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# United States Senate

CHARLES E. GRASSLEY  
PRESIDENT PRO TEMPORE EMERITUS  
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December 15, 2021

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Garland:

I write to call on the Justice Department to investigate concerns raised by America's farmers about possible anti-competitive activity and market manipulation in the fertilizer industry. Fertilizer is an essential input for farmers across the country. Without fertilizer, crop yields and agricultural productivity would be significantly reduced. I have heard numerous concerns from lowans and member organizations expressing concerns that fertilizer companies are colluding and unfairly raising the price of their products.

Therefore, I request that you examine the current structure of the domestic fertilizer industry and investigate potential market and price manipulation, collusion, restrictions on competition and/or other unfair and deceptive practices under U.S. antitrust law. This year has seen dramatic growth in the price of fertilizer with nitrogen fertilizers more than doubling in price, anhydrous up by 131%, urea by 110%, and potash up by 120%. In October 2021 alone, the price of anhydrous fertilizer jumped 26% from the previous month.<sup>1</sup>

Both phosphorus and nitrogen-based fertilizers have limited market participants. For potash, a potassium-based fertilizer, only two companies control the supply for farmers. Nitrogen-based fertilizer is also heavily concentrated with 75% of the market consisting of four companies.

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<sup>1</sup> Micik Dehlinger, Katie. 2021. "DTN Retail Fertilizer Trends: Nitrogen Fertilizer Prices Close in on All-Time Highs as UAN32 Breaks Record." DTN/Progressive Farmer. Available at <https://www.dtnpf.com/agriculture/web/ag/crops/article/2021/11/03/nitrogen-fertilizer-prices-close><https://www.dtnpf.com/agriculture/web/ag/crops/article/2021/11/03/nitrogen-fertilizer-prices-close>

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In addition, the United States International Trade Commission has imposed tariffs on imports of phosphorus fertilizer, and will likely impose tariffs on imports of urea ammonium nitrate solutions. These tariffs create additional financial hardship for farmers who are already dealing with tight fertilizer supplies across the country.

The Department of Justice should initiate an investigation of the fertilizer market so that farmers across the country can have assurances that there are no violations of U.S. antitrust law in the fertilizer industry.

Thank you for your prompt consideration of this important matter. I look forward to hearing the results of your investigation.

Sincerely,

A handwritten signature in black ink, reading "Chuck Grassley". The signature is written in a cursive, flowing style with a large initial "C".

Charles Grassley  
United States Senator

Cc:

Thomas Vilsack, Secretary; U.S. Department of Agriculture

Jonathan Kanter, Assistant Attorney General; U.S. Department of Justice