

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: October 12, 2005]²

Bill No. and sponsor: H.R. 2025 (Mrs. Ellen O. Tauscher of California).

Proponent name, location: Valent U.S.A. Corp., Walnut Creek, CA

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

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

Retroactive effect: None.

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

α -Cyano-3-phenoxybenzyl 2,2,3,3-tetramethylcyclopropanecarboxylate (Fenprothrin) (CAS No. 39515-41-8) (provided for in subheading 2926.90.30)

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:

The subject product, commonly known as Fenprothrin, is a pyrethroid insecticide and miticide. Fenprothrin is currently being imported from Sumitomo Chemical Company, Ltd., the parent company of Valent U.S.A. Corp., in Tokyo, Japan. As of 2006, the subject product will be imported from India. There are no other known importers.

¹ Industry analyst preparing report: Jeff Clark (202-205-3318); 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					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
Customs revenue loss ^{1/}	\$195,000	\$195,000	\$195,000	\$195,000	\$195,000

^{1/} Revenue loss for 2005 and 2006 results from a current suspension of duty per heading 9902.05.22, which expires on December 31, 2006. In addition, proponent indicates that as of 2006, the subject product will imported from India, a GSP-eligible country.

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)	
Valent U.S.A. Corp. (Proponent) Robin Demouth, 925-256-2758 Jed D'Ercole, 202-835-0740	8/11/2005 8/12/2005 8/15/2005	No	No	No
BASF Corp. Tom Coleman, 202-289-3900	8/12/2005	No	No	No
Bayer Corp. Karen Niedermeyer, 412-777-2058	8/12/2005	No	No	No
E. I. du Pont de Nemours and Company Elaine Olsen, 302-992-2263	8/12/2005	No	No	No
Monsanto Corp. Linda Strachan, 202-383-2849	8/12/2005	No	No	No
Syngenta Crop Protection Mike Blythe, 336-632-6000	8/12/2005	No	No	No

Technical comments:³

The Commission suggests that the common industry name Fenpropathrin in the article description be capitalized.

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. 2025

To extend the suspension of duty on Fenpropathrin.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mrs. TAUSCHER introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To extend the suspension of duty on Fenpropathrin.

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. FENPROPATHRIN.**

4 (a) IN GENERAL.—Heading 9902.05.22 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 Fenpropathrin) is amended by striking “12/31/2006” and
7 inserting “12/31/2008”.

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