

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 12, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2031 (Mrs. Ellen O. Tauscher of California).

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

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

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

**Retroactive effect:** None.

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

Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)-cyclopropanecarboxylate  
(Tralomethrin) (CAS No. 66841-25-6) (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 product, commonly known as Tralomethrin, is a synthetic organic chemical used as an insecticide for most flying and crawling insects such as mosquitoes, flies, cockroaches, ants, and termites. Valent USA imports the product from France.

<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: 2926.90.30</b>   |             |             |             |             |             |
|---|-------------|-------------|-------------|-------------|-------------|
|  | 2005        | 2006        | 2007        | 2008        | 2009        |
| Col. 1-General rate of duty   | 6.5%        | 6.5%        | 6.5%        | 6.5%        | 6.5%        |
| Estimated value <i>dutiable</i> imports   | \$3,710,168 | \$4,000,000 | \$4,000,000 | \$4,000,000 | \$4,000,000 |
| Customs revenue loss <sup>1/</sup>  | \$241,161   | \$260,000   | \$260,000   | \$260,000   | \$260,000   |

<sup>1/</sup> Estimated revenue loss estimates for 2005 and 2006 result from a current suspension of duty per heading 9902.01.52, which expires on December 31, 2006.

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 USA (proponent)<br>Jed D'Ercole, 202-835-0740<br>Robin Demouth, Fax: 925-256-2776 | 8/15/2005      | No  | No                   | No                |
| Syngenta<br>Mike Blythe, Fax: 336-632-6084   | 8/18/2005      | No  | No                   | No                |
| Monsanto Corporation<br>Michael Parrish, Fax: 202-789-1867                               | 8/18/2005      | No  | No                   | No                |
| FMC Corporation<br>Jerry Prout, Fax: 202-956-5235  | 8/18/2005      | No  | No                   | No                |
| DuPont<br>Helen McMahon, Fax: 202-728-3649<br>Elaine Olsen<br>Nancy Johnson              | 8/18/2005      | No  | No                   | No                |
| Crop Life America<br>Lawrence Norton, Fax: 202-463-0474                                  | 8/18/2005      | No  | No                   | No                |

|   |           |    |    |    |
|---|-----------|----|----|----|
| BASF Corporation<br>Greg Thies, Fax: 202-558-5101     | 8/18/2005 | No | No | No |
| Dow Agro Science<br>Lisa Schroeter, Fax: 202-429-3467 | 8/18/2005 | No | No | No |

**Technical comments:**<sup>3</sup>

The Commission notes that HTS heading 9902.01.52 currently provides a temporary duty suspension for Tralomethrin, either in bulk or with application adjuvants. The Commission suggests that the new duty suspension be enacted using this heading number. This could be accomplished by deleting heading 9902.01.52, and by using that heading number for the new duty suspension in this bill.<sup>4</sup> The Commission suggests that the article description on page 1 of this report be used in the proposed new heading because it contains the correct HTS subheading (i.e., 2926.90.30) as well as the common pesticide name in parentheses.

---

<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.

<sup>4</sup> Specifically, line 6 of the bill could be amended to read “. . .amended by striking heading 9902.01.52 and inserting in lieu thereof the following. . .”. In addition, the heading number used in the bill, 9902.06.16, should be deleted and replaced with 9902.01.52.

109TH CONGRESS  
1ST SESSION

# H. R. 2031

To suspend temporarily the duty on Tralemethrin.

## 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 suspend temporarily the duty on Tralemethrin.

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. TRALEMETHRIN.**

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:

|   |            |   |      |           |           |                         |    |
|---|------------|---|------|-----------|-----------|-------------------------|----|
| “ | 9902.06.16 | Cyano(3-phenoxyphenyl)methyl 2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)cyclopropanecarboxylate (CAS No. 66841-25-6) (provided for in subheading 3803.10.25) ..... | Free | No change | No change | On or before 12/31/2008 | ”. |
|---|------------|---|------|-----------|-----------|-------------------------|----|

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.

○