

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: October 11, 2005]²

Bill No. and sponsor: H.R. 2557 (Mr. Paul Ryan of Wisconsin).

Proponent name, location: S.C. Johnson and Sons, Inc., Racine, WI.

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

Nature of bill: Temporary duty suspension through Dec. 31, 2008.

Retroactive effect: None.

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

Electric air freshener devices, each having a continuous action battery-operated ultrasonic micropump controlled by a microchip to automatically release and diffuse measured puffs of fragrance (provided for in subheading 8424.89.70).

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 is an electric device that diffuses fragrance throughout a room using a continuous action battery-operated ultrasonic micropump. A bottle of liquid fragrance can be attached to the device, and the fragrance is conducted by a wick to a piezoelectric pump to vaporize the fragrance into the air in the form of a puff. The pump is controlled by a microchip. The fragrance flow is regulated by a timing device that dictates the frequency of puffs that are released into the air; the timing device can be adjusted by the user. The country of origin of the subject product is Hong Kong. Other air freshener devices that diffuse fragrance by means of a fan and have two built-in electrical outlets are covered by H.R. 2556; those devices with only one built-in electrical outlet are not covered by proposed bills.

¹ Industry analyst preparing report: Falan Yinug (202-205-2160); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at www.usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm.

Estimated effect on customs revenue:

HTS subheading: <u>8424.89.70</u>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty	1.8%	1.8%	1.8%	1.8%	1.8%
Estimated value <i>dutiable</i> imports	\$18,000,000	\$18,000,000	\$20,000,000	\$17,000,000	\$21,000,000
Customs revenue loss	\$324,000	\$324,000	\$360,000	\$306,000	\$378,000

Source of estimated dutiable import data: Commission staff 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)		
Paul Rosenthal (202-342-8485) on behalf of S.C. Johnson and Sons, Inc. (proponent)	8/8/2005 8/31/2005	No	No	No
Blyth, Inc. Steve Kosmalski, 847-295-5801 Rob Harrington, 630-845-6025	8/23/2005 8/26/2005	No	Yes	Yes
Consumer Specialty Products Association Robert Kiefer, 202-833-7308	8/19/2005 8/25/2005	No	No	No
Cosmetic, Toiletry and Fragrance Association Mike Thompson, 202-331-1770	8/19/2005 8/29/2005	No	No	No
Dial Corporation Mark Theodore, 310-284-5640	8/24/2005	No	No	No
Fragrance Materials Association of the United States John Cox, 202-293-5800	8/19/2005 8/29/2005	No	No	No
Kmart Corporation Levon Boyagian, 202-484-4884 Ben Wallerstein, 202-484-4884	8/19/2005 8/29/2005 8/30/2005	No	No	No

Procter and Gamble Caroline Brem, 202-393-3400 R. Scott Miller, miller.rs@pg.com	8/8/2005 8/24/2005	No	No	No
Reckitt Benckiser Inc. Jan Wengler, 254-546-0298 janet.wengler@reckittbenckiser.com	8/25/2005 8/26/2005 8/30/2005	No	Yes	Yes
Target Corporation Levon Boyagian, 202-484-4884 Ben Wallerstein, 202-484-4884	8/19/2005 8/29/2005 8/30/2005	No	No	No
Wal-Mart Stores, Inc. Angela Marshall Hoffman, 202-737-6049	8/19/2005 8/29/2005	No	No	No
Yankee Candle Company Jim Perley, 1-800-839-6038 kpacior@yankeecandle.com	8/19/2005 8/24/2005	No	No	No

Technical comments:³

It is suggested that the article description be worded as shown on page one in order to describe the subject goods more clearly and completely; also, the criterion “into the air” would seem to be easier to interpret and administer than the original “throughout the room” with respect to the diffuser.

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. 2557

To suspend temporarily the duty on air freshener electric devices.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2005

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

A BILL

To suspend temporarily the duty on air freshener electric devices.

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. AIR FRESHENER ELECTRIC DEVICES.**

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:

“	9902.98.08	Air freshener electric devices that diffuse fragrance throughout a room using a continuous action battery-operated ultrasonic micro-pump controlled by a microchip that automatically releases measured puffs of fragrance (provided for in subheading 8424.89.70)	Free	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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