

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: November 29, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2608 (Mr. Lee Terry of Nebraska).

**Proponent name, location:** Syngenta Crop Protection, Inc., Yuma, AZ.

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

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

**Retroactive effect:** None.

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

Avermectin B, 1,4"-deoxy-4"-methylamino-, (4"R)-, benzoate (CAS No. 155569-91-8) (provided for in subheading 3824.90.91)

**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 synthetic organic chemical, known as Emamectin Benzoate Technical, is the bulk active ingredient used to produce an agricultural insecticide which controls insects on vegetables and cotton, especially those resistant to other insecticides. The subject chemical is imported from Switzerland.

**Estimated effect on customs revenue:**

<b>HTS subheading: <u>3824.90.91</u></b>					
<del> </del>	2005	2006	2007	2008	2009
Col. 1-General rate of duty	5%	5%	5%	5%	5%
Estimated value <i>dutiable</i> imports	\$5,778,615	\$9,971,342	\$10,370,196	\$10,785,004	\$7,311,448
Customs revenue loss	\$288,931	\$498,567	\$518,510	\$539,250	\$365,572

Source of estimated dutiable import data: Industry estimates.

<sup>1</sup> Industry analyst preparing report: Robert Randall (202-205-3366); 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).

**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)		
Syngenta Crop Protection, Inc. (Proponent) Dawn DeBerry Stump, 202-347-7772	09/15/2005	No	No	No
AtoFina Cerex Charles Kitchin, Fax: 703-527-2092	09/28/2005	No	No	No
Aventis Jean Reimers, Fax: 202-628-6622	09/28/2005	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	09/28/2005	No	No	No
Bayer Corporate Services Karen Niedermeyer, Fax: 412-777-4700	09/28/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	09/28/2005	No	No	No
Dow Agro Sciences Lisa Schrocter, Fax: 202-429-3467	09/28/2005	No	No	No
DuPont Nancy Johnson, Fax: 202-728-3649	09/28/2005	No	No	No
E.I. DuPont Elaine Olsen, Fax: 302-992-2263	09/28/2005	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	09/28/2005	No	No	No
Griffin Corp. James Whatley, Fax: 800-248-5154	09/28/2005	No	No	No
LANXESS Corp. Jamie B. Schaeffer, Fax: 412-809-3614	09/28/2005	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867 Linda Strachan, Fax: 202-789-1867	09/28/2005	No	No	No
Valent USA Robin Demouth, Fax: 925-246-2776	09/28/2005	No	No	No

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

The Commission suggests that the article description on page 1 of this report be used because it contains the correct HTS classification for the chemical, subheading 3824.90.91, and the preferred chemical name. According to chemical references, avermectins, and derivatives thereof (including emamectin benzoate), are mixtures. In a ruling dated July 26, 2004, U.S. Customs and Border Protection classified avermectin B1 in HTS subheading 3824.90.91; this is consistent with the classification of other chemical mixtures. The Commission therefore suggests that the product covered by this bill is classifiable in subheading 3824.90.91.

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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.

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2608

To suspend temporarily the duty on Emamectin Benzoate Technical.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2005

Mr. TERRY 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 Emamectin Benzoate Technical.

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. EMAMECTIN BENZOATE TECHNICAL.**

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:

“	9902.90.13	Emamectin Benzoate Technical – Avermectin B1,4'-deoxy-4''-(methylamino)-, (4''R)-, benzoate (salt) (CAS No. 155569-91-8) (provided for in subheading 2938.90.00) .....	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 with respect to goods entered, or  
3 withdrawn from warehouse for consumption, on or after  
4 the 15th day after the date of the enactment of this Act.

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