

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: April 8, 2010]²

Bill No. and sponsor: S. 1845 (Mr. Ben Nelson of Nebraska).

Proponent name,³ location: Syngenta Crop Protection, Omaha, NE.

Other bills on product (111th Congress only): None.

Nature of bill: Extension of temporary duty suspension through December 31, 2011.⁴

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 3824.90.92 or 2932.29.50).

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 that is 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.

Total estimated effect on customs revenue for the subject bill

	2010	2011	2012	2013	2014
Customs revenue					
loss	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000

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://www.usitc.gov/tariff_affairs/congress_reports/.

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

⁴ Heading 9902.12.56 expired on December 31, 2009.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2932.29.50:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports ^a	\$0	\$0	\$0	\$0	\$0
Customs revenue loss ^b	\$0	\$0	\$0	\$0	\$0

a/ Dutiable import estimates were provided by industry sources. Although some imports of the subject product may be classified in subheading 2932.29.50, Commission staff allocated all estimates of future imports to HTS subheading 3824.90.92 because it has a relatively higher rate of duty.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3824.90.92:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	5%	5%	5%	5%	5%
Estimated value <i>dutiable</i> imports ^a	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
Customs revenue loss ^b	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000

a/ Dutiable import estimates were provided by industry sources. Although some imports of the subject product may be classified in subheading 2932.29.50, Commission staff allocated all estimates of future imports to HTS subheading 3824.90.92 because it has a relatively higher rate of duty.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

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

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 angus.kelly@syngenta.com	11/20/2009	No	No	No
Arkema Inc. (Atofina) Brian Sowa, 202-467-5459 Brian@strategicmi.com	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
BASF Corporation Greg Thies, 202-299-7240 gregory.thies@basf.com	11/20/2009	No	No	No
Bayer CropScience, LLP Jean Reimers, 202-756-3779 jean.reimers@bayercropscience.com	11/20/2009	No	No	No
Chemtura Corporation Matt Mattingley, 703-670-5725 matt@mattingleygroup.com	11/20/2009	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	11/20/2009	No	No	No
Dow AgroSciences Max Turnipseed, 225-338-0310 mctint@att.net Lisa Schroeter, 202-429-3407 lmschroeter@dow.com	11/20/2009	No	No	No
DuPont Elaine Olsen, Fax: 302-992-2263 elaine.m.olsen@usa.dupont.com	11/20/2009	No	No	No
FMC Corp. Jerry Prout, 202-956-5209 jerry.prout@fmc.com Steve Ziehm, 202-872-8181 sziehm@igc.com	11/20/2009	No	No	No
Gowan Company Cindy Baker, 928-819-1554 cbaker@gowanco.com George Rolofson, 336-580-1116 grolofson@triad.rr.com	11/20/2009	No	No	No
Monsanto Corp. Michael Parrish, 202-383-2859 michael.parrish@monsanto.com	11/20/2009	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220 joel@jrjtradelaw.com emily@jrjtradelaw.com	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Solutia Inc. Kassie Wooton, 314-674-3297 kdwoot@solutia.com Robert Hurley, 202-289-9800 rhurley@theaccordgroup.com	11/20/2009	No	No	No
United Phosphorous Inc. Karen Davis, 610-644-2122	11/20/2009	No	No	No
Valent USA Corp. Robin Demouth, 925-256-2758 robin.demouth@valent.com	11/20/2009	No	No	No

Technical comments:⁵

None.

⁵ 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.

111TH CONGRESS
1ST SESSION

S. 1845

To extend the suspension of duty on Avermectin B.

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2009

Mr. NELSON of Nebraska introduced the following bill; which was read twice
and referred to the Committee on Finance

A BILL

To extend the suspension of duty on Avermectin B.

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. AVERMECTIN B.**

4 (a) IN GENERAL.—Heading 9902.12.56 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 Avermectin B) is amended by striking “12/31/2009” and
7 inserting “12/31/2011”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from
10 warehouse for consumption, on or after the 15th day after
11 the date of the enactment of this Act.