

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: May 3, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2138 (Mr. Lamar Alexander of Tennessee et al.).

**Proponent name,<sup>3</sup> location:** Eastman Chemical Co., Kingsport, TN.

**Other bills on product (111<sup>th</sup> Congress only):** S. 2149.

**Nature of bill:** Temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

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

o-Toluidine (CAS No. 95-53-4) (provided for in 2921.43.90).

**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 product is an organic chemical that is used as an intermediate in the production of dyes, pesticides, and other chemicals. The product is imported from Germany.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2921.43.90:**

	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>	\$18,000,000	\$23,000,000	\$28,000,000	\$28,000,000	\$28,000,000
Customs revenue loss <sup>b</sup>	\$1,170,000	\$1,495,000	\$1,820,000	\$1,820,000	\$1,820,000

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: Elizabeth R. Nesbitt (202-205-3355); Tariff Affairs contact: David 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 identified one additional beneficiary of this bill. USITC staff identified nine additional beneficiaries of this bill that were not identified by the sponsor/proponent. USITC staff sent inquiries to the ten additional beneficiaries and received responses from six. Five companies submitted written representations that they would benefit from this bill and one company opposed it.

**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)	
Eastman Chemical Co. (Proponent) Brent Perry, <a href="mailto:bperry@eastman.com">bperry@eastman.com</a>	01/09/2010	No	No	No
3M Company Megan Ivory Carr, <a href="mailto:mmivory@mmm.com">mmivory@mmm.com</a>	01/09/2010	No	No	No
Air Products Richard Goodstein, 202-783-1555	02/16/2010	No	No	No
Albemarle Phil Devrou, <a href="mailto:phil.devrou@albemarle.com">phil.devrou@albemarle.com</a>	03/08/2010	No	No	No
Arkema Brian Sowa, <a href="mailto:Brian@strategicmi.com">Brian@strategicmi.com</a>	02/24/2010	No	No	No
Chemtura Corp. Lloyd N. Moon, <a href="mailto:lloyd.moon@chemtura.com">lloyd.moon@chemtura.com</a> Matt Mattingley, <a href="mailto:matt@mattingleygroup.com">matt@mattingleygroup.com</a>	01/09/2010	No	No	No
Ciba Specialty Chemicals Michelle Forte, <a href="mailto:Michelle.Forte@cibasc.com">Michelle.Forte@cibasc.com</a>	01/09/2010	No	No	No
Clariant Corporation Andrew Zamoyski, <a href="mailto:az@azamoyski.com">az@azamoyski.com</a>	02/24/2010	No	No	No
Daikin America Inc. Gary Stanitis, <a href="mailto:gstanitis@daikin-america.com">gstanitis@daikin-america.com</a>	01/09/2010	No	No	No
Dow Chemical Co. Lisa Schroeter, <a href="mailto:LMSchroeter@dow.com">LMSchroeter@dow.com</a> Max Turnipseed, <a href="mailto:mctint@att.net">mctint@att.net</a>	01/09/2010	No	No	No
Dupont Brian Curtis, <a href="mailto:Brian.Curtis@usa.dupont.com">Brian.Curtis@usa.dupont.com</a>	01/09/2010	No	No	No
Evonik Industries AG Russell Mait, <a href="mailto:russell.mait@evonik.com">russell.mait@evonik.com</a>	01/09/2010	No	No	No
Fanwood Chemical Inc. Jim DeLisi, <a href="mailto:JdeLisi@fanwoodchemical.com">JdeLisi@fanwoodchemical.com</a>	01/09/2010	No	No	No
Gabriel Performance Chemicals Ken Allen, <a href="mailto:kallen@gabepro.com">kallen@gabepro.com</a>	02/22/2010	No	No	No
GFS Chemicals John Long, <a href="mailto:JohnL@gfschemicals.com">JohnL@gfschemicals.com</a>	01/09/2010	Yes	Yes	Yes
Goodyear Phala Johnson, 202-682-9250	01/29/2010	No	No	No
LANXESS Corporation Jamie Schaeffer, <a href="mailto:jamie.schaeffer@lanxess.com">jamie.schaeffer@lanxess.com</a>	01/09/2010	No	No	No
Monsanto Company Michael Parrish, <a href="mailto:Michael.Parrish@monsanto.com">Michael.Parrish@monsanto.com</a>	01/09/2010	No	No	No
Royce Colors (Passaic Color) Wylie Royce, <a href="mailto:wroyce@roycecolors.com">wroyce@roycecolors.com</a>	02/22/2010	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. Bob Hurley, <a href="mailto:Rhurley@TheAccordGroup.com">Rhurley@TheAccordGroup.com</a> Kassie Wooton, <a href="mailto:KDWoot@solutia.com">KDWoot@solutia.com</a>	01/09/2010	No	No	No
United Color Manufacturing Bob Hamershock, <a href="mailto:bhamershock@unitedcolor.com">bhamershock@unitedcolor.com</a>	03/01/2010	No	No	No
Weylchem Corporation Thomas Heinis, 803-438-3471	02/23/2010	No	No	No

**Technical comments:<sup>4</sup>**

The Commission staff notes that S. 2138 and S. 2149 would provide a temporary duty suspension for the same product. Only one bill needs to be enacted.

<sup>4</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. 2138

To suspend temporarily the duty on o-Toluidine.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. ALEXANDER (for himself and Mr. CORKER) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To suspend temporarily the duty on o-Toluidine.

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. O-TOLUIDINE.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of  
5 the Harmonized Tariff Schedule of the United States is  
6 amended by inserting in numerical sequence the following  
7 new heading:

“	9902.01.00	o-Toluidine (CAS No. 95-53-4) (provided for in 2921.43.90) .....	Free	No change	No change	On or before 12/31/2011	”.
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8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) applies to goods entered, or withdrawn from

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

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