

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: October 5, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 1906 (Mr. Bob Etheridge of North Carolina)

**Proponent name, location:** Bayer CropScience, Research Triangle Park, NC 27709

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

**Nature of bill:** Temporary duty reduction through 12/31/2008.

**Retroactive effect:** None.

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

(3-Acetoxy-3-cyanopropyl)methylphosphinic acid, butyl ester (CAS No. 167004-78-6) (provided for in subheading 2931.00.90)

**Check one:**     Same as that in bill as introduced.  
                   Different from that in bill as introduced (see Technical comments section).

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

Bayer CropScience uses the product, which is a synthetic organic chemical, as a raw material for the production of their LIBERTY<sup>®</sup>, IGNITE<sup>®</sup>, and RELY<sup>®</sup> herbicides. LIBERTY<sup>®</sup> is a broad-spectrum herbicide used on canola, cereals, and corn. IGNITE<sup>®</sup> is used for certain cotton varieties. RELY<sup>®</sup> is used for tree nut and vine crops as well as potatoes. Bayer imports the product from Germany.

<sup>1</sup> Industry analyst preparing report: Philip Stone (202-205-3424); 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: 2931.00.90</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	\$16,353,383	\$16,353,383	\$16,353,383	\$16,353,383	\$16,353,383
Customs revenue loss <sup>1/</sup>	\$490,601	\$490,601	\$490,601	\$490,601	\$490,601

<sup>1/</sup> The revenue loss shown results from a difference between the rate of duty shown and the reduced rate of 0.7%.

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 Williams Hensley, Fax: 202-628-6622	08/15/2005	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	08/17/2005	No	No	No
Syngenta Mike Blythe, Fax: 336-632-6084	08/17/2005	No	No	No
Monsanto Corporation Michael Parrish, Fax: 202-789-1867	08/17/2005	No	No	No
FMC Corporation Jerry Prout, Fax: 202-956-5235	08/17/2005	No	No	No
DuPont Helen McMahon, Fax: 302-774-1398	08/17/2005	No	No	No
Dow Agro Science Margaret Rogers, Fax: 202-429-3467	08/17/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	08/17/2005	No	No	No

BASF Corporation Greg Theis, Fax: 202-558-5101	08/17/2005	No	No	No
AtoFina Cerex Charles Kitchin, Fax: 703-527-2092	08/17/2005	No	No	No

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

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<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.

109TH CONGRESS  
1ST SESSION

# H. R. 1906

To reduce temporarily the duty on ACM.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

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

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## A BILL

To reduce temporarily the duty on ACM.

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. ACM.**

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:

“	9902.04.46	(3-Acetoxy-3-cyanopropyl)methylphosphinic acid, butyl ester (CAS No. 167004-78-6) (provided for in subheading 2931.00.90) ..	0.7%	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 the enactment of this Act.

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