

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: September 23, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2226 (Ms. Melissa A. Hart of Pennsylvania)

**Proponent name, location:** LANXESS Corp.  
Pittsburgh, PA

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

**Nature of bill:** Temporary duty suspension through 12/31/2009.

**Retroactive effect:** None.

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

Ethylene-vinyl acetate copolymers, other than those in aqueous dispersion, containing 50% or more by weight vinyl acetate monomer (CAS No. 24937-78-8) (provided for in subheading 3905.29.00).

**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 family of granular products is sold under the tradenames Levamelt® and Levapren®. The products range in vinyl acetate content from 48.5 percent to 82.0 percent by weight. According to the proponent, these products may be distinguished from domestic products in characteristics and use. Domestically produced products are reportedly limited to 5 percent to 40 percent by weight vinyl acetate monomer content and are more plastic-like, whereas proponent's products are more rubber-like, leaving little cross-over in their respective markets. Levamelt® and Levapren® are used in a variety of applications, including the wire and cable industry (automotive, telecommunications, etc.); the adhesives and sealant industries; and the packaging and film industries. The products are used primarily in the rubber industry in the production of hoses, belts and elastomeric seal applications. In the rubber industry, the products find use in cable jackets/covers, hoses, seals/gaskets/o-rings and belting products. They are used to a much smaller extent in the adhesives and sealants industry as pressure sensitive and hot melt adhesive raw materials. These materials are imported from a plant in Germany.

<sup>1</sup> Industry analyst preparing report: Ray Cantrell (202-205-3362); 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: 3905.29.00</b>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty	4.0%	4.0%	4.0%	4.0%	4.0%
Estimated value <i>dutiable</i> imports	\$4,000,000	\$4,500,000	\$4,800,000	\$5,000,000	\$5,500,000
Customs revenue loss	\$160,000	\$180,000	\$192,000	\$200,000	\$220,000

Source of estimated dutiable import data: Commission and 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)		
LANXESS Corp. (Proponent) Ms. Jamie Schaeffer 412-809-3666	08/04/2005	No	No	No
LANXESS Corp. (Proponent) Mr. Steve Ziehm 202-872-8181	08/04/2005	No	No	No
Bayer Corp. Ms. Karen L. Niedermeyer 412-777-2058	08/10/2005	No	No	No
Dow Chemical Co. Ms. Lisa Schroeder 202-429-3407	08/09/2005	No	No	No
DuPont Ms. Elaine M. Olson 302-992-2263	08/12/2005	No	No	No
ExxonMobil Chemical Co. Ms. Donna Davis 281-834-2036	08/12/2005	No	No	No
Rohm and Haas Company Mr. Hank Stoebenau 215-654-9588	08/16/2005	No	No	No

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

The Commission suggests that the article description on page 1 of this report be used in the proposed new heading in order to provide a more exact description of the product.

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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. 2226

To suspend temporarily the duty on certain ethylene-vinyl acetate copolymers.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2005

Ms. HART introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To suspend temporarily the duty on certain ethylene-vinyl acetate copolymers.

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. CERTAIN ETHYLENE-VINYL ACETATE COPOLY-**  
4 **MERS.**

5 (a) IN GENERAL.—Subchapter II of chapter 99 of  
6 the Harmonized Tariff Schedule of the United States is  
7 amended by inserting in numerical sequence the following:

“	9902.07.54	Ethylene-vinyl acetate copolymers containing 50% by weight vinyl acetate monomer content (CAS No. 24937-78-8) (provided for in subheading 3905.29.00) ..	Free	No change	No change	On or before 12/31/2009	”.
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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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