

## **IMPORTANT!**

### **Opportunity for AHPA Members to Receive Dumping and Countervailing Duties Collected on Honey Imports from China and Argentina**

In the fall of each year, the federal government distributes to eligible domestic producers the duties the government has assessed and collected on certain imports that are subject to antidumping ("AD") and countervailing duty ("CVD") orders. For purposes relevant to AHPA members, the government will again distribute this fall AD and CVD duties collected during its fiscal year 2020 (*i.e.*, October 2019 through September 2020) on honey from China and Argentina that was imported into the United States between December 2001 and September 2007, the period during which the so-called "Byrd Amendment" was in effect.

The government just announced that, as of April 30, 2019, it had collected \$639,767.54 in AD and CVD duties on honey imports from China, and that it intends to distribute this amount to eligible domestic honey producers later in 2020. The preliminary amount announced by CBP for FY 2020 is subject to change through the end of the fiscal year (*i.e.*, Sept. 30, 2020), so the actual amount distributed under the China Honey AD order for fiscal year 2020 could be less than, or greater than, the preliminary amount.

Each AHPA member that meets all four of the following requirements is eligible to apply for a "distribution" of the duties collected during FY 2020:

- (1) The member was an AHPA member in good standing (including having fully paid its dues) in 2000, when the Petition requesting the AD/CVD honey trade investigations was filed;
- (2) The member has fully paid all of its membership dues for each year from 2000 to 2020;
- (3) The member has continuously produced and sold raw honey from 2000 to 2020; and
- (4) The member is not a member of Sioux Honey Association ("SHA") or, if it is an SHA member, the member will not receive any part of distributions SHA will receive for FY 2020.

The AHPA will soon submit to the federal government an updated AHPA membership list that will include only those members that meet the first three of these four requirements. Any AHPA member that has not paid its dues through 2020 will not be included on the list the AHPA provides to the government and thus will not be eligible to receive a distribution of the duties collected during FY 2020.

In order to receive a distribution of the collected duties, qualifying AHPA members (*i.e.*, those that meet the four requirements above) must submit to U.S. Customs and Border Protection ("CBP") a certification making claims for a distribution under the three AD and CVD trade orders on honey imports from China and Argentina.

This certification must be **RECEIVED** by CBP by Monday, July 27, 2020. Any certification received by CBP after that date will not be considered. In addition, to the extent you submit your certification to CBP in hard copy, you need to submit three copies of the certification.

Please note: if you are a member of the Sioux Honey Association ("SHA"), you do not need to file - and you should not file - any Byrd Amendment application, because SHA, as a cooperative, is filing on behalf of all of its members.

Our international trade lawyers at Kelley Drye & Warren LLP have drafted the attached memorandum and certification template to assist you in completing the application. Forms and instructions may be downloaded from the AHPA website:

<http://www.ahpanet.com/byrd-amendment>

or contact me, Cassie Cox, to send you hard copies. We recommend that you immediately review these documents, and that you prepare and file your certification with CBP as soon as possible. Should you have any questions about preparing your certification that are not answered by these materials, please contact me as follows:

Cassie Cox  
PO Box 435  
Mendon, UT 84325  
281-900-9740  
cassie@ahpanet.com

Please contact me only after you have fully reflected on the problem, and have attempted to resolve it by consulting the instructions. If, after that, you still need to contact me, and I am unable to resolve your question, I will present it to the Kelley Drye attorneys.

*Cassie Cox*

Cassie Cox  
Executive Secretary,  
American Honey Producers Association