

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: June 2, 2010]²

Bill No. and sponsor: S. 2156 (Mr. Arlen Specter of Pennsylvania et al.).

Proponent name,³ location: PPG Industries, Pittsburgh, PA.

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

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

Retroactive effect: None.

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

Mixtures of barium sulfate (CAS No. 7727-43-7) and magnesium metal (provided for in subheading 3824.90.92).

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 compound extender for paints. The mixture is a prepared powder that is used as a paint additive to reduce costs and to enhance certain other characteristics. The product is imported from Japan.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3824.90.92:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	5%	5%	5%	5%	5%
Estimated value <i>dutiable</i> imports ^a	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Customs revenue loss ^b	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000

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.

¹ Industry analyst preparing report: Jack Greenblatt (202-205-3353); 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.

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?
PPG Industries (Proponent) William Ries, 412-434-1717	02/04/2010	No	No	No
Baker Hughes Drilling Fluids Steve Blair, 713-625-4200	02/25/2010	No	No	No
Barium and Chemicals, Inc. Debbie Venci, 740-282-9776	03/26/2010	No	No	No
Baroid Fluid Services Nick Braley, 281-871-5377	02/25/2010	No	No	No
BASF Gregory Thies, 202-904-2332	03/24/2010	No	No	No
Cimbar Performance Chemicals Albert Wilson, 800-852-6868	02/25/2010	No	No	No
Dow (formerly Rohm and Haas) Lisa Schroeter, 202-429-3407	03/24/2010	No	No	No
Dupont Elaine Olsen, 302-992-2263	03/24/2010	No	No	No
Excalibar David Henrick, 800-945-5293	03/22/2010	No	No	No
GFS Chemicals, Inc. Scott Castle, 740-881-5501	02/25/2010	No	No	No
HB Fuller Sarah Oebser, 651-236-5890	03/24/2010	No	No	No
Huber Engineered Materials Robert Baker, 770-720-3823	03/22/2010	No	No	No
M-I SWACO John McPeak, 832-295-2365	02/25/2010	No	No	No
Rockwood Pigments Eric Friedman, 301-210-3400	02/25/2010	No	No	No
Sherman-Williams Rick Weitzel, 216-566-2000	03/24/2010	No	No	No
Tor Minerals Dan Martinez, 361-883-5591	03/22/2010	No	No	No
Valspar Kelly Westenbert, 612-332-7371	03/24/2010	No	No	No

Technical comments:⁴

The proponent advised the Commission staff that the article description in the bill is incorrect. The proponent intended to request a temporary duty suspension for a chemical mixture of barium sulfate (CAS No. 7727-43-7) and magnesium metal that is used as an additive in paints. Accordingly, the Commission staff suggests that the article description on page 1 of this report be used in order to describe the subject mixture correctly.

⁴ 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. 2156

To suspend temporarily the duty on barium sulfate.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

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

A BILL

To suspend temporarily the duty on barium sulfate.

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. BARIUM SULFATE.**

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	Barium sulfate (CAS No. 7727-43-7) (provided for in subheading 3824.90.92)	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 the enactment of this Act.

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