 and exh. 1a.

Table B.1 Sugar: Summary of responses to the Commission's notice of institution

Interested party type	Number	Coverage
U.S. producer	7	100%
U.S. importer (domestic producer ASR)	1	***%
Foreign producer/exporter (domestic producer ASR)	1	***

Note: The seven U.S. producer entities are the ASC and its six individual members. U.S. producer coverage figure presented is the domestic interested parties' estimate of their share of total U.S. production of sugar during crop year 2023/24. ASC estimates that its members account for all known sugarbeet and sugarcane production, (100 percent of sugarbeet processing, 100 percent of sugarcane milling operations, and more than 70 percent of all sugar refining operations in the United States. Domestic interested parties' response to the notice of institution, April 2, 2024, pp. 37 to 39.

Note: The U.S. importer coverage figure is the estimated share of the quantity of total U.S. imports of sugar from Mexico during CY 2023/24 accounted for by U.S. producer and importer ASR. The estimate was calculated as the quantity of reported imports (*** STRV) divided by the quantity of total U.S. imports from Mexico reported for 2024 in Commerce's official import statistics (476,066 STRV). Domestic interested parties' response to the notice of institution, April 2, 2024, exh. 1a.

Note: ASC did not provide a coverage figure for ASR's exports from Mexico. ASR reported exports of*** STRV to the United States in CY 2023/24, equivalent to approximately *** percent of Mexico's exports to the United States of 582,975 STRV for CY 2023/24. Coverage estimate calculated from domestic interested parties' response to the notice of institution, April 2, 2024, exh. 1a and table 1.10 of this report.

Party comments on adequacy

The Commission received party comments on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews from domestic interested parties. The domestic interested parties' requests that the Commission conduct expedited reviews of the antidumping and/or countervailing duty orders on sugar.[3]

[3] Domestic interested parties' comments on adequacy, May 14, 2025, p. 4.

Company-specific information

Table B.2 Sugar: Response checklist for U.S. producers

Yes = provided response; no = did not provide a response; NA = not available; not known = information was not known

Item	ASC	ASCL	ASGA	ASR	FSCL	SCGCF	USBSA
Nature of operation	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Statement of intent to participate	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Statement of likely effects of revoking the order	Yes	Yes	Yes	Yes	Yes	Yes	Yes
U.S. producer list	Yes	Yes	Yes	Yes	Yes	Yes	Yes
U.S. importer/foreign producer list	Yes	Yes	Yes	Yes	Yes	Yes	Yes
List of 3-5 leading purchasers	Yes	Yes	Yes	Yes	Yes	Yes	Yes
List of sources for national/regional prices	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Trade/financial data	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Changes in supply/demand	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Complete response	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Table B.3 Sugar: Response checklist for U.S. importers from Mexico

Yes = provided response; no = did not provide a response; NA = not available; not known = information was not known

Item	ASR
Nature of operation	Yes
Statement of intent to participate	Yes
Statement of likely effects of revoking the order	Yes
U.S. producer list	Yes
U.S. importer/foreign producer list	Yes
List of 3-5 leading purchasers	Yes
List of sources for national/regional prices	not known
Trade data	Yes
Changes in supply/demand	Yes
Complete response	Yes

Table B.4 Sugar: Response checklist for producer in Mexico

Yes = provided response; no = did not provide a response; NA = not available; not known = information was not known

Item	ASR
Nature of operation	Yes
Statement of intent to participate	Yes
Statement of likely effects of revoking the order	Yes
U.S. producer list	Yes
U.S. importer/foreign producer list	Yes
List of 3-5 leading purchasers	Yes
List of sources for national/regional prices	not known
Trade data	Yes
Changes in supply/demand	Yes
Complete response	Yes

APPENDIX C

SUMMARY DATA COMPILED IN PRIOR PROCEEDINGS

Table C-1
Sugar: Summary data concerning the U.S. market, crop years 2011/12 through 2013/14
(Quantity=1,000 STRV; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per STRV; Period changes=percent--exceptions noted)

	Reported data			Period changes		
	Crop year			Comparison years		
	2011/12	2012/13	2013/14	2011/12-2013/14	2011/12-2012/13	2012/13-2013/14
U.S. consumption quantity:						
Amount	***	***	***	***	***	***
Producers' share (fn1)	***	***	***	***	***	***
Importers' share (fn1):						
Mexico	***	***	***	***	***	***
All others sources	***	***	***	***	***	***
Total imports	***	***	***	***	***	***
U.S. consumption value:						
Amount	***	***	***	***	***	***
Producers' share (fn1):						
Fully domestic value	***	***	***	***	***	***
Value added to imports	***	***	***	***	***	***
Total value for refiners and processors	***	***	***	***	***	***
Importers' share (fn1):						
Mexico	***	***	***	***	***	***
All others sources	***	***	***	***	***	***
Total imports	***	***	***	***	***	***
U.S. imports from:						
Mexico:						
Quantity	1,060	2,066	2,013	89.9	94.9	(2.6)
Value	849,302	1,042,073	944,524	11.2	22.7	(9.4)
Unit value	$801	$504	$469	(41.4)	(37.0)	(7.0)
Ending inventory quantity	***	***	***	***	***	***
All other sources:						
Quantity	1,850	891	1,030	(44.3)	(51.8)	15.6
Value	1,298,565	493,989	489,740	(62.3)	(62.0)	(0.9)
Unit value	$702	$554	$475	(32.3)	(21.0)	(14.2)
Ending inventory quantity	***	***	***	***	***	***
Total imports:						
Quantity	2,910	2,957	3,043	4.6	1.6	2.9
Value	2,147,867	1,536,063	1,434,264	(33.2)	(28.5)	(6.6)
Unit value	$738	$519	$471	(36.1)	(29.6)	(9.3)
Ending inventory quantity	***	***	***	***	***	***
U.S. processors' and U.S. refiners':						
Average capacity quantity	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***
Capacity utilization (fn1)	***	***	***	***	***	***
U.S. shipments:						
Fully domestic origin shipments:						
Quantity	***	***	***	***	***	***
Value	***	***	***	***	***	***
Unit value	***	***	***	***	***	***
Additional value on sugar imported from Mexico:						
Quantity	***	***	***	***	***	***
Value attributable to imports from MX	***	***	***	***	***	***
Value captured by domestic firms	***	***	***	***	***	***
Value of shipped merchandise	***	***	***	***	***	***
Unit value attributable to imports MX	***	***	***	***	***	***
Unit value captured by domestic firms	***	***	***	***	***	***
Unit value of shipped merchandise	***	***	***	***	***	***
Additional value on sugar imported from other sources:						
Quantity	***	***	***	***	***	***
Value attributable to imports AOS	***	***	***	***	***	***
Value captured by domestic firms	***	***	***	***	***	***
Value of shipped merchandise	***	***	***	***	***	***
Unit value attributable to imports AOS	***	***	***	***	***	***
Unit value captured by domestic firms	***	***	***	***	***	***
Unit value of shipped merchandise	***	***	***	***	***	***
Total value attributable to refiners and processors:						
Value	***	***	***	***	***	***
Export shipments:						
Quantity	***	***	***	***	***	***
Value	***	***	***	***	***	***
Unit value	***	***	***	***	***	***

Table continued next page

Table C-1--Continued
Sugar: Summary data concerning the U.S. market, crop years 2011/12 through 2013/14
(Quantity=1,000 STRV; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per STRV; Period changes=percent--exceptions noted)

	Reported data			Period changes		
	Crop year			Comparison years		
	2011/12	2012/13	2013/14	2011/12-2013/14	2011/12-2012/13	2012/13-2013/14
U.S. processors and U.S. refiners:--Continued						
Ending inventory quantity	***	***	***	***	***	***
Inventories/total shipments (fn1)	***	***	***	***	***	***
Production workers	***	***	***	***	***	***
Hours worked (1,000s)	***	***	***	***	***	***
Wages paid ($1,000)	***	***	***	***	***	***
Productivity (short tons per 1,000 hours)	***	***	***	***	***	***
Unit labor costs	***	***	***	***	***	***
Net Sales:						
Quantity	***	***	***	***	***	***
Value	***	***	***	***	***	***
Unit value	***	***	***	***	***	***
Cost of goods sold (COGS)	***	***	***	***	***	***
Gross profit or (loss)	***	***	***	***	***	***
SG&A expenses	***	***	***	***	***	***
Operating income or (loss)	***	***	***	***	***	***
Net income or (loss)	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***
Unit COGS	***	***	***	***	***	***
Unit SG&A expenses	***	***	***	***	***	***
Unit operating income or (loss)	***	***	***	***	***	***
Unit net income or (loss)	***	***	***	***	***	***
COGS/sales (fn1)	***	***	***	***	***	***
Operating income or (loss)/sales (fn1)	***	***	***	***	***	***
Net income or (loss)/sales (fn1)	***	***	***	***	***	***
U.S. millers:						
Average capacity quantity	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***
Capacity utilization (fn1)	***	***	***	***	***	***
U.S. shipments:						
Quantity	***	***	***	***	***	***
Value	***	***	***	***	***	***
Unit value	***	***	***	***	***	***
Export shipments:						
Quantity	***	***	***	***	***	***
Value	***	***	***	***	***	***
Unit value	***	***	***	***	***	***
Ending inventory quantity	***	***	***	***	***	***
Inventories/total shipments (fn1)	***	***	***	***	***	***
Production workers	***	***	***	***	***	***
Hours worked (1,000s)	***	***	***	***	***	***
Wages paid ($1,000)	***	***	***	***	***	***
Productivity (short tons per 1,000 hours)	***	***	***	***	***	***
Unit labor costs	***	***	***	***	***	***
Net Sales:						
Quantity	***	***	***	***	***	***
Value	***	***	***	***	***	***
Unit value	***	***	***	***	***	***
Cost of goods sold (COGS)	***	***	***	***	***	***
Gross profit or (loss)	***	***	***	***	***	***
SG&A expenses	***	***	***	***	***	***
Operating income or (loss)	***	***	***	***	***	***
Net income or (loss)	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***
Unit COGS	***	***	***	***	***	***
Unit SG&A expenses	***	***	***	***	***	***
Unit operating income or (loss)	***	***	***	***	***	***
Unit net income or (loss)	***	***	***	***	***	***
COGS/sales (fn1)	***	***	***	***	***	***
Operating income or (loss)/sales (fn1)	***	***	***	***	***	***
Net income or (loss)/sales (fn1)	***	***	***	***	***	***

fn1.--Reported data are in percent and period changes are in percentage points.

Source: Compiled from data submitted in response to Commission questionnaires and official U.S. imports statsitics. See parts III, IV, and VI for details.

APPENDIX D

PURCHASER QUESTIONNAIRE RESPONSES

As part of their response to the notice of institution, interested parties were asked to provide a list of three to five leading purchasers in the U.S. market for the domestic like product. A response was received from domestic interested parties, and it provided contact information for the following three firms as top purchasers of sugar: ***. Purchaser questionnaires were sent to these three firms and one firm (***) submitted a response to the Commission's request for information.

1. Have there been any significant changes in the supply and demand conditions for sugar that have occurred in the United States or in the market for sugar in Mexico since January 1, 2020?

Purchaser	Yes / No	Changes that have occurred
***	***	***

2. Do you anticipate any significant changes in the supply and demand conditions for sugar in the United States or in the market for sugar in Mexico within a reasonably foreseeable time?

Purchaser	Yes / No	Anticipated changes
***	***	***