

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: April 23, 2010]²

Bill No. and sponsor: S. 2075 (Mr. Thomas R. Carper of Delaware).

Proponent name,³ location: DuPont, Wilmington, DE.

Other bills on product (111th Congress only): S. 2125.

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)):

(S)-Cyano(3-phenoxyphenyl)methyl (S)-4-chloro- α -(1-methylethylbenzeneacetate (Esfenvalerate) (CAS No. 66230-04-4) (provided for in subheading 2926.90.30).

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 compound of the pyrethroid group. It is used to formulate a broad spectrum insecticide to control pests on a wide variety of vegetable, fruit, and nut crops. This insecticide product also has several noncrop applications, such as in Christmas tree plantings, conifer seed orchards, and forest tree nurseries. The product is imported from Japan.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2926.90.30:

	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	\$7,500,000	\$7,500,000	\$7,500,000	\$7,500,000	\$7,500,000
Customs revenue loss ^b	\$487,500	\$487,500	\$487,500	\$487,500	\$487,500

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.

¹ Industry analyst preparing report: Elizabeth R. Nesbitt (202-205-3355); 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 9902.01.45 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)	
DuPont (Proponent) Elaine M. Olsen, Elaine.M.Olsen@USA.dupont.com	11/12/2009	No	No	No
3M Company Megan Ivory Carr, mmivory@mmm.com	11/12/2009	No	No	No
BASF Corporation Gregory A. Thies, gregory.thies@basf.com	11/12/2009	No	No	No
Bayer Corporation Karen Niedermeyer, karen.niedermeyer.b@bayer.com	11/12/2009	No	No	No
Chemtura Corp. Lloyd N. Moon, lloyd.moon@chemtura.com Matt Mattingley, matt@mattingleygroup.com	11/12/2009	No	No	No
Ciba Specialty Chemicals Michelle Forte, Michelle.Forte@cibasc.com	11/12/2009	No	No	No
Daikin America Inc. Gary Stanitis, gstanitis@daikin-america.com	11/16/2009	No	No	No
Dow Chemical Co. Lisa Schroeter, LMSchroeter@dow.com Max Turnipseed, mctint@att.net	11/12/2009	No	No	No
Evonik Industries AG Russell Mait, russell.mait@evonik.com	11/12/2009	No	No	No
Fanwood Chemical Inc. V. M. (Jim) DeLisi, JdeLisi@fanwoodchemical.com	11/12/2009	No	No	No
Freudenberg-NOK Ronald Guest, rsg@fnacc.com	11/12/2009	No	No	No
MIC Specialty Chemicals Inc. Joe Santora, joe.santora@micspe.com	11/12/2009	No	No	No
Monsanto Company Michael Parrish, Michael.Parrish@monsanto.com	11/12/2009	No	No	No
Nisso America Inc. Toshiyuki Iwama, t.iwama@nissoamerica.com	11/12/2009	No	No	No
Solutia Inc. Bob Hurley, Rhurley@TheAccordGroup.com Kassie Wooton, KDWoot@solutia.com	11/12/2009 12/01/2009	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. 2075

To extend the temporary suspension of duty on (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro- α -(1-Methylethyl)Benzeneacetate.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. CARPER 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 (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro- α -(1-Methylethyl)Benzeneacetate.

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. (S)-CYANO(3-PHENOXYPHENYL)METHYL (S)-4-**
4 **CHLORO- α -(1-**
5 **METHYLETHYL)BENZENEACETATE.**

6 (a) IN GENERAL.—Heading 9902.01.45 of the Har-
7 monized Tariff Schedule of the United States (relating to
8 (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro- α -(1-
9 methylethylbenzeneacetate (Esfenvalerate)) is amended by
10 striking “12/31/2009” and inserting “12/31/2011”.

1 (b) EFFECTIVE DATE.—The amendment 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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