



Re: Please Oppose Retroactive Duties and Protect American Clean Energy Jobs and Investment with a "No" Vote on the Auxin CRA (H.J. Res.39/S.J. Res.15)

We are writing to respectfully ask that you oppose H. J. Res. 39/S. J. Res. 15. Enactment of this resolution would impose over \$1 billion in **retroactive** duty liability, increase energy costs for consumers, cost thousands of **American** jobs, and hamstring efforts to reduce greenhouse gas emissions.

Last year, a single company filed anti-circumvention petitions with the Department of Commerce (Commerce). The threat of duties ranging from 50%-250% on solar panels and cells from Malaysia, Vietnam, Thailand, and Cambodia called for in the petitions abruptly froze solar supply chains. A significant number of domestic solar projects experienced cancellations or delays as a result.

To address this disruption, after Commerce accepted the petitions and initiated a set of investigations, President Biden issued an emergency declaration that included a temporary 2-year pause on potential duties arising from the investigations. This pause allowed planned solar projects to move forward while the investigations proceeded.

American stakeholders subsequently relied on Commerce's regulations to make significant business and economic decisions. Nullifying Commerce's rulemaking as provided for in H. J. Res. 39/S. J. Res. 15 would penalize companies, acting in accordance with the law, by imposing large (up to 254%), unanticipated retroactive duty liability for these stakeholders – back to April 1, 2022. Going back on this federal commitment would create a chilling effect on American business, setting a terrible precedent that undermines America's competitiveness in the global marketplace.

Passing H.J. Res 39/S.J. Res 15 would also stall or cancel planned solar projects, eliminate 30,000 jobs, including 4,000 manufacturing jobs, and \$4.2 billion of investment in domestic solar projects. 4GW of planned solar projects representing roughly 14% of the industry's anticipated deployment in 2023 would be cancelled. This in turn would increase CO2 emissions by 24 million metric tons.

American businesses need certainty and a bridge to domestic manufacturing. Right now, only about one-third of U.S. demand for solar panels (including both crystalline silicon and thin film photovoltaic panels) can be met with domestic production, and domestic manufacturers are sold out for the next 2-3 years. It is our preference to source solar panels domestically, and we are heartened by the rapid expansion of domestic solar manufacturing that is currently occurring. However, ramping up this production capacity across the solar supply chain will take time, and the temporary 2-year duty pause provides a necessary bridge to the point where domestic production capacity is more capable of meeting demand.

April 18, 2023

For these reasons, and to avoid needless disruption in the solar marketplace, we respectfully ask that you oppose H. J. Res. 39/S. J. Res. 15. Thank you in advance for your consideration.

Sincerely,

Solar Energy Industries Association
American Clean Power
American Council on Renewable Energy
Edison Electric Institute
E2
Silicon Valley Leadership Group
Clean Energy Buyers Association
Advanced Energy United
Coalition for Community Solar Access

April 18, 2023