

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: August 26, 2005]²

Bill No. and sponsor: H.R. 1885 (Mr. Cleaver).

Proponent name, location: Bayer CropScience
Kansas City, MO 64120

Other bills on product (109th Congress only): None.

Nature of bill: Temporary duty suspension until 12/31/2008.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

(1R,3R)-cis-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid, (S)- α -cyano-3-phenoxybenzyl ester (CAS Nos. 52918-63-5 and 52820-00-5) (provided for in subheading 2926.90.30)

Check one: Same as that in bill as introduced
 Different from that in bill as introduced (explain differences in Technical comments section)

Product information, including uses/applications and source(s) of imports:

This synthetic organic chemical, known as deltamethrin, is a pyrethroid insecticide. Under the Bayer trade name DECIS, it is used to control weevils on crops. The subject chemical is imported from India. There is no known domestic production of this chemical. Several firms market competing insecticides in the United States.

¹ Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm

Estimated effect on customs revenue:

HTS subheading: 2926.90.30					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty (AVE) <u>1/</u>	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$1,880,000	\$1,880,000	\$1,880,000	\$1,880,000	\$1,880,000
Customs revenue loss	\$122,200 <u>2/</u>	\$122,200 <u>2/</u>	\$122,200	\$122,200	\$122,200

1/ The AVE is the ad valorem equivalent of a specific or compound duty rate expressed as a percent, using the most recent import data available.

2/ Revenue losses for 2005 and 2006 result from a current duty suspension duty under heading 9902.01.49.

Source of estimated dutiable import data: Industry estimates.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
			(Yes/No)	
Bayer CropScience (Proponent) Mike Gill, 202-508-8843	7/5/2005	No	No	No
AtoFina Cerex Charles Kitchin, FAX: 703-527-2092	7/15/2005	No	No	No
Aventis Jean Reimers, FAX: 202-628-6622	7/15/2005	No	No	No
BASF Corp. Greg Theis, FAX: 202-558-5101	7/15/2005	No	No	No
Crop Life America Lawrence Norton, FAX: 202-463-0474	7/15/2005	No	No	No
Dow Agro Sciences Margaret Rogers, FAX: 202-429-3467	7/15/2005	No	No	No
E.I. DuPont Nancy Johnson, FAX: 202-728-3649	7/15/2005	No	No	No

E.I. DuPont Elaine Olsen, FAX: 302-992-2263	7/15/2005	No	No	No
FMC Corp. Jerry Prout, FAX: 202-956-5235	7/15/2005	No	No	No
Griffin Corp. James Whatley, FAX: 800-248-5154	7/15/2005	No	No	No
Monsanto Corp. Michael Parrish, FAX: 202-789-1867	7/15/2005	No	No	No
Monsanto Corp. Linda Strachan, FAX: 202-789-1867	7/15/2005	No	No	No
Syngenta Mike Blythe, FAX: 336-632-6084	7/15/2005	No	No	No
Valent USA Robin Demouth, FAX: 925-246-2776	7/15/2005	No	No	No

Technical comments:³

There is an existing duty suspension on this chemical under heading 9902.01.49 through December 31, 2006, although the existing suspension of duty includes Deltamethrin in bulk or in formulations. The Commission suggests that the bill be amended to include language to strike heading 9902.01.49 and insert the proposed new heading using the heading number 9902.01.49.

³ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

109TH CONGRESS
1ST SESSION

H. R. 1885

To suspend temporarily the duty on Deltamethrin.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

Mr. CLEAVER introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the duty on Deltamethrin.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DELTAMETHRIN.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of
5 the Harmonized Tariff Schedule of the United States is
6 amended by inserting in numerical sequence the following
7 new heading:

“	9902.05.79	(1R,3R)-cis-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid, (S)- α -cyano-3-phenoxybenzyl ester (CAS Nos. 52918-63-5 and 52820-00-5) (provided for in subheading 2926.90.30) ..	Free	No change	No change	On or before 12/31/2008	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to goods entered, or withdrawn from
3 warehouse for consumption, on or after the 15th day after
4 the date of enactment of this Act.

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