

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: April 8, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 1869 (Mr. Robert P. Casey, Jr. of Pennsylvania).

**Proponent name,<sup>3</sup> location:** United Color Manufacturing, Newtown, PA.

**Other bills on product (111<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of existing duty suspension until December 31, 2011.<sup>4</sup>

**Retroactive effect:** None.

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

Mixed xylydines (CAS No. 1300-73-8) (provided for in subheading 2921.49.45).

**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 that is used to manufacture red dyes that are used in fuels, greases, and other petroleum products. United Color Manufacturing imports the subject product from Germany and China.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2921.49.45:**

|  | 2010      | 2011      | 2012      | 2013      | 2014      |
|--|-----------|-----------|-----------|-----------|-----------|
| <del>Col. 1-General rate of duty</del>               |           |           |           |           |           |
| Col. 1-General rate of duty                          | 6.5%      | 6.5%      | 6.5%      | 6.5%      | 6.5%      |
| Estimated value <i>dutiable</i> imports <sup>a</sup> | \$811,200 | \$843,648 | \$877,394 | \$900,000 | \$900,000 |
| Customs revenue loss <sup>b</sup>                    | \$52,728  | \$54,837  | \$57,031  | \$58,500  | \$58,500  |

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.

<sup>1</sup> Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David G. Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tariff\\_affairs/congress\\_reports/](http://www.usitc.gov/tariff_affairs/congress_reports/).

<sup>3</sup> The sponsor/proponent did not identify any other beneficiaries.

<sup>4</sup> Heading 9902.22.36 expired on December 31, 2009.

**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)             |                   |
| United Color Manufacturing (Proponent)<br>Bob Hamershock<br>Bob Hamershock@unitedcolor.com | 11/27/2009     | No   | No                   | No                |
| BASF Corporation<br>Greg Thies, Fax: 202-558-5101  | 11/27/2009     | No   | No                   | No                |
| Bayer Corporation<br>Karen L. Niedermeyer, Fax: 412-777-4740                               | 11/27/2009     | No   | No                   | No                |
| Biddle Sawyer<br>William Thonack, Fax: 212-239-1089  | 11/27/2009     | No   | No                   | No                |
| Chemtura Corporation<br>Matt Mattingley, Fax: 703-670-9313                                 | 11/27/2009     | No   | No                   | No                |
| Ciba Specialty Chemicals<br>Robert Hurley, Fax: 202-289-3588                               | 11/27/2009     | No   | No                   | No                |
| Clariant Corp.<br>Andrew Zamoyski, Fax: 202-248-9043                                       | 11/27/2009     | No   | No                   | No                |
| Dow Chemical<br>Lisa Schroeter, Fax: 202-429-3467  | 11/27/2009     | No   | No                   | No                |
| Dupont<br>Elaine M. Olsen<br>Elaine.M.Olsen@usa.dupont.com                                 | 11/27/2009     | No   | No                   | No                |
| Eastman Chemical Company<br>Gregg Riddle, Fax: 212-835-1621                                | 11/27/2009     | No   | No                   | No                |
| Emerald Performance Chemicals<br>Tom Dirmyer, Fax: 330-315-6480                            | 11/27/2009     | No   | No                   | No                |
| Galaxie Chemical Corp.<br>Michael Santoro, Jr., Fax: 973-790-7104                          | 11/27/2009     | No   | No                   | No                |
| Honeywell Int'l<br>Art Simonetti, Fax: 202-662-2675  | 11/27/2009     | No   | No                   | No                |
| Huntsman Corp.<br>John Deming, Fax: 302-479-5499   | 11/27/2009     | No   | No                   | No                |
| LANXESS Corporation<br>Steve Ziehm, sziehm@ibgc.com  | 11/27/2009     | No   | No                   | No                |
| Mason Color Works, Inc.<br>Ann Mason Herdman, Fax: 330-385-4488                            | 11/27/2009     | No   | No                   | No                |
| Monsanto Corp.<br>Grant Erdel, Fax: 202-789-1867   | 11/27/2009     | No   | No                   | No                |
| PMC Inc.<br>Gordon McCullough, Fax: 513-482-7884   | 11/27/2009     | No   | No                   | No                |

| Name of firm/organization                              | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
|  |                | (Yes/No)                                     |                      |                   |
| Rhodia Corp.<br>Dominick Cangiano, Fax: 609-860-2256   | 11/27/2009     | No   | No                   | No                |
| Solutia Inc.<br>Kassie D. Wooten, Fax: 314-674-1585    | 11/27/2009     | No   | No                   | No                |
| Sun Chemical Corp.<br>Steve Schmidt, Fax: 513-681-4960 | 11/27/2009     | No   | No                   | No                |

**Technical comments:<sup>5</sup>**

The Commission staff suggests that, as shown on page 1 of this report, the article description of HTS heading 9902.22.36 be amended by deleting “subheading 2921.49.50” and inserting “subheading 2921.49.45” in lieu thereof in order to provide the correct tariff classification for the subject product.

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<sup>5</sup> 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. 1869

To extend temporarily the suspension of duty on mixed xylidines.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2009

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

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## A BILL

To extend temporarily the suspension of duty on mixed  
xylidines.

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. MIXED XYLIDINES.**

4 (a) IN GENERAL.—Heading 9902.22.36 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 mixed xylidines) 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 articles entered, or withdrawn

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

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