

PROPRIETARY INFORMATION DELETED
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In addition, as shown in the table below, Petitioner's estimated share of U.S. production capacity of phosphate fertilizers exceeds the statutory requirements for these Petitions to be considered filed by or on behalf of a domestic industry:¹²

Petitioner's Share of Domestic Production Capacity		
U.S. Producers	2019	% of Total
Mosaic	[]	[66%]
Nutrien/PotashCorp	[]	[]
Simplot	[]	[]
Itafos/Agrium	[]	[]
Meherrin	[]	[]
Total	[]	[]

On this basis, the Department should conclude that the Petitions satisfy the requirements for domestic industry support under section 702(c)(4) of the Act, 19 U.S.C. § 1671a(c)(4).

B. PREVIOUS REQUESTS FOR IMPORT RELIEF¹³

Petitioner has not previously filed for relief from imports of phosphate fertilizers under section 337 of the Act (19 U.S.C. §§ 1337, 1671a), sections 201 or 301 of the Trade Act of 1974 (19 U.S.C. §§ 2251, 2411), or section 232 of the Trade Expansion Act of 1962 (19 U.S.C. § 1862).

C. SCOPE OF THE INVESTIGATION AND A DETAILED DESCRIPTION OF THE SUBJECT MERCHANDISE¹⁴

1. Proposed Scope of the Investigation

The proposed scope of investigation is as follows:

The merchandise covered by these investigations is phosphate fertilizers in all physical forms (*i.e.*, solid or liquid form), with or without coating or additives such as anti-caking agents. Phosphate fertilizers in solid form are covered whether granular, prilled (*i.e.*, pelletized), or in other solid form (*e.g.*, powdered).

The covered merchandise includes phosphate fertilizers in the following forms: ammonium dihydrogenorthophosphate or monoammonium

¹² See U.S. Producers' Phosphate Capacity, attached as Exhibit I-6.

¹³ 19 C.F.R. § 351.202(b)(4).

¹⁴ 19 C.F.R. § 351.202(b)(5).

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phosphate (MAP), chemical formula $\text{NH}_4\text{H}_2\text{PO}_4$; diammonium hydrogenorthophosphate or diammonium phosphate (DAP), chemical formula $(\text{NH}_4)_2\text{HPO}_4$; normal superphosphate (NSP), also known as ordinary superphosphate or single superphosphate, chemical formula $\text{Ca}(\text{H}_2\text{PO}_4)_2 \cdot \text{CaSO}_4$; concentrated superphosphate, also known as double, treble, or triple superphosphate (TSP), chemical formula $\text{Ca}(\text{H}_2\text{PO}_4)_2 \cdot \text{H}_2\text{O}$; and proprietary formulations of MAP, DAP, NSP, and TSP.

The covered merchandise also includes other fertilizer formulations incorporating phosphorous and non-phosphorous plant nutrient components, whether chemically-bonded, granulated (*e.g.*, when multiple components are incorporated into granules through, *e.g.*, a slurry process), or compounded (*e.g.*, when multiple components are compacted together under high pressure), including nitrogen, phosphate, sulfur (NPS) fertilizers, nitrogen, phosphorous, potassium (NPK) fertilizers, and proprietary formulations thereof that may or may not include other non-phosphorous plant nutrient components. For phosphate fertilizers that contain non-phosphorous plant nutrient components, such as nitrogen, potassium, sulfur, zinc, or other non-phosphorous components, the entire article is covered, including the non-phosphorous content, provided that the phosphorous content (measured by diphosphorous pentaoxide, chemical formula P_2O_5) is at least 5% by weight.

Phosphate fertilizers that are otherwise subject to this investigation are included when commingled (*i.e.*, mixed or blended) with phosphate fertilizers from sources not subject to this investigation. Phosphate fertilizers that are otherwise subject to this investigation are included when commingled with substances other than phosphate fertilizers subject to this investigation (*e.g.*, granules containing only non-phosphate fertilizers such as potash or urea). Only the subject component of such commingled products is covered by the scope of this investigation.

The Chemical Abstracts Service (CAS) numbers for covered phosphate fertilizers include, but are not limited to: 7722-76-1 (MAP); 7783-28-0 (DAP); and 65996-95-4 (TSP). The covered products may also be identified by Nitrogen-Phosphate-Potash composition, including but not limited to: NP 11-52-0 (MAP); NP 18-46-0 (DAP); and NP 0-46-0 (TSP).

The covered merchandise is currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheadings 3103.11.0000; 3103.19.0000; 3105.20.0000; 3105.30.0000; 3105.40.0010; 3105.40.0050; 3105.51.0000; and 3105.59.0000. Phosphate fertilizers subject to these investigations may also enter under subheadings 3103.90.0010, 3105.10.0000, 3105.60.0000, 3105.90.0010, and 3105.90.0050. Although the HTSUS subheadings and CAS registry numbers are provided for

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convenience and customs purposes, the written description of the scope is dispositive.

2. U.S. Tariff Classification

The imported article subject to these Petitions is classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheadings 3103.11.0000; 3103.19.0000; 3105.20.0000; 3105.30.0000; 3105.40.0010; 3105.40.0050; 3105.51.0000; and 3105.59.0000.¹⁵

- Subheading 3103.11.0000 provides for: “Mineral or chemical fertilizers, phosphatic: Superphosphates: Containing by weight 35 percent or more of diphosphorous pentaoxide {sic} (P₂O₅)” and has a current duty rate of free.¹⁶ This subheading covers TSP.
- Subheading 3103.19.0000 provides for: “Mineral or chemical fertilizers, phosphatic: Superphosphates: Other” and has a current duty rate of free.¹⁷ This subheading covers SSP/NSP.
- Subheading 3105.20.0000 provides for “Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg: Mineral or chemical fertilizers containing the three fertilizing elements nitrogen, phosphorus and potassium” and has a current duty rate of free. This subheading covers NPK fertilizers.
- Subheading 3105.30.0000 provides for: “Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg: Diammonium hydrogenorthophosphate (Diammonium phosphate)” and has a current duty rate of free. This subheading covers DAP.
- Subheading 3105.40.0010 provides for: “Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg: Ammonium dihydrogenorthophosphate (Monoammonium phosphate) and mixtures thereof with diammonium hydrogenorthophosphate (Diammonium phosphate): Ammonium dihydrogenorthophosphate (Monoammonium phosphate)” and has a current duty rate of free. This subheading covers MAP.

¹⁵ HTSUS, ch. 31, at 31-3 to 31-4 (rev. 7, 2020), attached as Exhibit I-9.

¹⁶ Concentrated superphosphates were classified in subheading 3103.10.0020 prior to 2017. *See* HTSUS ch. 31, at 31-3 (2016), attached as Exhibit I-10.

¹⁷ Normal superphosphates were classified in subheading 3103.10.0010 prior to 2017. *See id.*

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- Subheading 3105.40.0050 provides for: “Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg: Ammonium dihydrogenorthophosphate (Monoammonium phosphate) and mixtures thereof with diammonium hydrogenorthophosphate (Diammonium phosphate): Other” and has a current duty rate of free. This subheading covers MAP and DAP blends.
- Subheading 3105.51.0000 provides for: “Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg: Other mineral or chemical fertilizers containing the two fertilizing elements nitrogen and phosphorus: Containing nitrates and phosphates” and has a current duty rate of free. This subheading covers NPS fertilizers.
- Subheading 3105.59.0000 provides for: “Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg: Other mineral or chemical fertilizers containing the two fertilizing elements nitrogen and phosphorus: Other” and has a current duty rate of free. This subheading also covers NPS fertilizers.

Phosphate fertilizers subject to these Petitions may also enter under subheadings 3103.90.0010, 3105.10.0000, 3105.60.0000, 3105.90.0010, and 3105.90.0050.

3. Physical Characteristics, Specifications, and Uses

Phosphate fertilizers contain phosphate as a primary constituent and are used primarily in agricultural applications to provide nutrients to plants. There are four main types of phosphate fertilizers: MAP, DAP, SSP/NSP, and TSP, each of which differs slightly in chemical structure and properties but is primarily characterized by its phosphorous content. Other types of phosphate fertilizers include nitrogen, phosphate, sulfur (NPS) fertilizers; nitrogen, phosphorous, potassium (NPK) fertilizers; and proprietary formulations thereof, such as Mosaic’s Microessentials product. All phosphate fertilizers contain phosphorous (P), measured in units of available phosphorous pentoxide (P₂O₅), one of the three primary nutrients for plants along with