

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: June 7, 2006]²

Bill No. and sponsor: H.R. 3119 (Mr. Ray LaHood of Illinois).

Proponent name, location: FMC, Wyoming, IL.³

Other bills on product (109th Congress only): H.R. 2809.

Nature of bill: Extension of temporary duty reduction through December 31, 2009.

Retroactive effect: None.

Article description(s) (including appropriate HTS classification(s)):

α -2-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzene-propanoic acid, ethyl ester (Carfentrazone ethyl) (CAS No. 128639-02-1) (provided for in subheading 2933.99.22)

Check one: Same as in the HTS heading(s) in the bill as introduced.
 Different from the HTS heading(s) in the bill (see Technical comments).

Product information, including uses/applications and source(s) of imports:

This synthetic organic chemical, known as Carfentrazone ethyl, is a post-emergent herbicide that is used on corn, cotton, soybeans, and wheat crops to control broad leaf weeds. The subject chemical is imported from China.

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

³ There is no longer a domestic firm interested in this proposed legislation so it is being withdrawn per E-mail from Jill Janovetz, Legislative Assistant in Rep. LaHood's office, dated Oct 18, 2005, in favor of H.R. 2809.

Estimated effect on customs revenue:

| HTS subheading: 2933.99.22 | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|
| | 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 | \$6,000,000 | \$6,000,000 | \$6,000,000 | \$6,000,000 | \$6,000,000 |
| Customs revenue loss 1/ | \$96,000 | \$96,000 | \$96,000 | \$96,000 | \$96,000 |

1/ The estimated Customs revenue loss is based on a temporary reduction of the general rate of duty from 6.5 percent ad valorem to 4.9 percent ad valorem, a reduction of 1.6 percent. The estimated Customs revenue loss data for 2005 and 2006 reflects the existing reduction of duty from 6.5 percent ad valorem to 4.9 percent ad valorem under HTS heading 9902.01.54, which expires on December 31, 2006.

Source of estimated dutiable import data: Commission 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) | | |
| FMC (Proponent) Steve Ziehm, IBC, 202-872-8181 | 11/8/2005 | No | No | No |
| AtoFina Cerex Charles Kitchin, FAX: 703-527-2092 | 10/7/2005 | No | No | No |
| Aventis Jean Reimers, FAX: 202-628-6622 | 10/7/2005 | No | No | No |
| BASF Corp. Greg Thies, FAX: 202-558-5101 | 10/7/2005 | No | No | No |
| Bayer Corporate Services Karen Niedermeyer, FAX: 412-777-4700 | 10/7/2005 | No | No | No |
| Crop Life America Lawrence Norton, FAX: 202-463-0474 | 10/7/2005 | No | No | No |
| Dow Agro Sciences Lisa Schrocter, FAX: 202-429-3467 | 10/7/2005 | No | No | No |
| DuPont Nancy Johnson, FAX: 202-728-3649 | 10/7/2005 | No | No | No |
| Griffin Corp. James Whatley, FAX: 800-248-5154 | 10/7/2005 | No | No | No |

| | | | | |
|--|-----------|----|----|----|
| LANXESS Corp. Jamie B. Schaeffer, FAX: 412-809-3614 | 10/7/2005 | No | No | No |
| Monsanto Corp. Michael Parrish, FAX: 202-789-1867 | 10/7/2005 | No | No | No |
| Syngenta Mike Blythe, FAX: 336-632-6084 | 10/7/2005 | No | No | No |
| Valent USA Robin Demouth, FAX: 925-246-2776 | 10/7/2005 | No | No | No |

Technical comments:⁴

The Commission recommends that the HTS heading in line 4 of the proposed legislation be changed to read "9902.01.54".

⁴ 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. 3119

To extend the temporary suspension of duty on carfentazone ethyl.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2005

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

A BILL

To extend the temporary suspension of duty on carfentazone
ethyl.

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. CARFENTAZONE ETHYL.**

4 (a) **IN GENERAL.**—Heading 9901.01.54 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 carfentazone ethyl) is amended by striking “12/31/2006”
7 and inserting “12/31/2009”.

8 (b) **EFFECTIVE DATE.**—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from

- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of enactment of this Act.

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