

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: August 26, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 1896 (Mr. Cleaver)

**Proponent name, location:** Bayer CropScience  
Washington, D.C. 20004

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Renewal of temporary duty suspension through December 31, 2008.

**Retroactive effect:** None.

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

Heading 9902.01.73 is amended by striking "12/31/2006" and inserting "12/31/2008".

**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:**

Fosetyl-aluminum is a synthetic organic chemical used as a fungicide used to control Alternaria, Oomycetes, and Penicillium on avocado, cacao, citrus, fruits, hops, ornamentals, pineapple, rubber, strawberries, tobacco, vegetables, and vines. Fosetyl-Al also suppresses certain bacterial pathogens, Erwinia fire blight and Pseudomonas blister spot on pome fruit, and Xanthomonas on ornamentals.

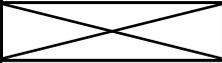
The subject compound is imported from France.

There is no known production of this chemical in the United States.

<sup>1</sup> Industry analyst preparing report: Jeff Clark (202-205-3318); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm)

**Estimated effect on customs revenue:**

| <b>HTS subheading: 2920.90.50</b>   |             |             |             |             |             |
|---|-------------|-------------|-------------|-------------|-------------|
|  | 2005        | 2006        | 2007        | 2008        | 2009        |
| Col. 1-General rate of duty   | 3.7%        | 3.7%        | 3.7%        | 3.7%        | 3.7%        |
| Estimated value <i>dutiable</i> imports   | \$3,300,000 | \$3,300,000 | \$3,300,000 | \$3,300,000 | \$3,300,000 |
| Customs revenue loss <u>1/</u>  | \$122,100   | \$122,100   | \$122,100   | \$122,100   | \$122,100   |

1/ Revenue loss for 2005 and 2006 results from a current suspension of duty per heading 9902.01.73. 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)<br>Will Hensley, 202-756-3781 | 7/12/2005      | No  | No                   | No                |
| Dow AgroSciences<br>Lisa Schroeder, 202-429-3400            | 7/12/2005      | No  | No                   | No                |
| E. I. du Pont<br>Elaine Olsen, 302-992-2263                 | 7/12/2005      | No  | No                   | No                |
| FMC Corp.<br>Jerry Prout, 202-956-5200                      | 7/12/2005      | No  | No                   | No                |
| Monsanto Corp.<br>Linda Strachan, 202-783-2460              | 7/12/2005      | No  | No                   | No                |
| Syngenta<br>Mike Blythe, 336-632-6000                       | 7/12/2005      | No  | No                   | No                |

**Technical comments:**<sup>3</sup> None.

<sup>3</sup> 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.

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1896

To extend the temporary suspension of duty on Fosetyl-Al.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

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

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## A BILL

To extend the temporary suspension of duty on Fosetyl-  
Al.

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. FOSETYL-AL.**

4       (a) IN GENERAL.—Heading 9902.01.73 of the Har-  
5       monized Tariff Schedule of the United States is amended  
6       by striking “12/31/2006” and inserting “12/31/2008”.

7       (b) EFFECTIVE DATE.—The amendment made by  
8       subsection (a) applies to goods entered, or withdrawn from  
9       warehouse for consumption, on or after the 15th day after  
10      the date of enactment of this Act.