

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: April 16, 2010]²

Bill No. and sponsor: S. 2037 (Mr. Robert Menendez of New Jersey).

Proponent name,³ location: Honeywell International, Morris Township, NJ.

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)):

Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.99.24, 2934.10.90, 2934.20.40, 2934.99.20, and 2934.99.90).

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 products are used to improve the spectral response of photosensitive emulsions that are used on films, including photographic films of all types, medical imaging films, and graphic arts films. These dyes are complex organic molecules. Each one is typically designed on a proprietary basis for a specific film emulsion, and is generally added in tiny amounts to film emulsions to adjust the photon sensitivity of the film. Each of the dyes imported for sale to photo/imaging companies is unique to the customer and application. Honeywell imports these dyes from Germany.

Total estimated effect on customs revenue for the bill:

	2010	2011	2012	2013	2014
Customs revenue loss ^a	\$25,935	\$25,935	\$25,935	\$25,935	\$25,935

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

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/tariff_affairs/congress_reports/.

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

⁴ Heading 9902.29.37 expired on December 31, 2009.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2933.19.30:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports ^a	\$57,000	\$57,000	\$57,000	\$57,000	\$57,000
Customs revenue loss ^b	\$3,705	\$3,705	\$3,705	\$3,705	\$3,705

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.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2933.19.90:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports ^a	\$57,000	\$57,000	\$57,000	\$57,000	\$57,000
Customs revenue loss ^b	\$3,705	\$3,705	\$3,705	\$3,705	\$3,705

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.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2933.99.24:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports ^a	\$57,000	\$57,000	\$57,000	\$57,000	\$57,000
Customs revenue loss ^b	\$3,705	\$3,705	\$3,705	\$3,705	\$3,705

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.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2934.10.90:

	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	\$57,000	\$57,000	\$57,000	\$57,000	\$57,000
Customs revenue loss ^b	\$3,705	\$3,705	\$3,705	\$3,705	\$3,705

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.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2934.20.40:

	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	\$57,000	\$57,000	\$57,000	\$57,000	\$57,000
Customs revenue loss ^b	\$3,705	\$3,705	\$3,705	\$3,705	\$3,705

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.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2934.99.20:

	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	\$57,000	\$57,000	\$57,000	\$57,000	\$57,000
Customs revenue loss ^b	\$3,705	\$3,705	\$3,705	\$3,705	\$3,705

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.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2934.99.90:

	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	\$57,000	\$57,000	\$57,000	\$57,000	\$57,000
Customs revenue loss ^b	\$3,705	\$3,705	\$3,705	\$3,705	\$3,705

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.

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)		
Honeywell International (Proponent) Art Simonetti, Fax: 202-662-2675	11/20/2009	No	No	No
Abbott Elaine Leavenworth, Fax: 202-783-6631	11/20/2009	No	No	No
American Chemistry Council Marty Durbin, Fax: 703-741-6097	11/20/2009	No	No	No
BASF Corporation Greg Thies, gregory.theis@basf.com	11/20/2009	No	No	No
Bayer Corporation Karen Niedermeyer, Fax: 412-777-4740 Julie Van Egmund, Fax: 202-737-8909	11/20/2009	No	No	No
Biddle Sawyer William Thonack, Fax: 212-239-1089	11/20/2009	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8497 Lloyd Moon, Fax: 203-573-2686	11/20/2009	No	No	No
Ciba Specialty Chemicals Michelle Forte, Fax: 914-785-4831 Robert Hurley, Fax: 202-289-3588	11/20/2009	No	No	No
Clariant Corporation Andrew Zamoyski, Fax: 202-248-9043	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Dow Chemical Lisa Schroeter, Fax: 202-429-3467	11/20/2009	No	No	No
DuPont Elaine Olsen, 302-992-2263 elaine.m.olsen@usa.dupont.com	11/20/2009	No	No	No
Eastman Chemical Company Greg Riddle, Fax: 212-835-1621	11/20/2009	No	No	No
Emerald Performance Chemicals Tom Dirmyer, Fax: 330-315-6480	11/20/2009	No	No	No
3M Company Warren Webber, wjweber@mmm.com	11/20/2009	No	No	No
Monsanto Corporation Grant Erdel, Fax: 202-789-1867	11/20/2009	No	No	No
Rhodia Dominick Cangiano, Fax: 609-860-2256	11/20/2009	No	No	No
Solutia Kassie D. Wooton, Fax: 314-674-1585	11/20/2009	No	No	No

Technical comments:⁵

The Commission staff notes that there is no adequate chemical description for these products. There are no known Customs rulings that have been issued for these products. There is no way to corroborate a limited description such as “Polymethine dyes” with any other information. Therefore, this duty suspension may be difficult from Customs and Border Protection to administer.

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. 2037

To extend the temporary suspension of duty on certain sensitizing dyes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

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

A BILL

To extend the temporary suspension of duty on certain sensitizing dyes.

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. CERTAIN SENSITIZING DYES.**

4 (a) IN GENERAL.—Heading 9902.29.37 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 certain sensitizing dyes) is amended by striking “12/31/
7 2009” and inserting “12/31/2011”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply with respect to goods entered,

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

○