INTERNATIONAL FRESH PRODUCE ASSOCIATION™

Member Alert

President Trump Signs Executive Order on Reciprocal Tariffs

On Friday, September 5, 2025, President Trump signed an Executive Order allowing for potential tariff adjustments for "aligned partners." Under this framework, the tariff rate applied would be the Most-Favored-Nation (MFN) tariff once a reciprocal trade agreement is concluded.

These products fall into four categories:

- Certain aircraft and aircraft parts;
- Certain generic pharmaceuticals and their ingredients;
- Unavailable natural resources and closely related derivative products; and
- **Certain agricultural products not grown or produced in sufficient quantity in the United States to meet domestic demand.**

What we know:

- A list of products the Trump Administration may consider for reductions from reciprocal tariffs is included in the **Executive Order Annex III.**

- Authority for implementation has been delegated to the Secretary of Commerce and the U.S. Trade Representative (USTR)

What we do not know:

- How these products will be treated under existing agreements with countries like Japan, the UK, and the EU.
- What qualifies as "sufficient quantities" for domestic production.
- Whether there will be a formal process to request tariff adjustments for specific products.

What IFPA recommends:

Mail product-specific requests to the Department of Commerce and U.S. Trade Representative. Each request should address the following questions:

1. Is the crop/commodity produced in the United States in any capacity?
2. If so, how much is produced, and what is the current domestic consumption?
3. Are there barriers or limitations preventing expanded U.S. production?
4. What are the current import volumes for this product?
5. From which countries does the U.S. import this product, and with which countries is the industry requesting tariff adjustments?
6. Contact information should DOC or USTR have any questions.

Please mail your request to:

Ambassador Jamieson Greer
U.S. Trade Representative Office
2000 14th St
Washington, DC 20009

Secretary Howard Lutnick
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

You may also send a copy to us at **USGR@freshproduce.com** so we can amplify your message to the administration.

IFPA also recommends communicating these requests to the relevant government authorities in countries outside the United States, encouraging them to prioritize tariff adjustments for the specified products.

Note: Frame requests using the administration's language—ask for "tariff adjustments" rather than "exemptions."

Legal Update: IEEPA-Based Tariff Authority Challenge

On August 29, the U.S. Court of Appeals for the Federal Circuit (CAFC) ruled that the International Emergency Economic Powers Act (IEEPA) does not authorize President Trump's reciprocal tariffs.

The **U.S. Supreme Court** has agreed to hear the case on an expedited basis. Oral arguments could be heard in November 2025, with a decision as early as December.

Potential Impacts:

- If the Supreme Court upholds the lower court's ruling, importers may be eligible for tariff refunds. No refund procedures have been announced. IFPA recommends maintaining detailed records (e.g., customs entry forms, invoices, bills of lading, packing lists).
- This lawsuit does not affect tariffs imposed under other authorities (e.g., Section 232 tariffs on autos, steel and aluminum).

Additional Resources:

- **Fact Sheet: President Donald J. Trump Modifies the Scope of Reciprocal Tariffs and Establishes Procedures for Implementing Trade Deals – The White House**

- **Modifying The Scope of Reciprocal Tariffs and Establishing Procedures for Implementing Trade and Security Agreements – The White House**