

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: October 5, 2005]²

Bill No. and sponsor: H.R. 1909 (Mr. Bob Etheridge of North Carolina)

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

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

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

Retroactive effect: None.

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

N-[3-(1-Methylethoxy)phenyl]-2-(trifluoromethyl)benzamide (Flutolanil) (CAS No. 66332-96-5)
(provided for in subheading 2924.29.47)

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:

Flutolanil is a synthetic organic chemical used in the production of Bayer's Prostar[®] fungicide for control of common turf diseases. Bayer imports the product from Japan.

Estimated effect on customs revenue:

HTS subheading: <u>2924.29.47</u>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$2,628,000	\$2,628,000	\$2,628,000	\$2,628,000	\$2,628,000
Customs revenue loss	\$170,820	\$170,820	\$170,820	\$170,820	\$170,820

Source of estimated dutiable import data: Industry estimates.

¹ Industry analyst preparing report: Philip Stone (202-205-3424); 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.

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	8/15/2005	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	8/17/2005	No	No	No
Syngenta Mike Blythe, Fax: 336-632-6084	8/17/2005	No	No	No
Monsanto Corporation Michael Parrish, Fax: 202-789-1867	8/17/2005	No	No	No
FMC Corporation Jerry Prout, Fax: 202-956-5235	8/17/2005	No	No	No
DuPont Helen McMahan, Fax: 302-774-1398	8/17/2005	No	No	No
Dow Agro Science Margaret Rogers, Fax: 202-429-3467	8/17/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	8/17/2005	No	No	No
BASF Corporation Greg Theis, Fax: 202-558-5101	8/17/2005	No	No	No
AtoFina Cerex Charles Kitchin, Fax: 703-527-2092	8/17/2005	No	No	No

Technical comments:³

The Commission suggests that the article description on page 1 of this report be used in the proposed new heading in order to italicize the initial "N", and to remove the first "3" from the chemical name.

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. 1909

To suspend temporarily the duty on Flutolanil.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

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

A BILL

To suspend temporarily the duty on Flutolanil.

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. FLUTOLANIL.**

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:

“	9902.04.43	N-3[3-(1-Methylethoxy)phenyl]-2-(trifluoromethyl)benzamide (Flutolanil) (CAS No. 66332-96-5) (provided for in subheading 2924.29.47) ..	Free	No change	No change	On or before 12/31/2008	”.
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7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) applies to goods entered, or withdrawn from

- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of the enactment of this Act.

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