

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: May 23, 2008]²

Bill No. and sponsor: H.R. 4643 (Mr. Gene Green of Texas).

Proponent name,³ location: Syngenta Crop Protection, Inc., Greensboro, NC.

Other bills on product (110th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2011.

Retroactive effect: None.

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

Mixtures of (2RS,3RS)-1-(4-chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pentan-3-ol (Paclobutrazol) (CAS No. 76738-62-0) and application adjuvants (provided for in subheading 3808.93.15).

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 plant growth regulator formulation that is used for growth reduction of annual bluegrass. The product is imported from the United Kingdom.

Estimated effect on customs revenue:

| HTS subheading: <u>3808.93.15</u> | | | | | |
|--|----------|----------|----------|----------|----------|
| | 2009 | 2010 | 2011 | 2012 | 2013 |
| Col. 1-General rate of duty (AVE) | 6.5% | 6.5% | 6.5% | 6.5% | 6.5% |
| Estimated value <i>dutiable</i> imports | \$81,210 | \$81,210 | \$81,210 | \$81,210 | \$81,210 |
| Customs revenue loss | \$5,279 | \$5,279 | \$5,279 | \$5,279 | \$5,279 |

Source of estimated dutiable import data: U.S. industry estimates.

Contacts with domestic firms/organizations (including the proponent):

¹ Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. Michels (202-205-3440).

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

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
| | | (Yes/No) | | |
| Syngenta Crop Protection, Inc. (Proponent) Angus Kelly, Fax: 336-632-6084 | 02/18/2008 | No | No | No |
| Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075 | 02/18/2008 | No | No | No |
| BASF Corp. Greg Thies, Fax: 703-255-7142 | 02/18/2008 | No | No | No |
| Bayer CropScience William Hensley, 202-756-3781 Jean Reimers, 202-756-3779 | 02/18/2008 | No | No | No |
| Chemtura Corporation Matt Mattingley, Fax: 202-463-8498 | 02/18/2008 | No | No | No |
| CropLife America Isi Siddiqui, Fax: 202-463-0474 | 02/18/2008 | No | No | No |
| Dow AgroSciences Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467 | 02/18/2008 | No | No | No |
| DuPont Helen McMahon, Fax: 302-355-2994 Elaine Olsen, Fax: 302-774-1398 | 02/18/2008 | No | No | No |
| FMC Corp Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181 | 02/18/2008 | No | No | No |
| Monsanto Corp. Michael Parris, Fax: 202-789-1867 | 02/18/2008 | No | No | No |
| Nufarm Limited Joel R. Junker, Fax: 206-621-8220 | 02/18/2008 | No | No | No |
| Valent USA Robin Demouth, Fax: 925-256-2776 | 02/18/2008 | No | No | No |

Technical comments:⁴

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.

The Commission staff notes that HTS heading 9902.02.01 provided a temporary duty suspension for the subject product that expired on December 31, 2006. The effective date of heading 9902.02.01 should be amended to renew the temporary duty suspension. In addition, the article description of heading 9902.02.01 should be amended to use the article description on page 1 of this report because it contains the preferred chemical name.

110TH CONGRESS
1ST SESSION

H. R. 4643

To suspend temporarily the duty on Paclobutrazol 2CS.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. GENE GREEN of Texas introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To suspend temporarily the duty on Paclobutrazol 2CS.

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. PACLOBUTRAZOL 2CS.**

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:

| | | | | | | | |
|---|------------|--|------|-----------|-----------|-------------------------|----|
| “ | 9902.01.00 | 1H-1,2,4-triazole-1-ethanol, beta-[(4-chlorophenyl)methyl]-alpha-(1,1-dimethylethyl)-, (R*,R*)-(+)- (formulated end use product using Paclobutrazol technical active ingredient) (CAS No. 76738-62-0) (provided for in subheading 3808.93.15). | Free | No change | No change | On or before 12/31/2011 | ”. |
|---|------------|--|------|-----------|-----------|-------------------------|----|

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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