

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: December 16, 2005]²

Bill No. and sponsor: H.R. 2917 (Mr. Michael Castle of Delaware).

Proponent name, location: Syngenta Crop Protection, Greensboro, NC.

Other bills on product (109th 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)):

Formulations of 3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (Thiamethoxam) (CAS No. 153719-23-4); 1H-1,2,4-triazole, 1-[[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-yl]methyl]- (Difenoconazole) (CAS No. 119446-68-3); 1H-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)- (Fludioxinil) (CAS No. 131341-86-1); and (R,S)-2-[(2,6-dimethylphenylmethoxy)acetylamino]-propionic acid methyl ester (Mefenoxam) (CAS Nos. 70630-17-0 and 69516-34-3) (provided for in subheading 3808.20.15).

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 is a synthetic organic chemical used as a seed treatment containing an insecticide and three fungicides to protect germinating canola seeds. The product is imported from Canada.

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: 3808.20.15					
	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	\$525,000	\$700,000	\$725,000	\$750,000	\$800,000
Customs revenue loss	\$34,125	\$45,500	\$47,125	\$48,750	\$52,000

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)		
Syngenta Crop Protection (Proponent) Mike Blythe, 336-632-6000 Dawn Stump, 202-347-7772	10/05/2005 10/06/2005 10/19/2005	No	No	No
AtoFina Cerex Charles Kitchin, Fax: 703-527-2092	10/19/2005	No	No	No
BASF Corp. Greg Thies, 202-904-2332	10/19/2005	No	No	No
Bayer Corporate Services Karen Niedermeyer, 412-777-2058	10/19/2005	No	No	No
Bayer CropScience Will Hensley, 202-756-3781	10/19/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	10/19/2005	No	No	No
Dow Agro Science Lisa Schroeter, Fax: 202-429-3467	10/19/2005	No	No	No
DuPont Elaine Olsen, 302-992-2263	10/19/2005	No	No	No
FMC Corp. Jerry Prout, 202-956-5219	10/19/2005	No	No	No

LANXESS Jamie Schaeffer, Fax: 412-809-3666	10/19/2005	No	No	No
Monsanto Corp. Linda Strachan, 202-383-2849 Michael Parrish, Fax: 202-789-1867	10/19/2005	No	No	No
Valent USA Robin Demouth, 925-256-2758	10/19/2005	No	No	No

Technical comments:³

The Commission suggests that the article description on page 1 of this report be used in the proposed new heading in order to incorporate the common industry names in parentheses after the chemical names.

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. 2917

To suspend temporarily the duty on formulations of Thiamethoxam,
Difenoconazole, Fludioxinil, and Mefenoxam.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2005

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

A BILL

To suspend temporarily the duty on formulations of
Thiamethoxam, Difenoconazole, Fludioxinil, and Mefenoxam.

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. FORMULATIONS OF THIAMETHOXAM,**
4 **DIFENOCONAZOLE, FLUDIOXINIL, AND**
5 **MEFENOXAM.**

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

“	9902.07.44	Formulations of Thiamethoxam, Difenoconazole, Fludioxinil and Mefenoxam which contain: Thiamethoxam Technical 3-(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro- 1,3,5-oxadiazin-4-imine), Difenoconazole Technical 1H-1,2,4-triazole, 1-[2-[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-yl)methyl]- Fludioxinil Technical 1H-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)- Mefenoxam Technical (R,S)- 2-[(2,6-dimethylphenyl)-methoxyacetylamino]-propionic acid methyl ester (CAS Nos. 153719-23-4, 119446-68-3, 131341-86-1, 70630-17-0, and 69516-34-3) (provided for in subheading 3808.20.15)	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.

○