

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: April 2, 2010]²

Bill No. and sponsor: S. 1848 (Mr. Ben Nelson of Nebraska).

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

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

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

Retroactive effect: None.

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

1*H*-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-(fludioxinil) (CAS No. 131341-86-1)
(provided for in subheading 2934.99.12).

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 is used as a “safener” in wheat herbicides to control wild oats and foxtail. The inert “safener” ingredient helps protect the wheat crop from the potential harmful effects of the herbicidal active ingredient. It is imported from France.

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 HTS heading 9902.12.54 expired on December 31, 2009.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2934.99.12:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports ^a	\$7,116,939	\$7,636,458	\$8,194,440	\$8,147,232	\$8,147,232
Customs revenue loss ^{b,c}	\$391,432	\$420,005	\$450,694	\$448,098	\$448,098

a/ Dutiable import estimates were provided by industry sources.

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

c/ The estimated customs revenue loss is based on a temporary reduction of the general rate of duty from 6.5 percent ad valorem to 1.0 percent ad valorem, a reduction of 5.5 percentage points.

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, (Stra. Mark. Inno. 202-467-5459) Brian@strategicmi.com	11/20/2009	No	No	No
BASF Corp. Greg Thies, 202-299-7240 gregory.theis@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

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
DuPont Elaine Olsen, 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
Solutia Inc. Kassie Wooton, 314-674-3297 kdwoot@solutia.com Robert Hurley The Accord Group, 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. 1848

To modify and extend the suspension of duty on fludioxinil technical.

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 modify and extend the suspension of duty on fludioxinil
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. FLUDIOXINIL TECHNICAL.**

4 (a) IN GENERAL.—Heading 9902.12.54 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 fludioxinil technical) is amended—

7 (1) by striking “1.6 percent” and inserting “1.0
8 percent”; and

9 (2) by striking the date in the effective period
10 column and inserting “12/31/2011”.

1 (b) **EFFECTIVE DATE.**—The amendments 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.

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