

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: June 22, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2435 (Mr. Sam Brownback of Kansas).

**Proponent name,<sup>3</sup> location:** INVISTA, Inc., Wichita, KS.

**Other bills on product (111<sup>th</sup> Congress only):** S. 2076.

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

**Retroactive effect:** None.

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

Microcrystalline anatase-type titanium dioxide, surface treated with aluminum, silicon, phosphorous and manganese (CAS No. 13463-67-7) (provided for in subheading 3206.11.00).

**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:**

Titanium dioxide (TiO<sub>2</sub>) is an inorganic chemical that is used in the manufacture of a variety of coatings, plastics, paper, food, pharmaceutical, and cosmetic products. TiO<sub>2</sub> products are marketed in two crystalline forms. The majority of TiO<sub>2</sub> in the market is the rutile form (CAS No. 1317-80-2), which has a tetragonal crystal structure of prismatic habit. The anatase form (CAS No. 1317-70-0) has a tetragonal crystal structure of octahedral habit and is primarily used in the paper industry, although it is also used in plastics and coatings.

The subject product is used as a pigment preparation. It shares the Chemical Abstracts Service registry number (CAS No. 13463-67-7) with other pigment preparations, all of which contain 80 percent or more TiO<sub>2</sub> by weight based on the dry matter, regardless of crystalline form. The subject product is imported from Germany.

<sup>1</sup> Industry analyst preparing report: L. Johnson (202-205-3351); Tariff Affairs contact: D. 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 additional beneficiaries of this bill.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3206.11.00:**

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	6%	6%	6%	6%	6%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$8,000,000	\$8,000,000	\$8,000,000	\$8,000,000	\$8,000,000
Customs revenue loss <sup>b</sup>	\$480,000	\$480,000	\$480,000	\$480,000	\$480,000

a/ Dutiable import estimates were based on official U.S. Government statistics, and on industry information.

b/ At the request of Congress, estimated 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?
INVISTA, Inc (Proponent) Jim Cole, 316-828-1260, <a href="mailto:Jim.Cole@invista.com">Jim.Cole@invista.com</a>	03/23/2010 03/29/2010	No	No	No
DuPont Elaine M. Olsen, <a href="mailto:Elaine.m.olsen@usa.dupont.com">Elaine.m.olsen@usa.dupont.com</a>	03/23/2010	No	No	No
Kronos Chemical Co. (subsidiary of NL Industries) Diane Adkins, <a href="mailto:dadkins@VALHI.NET">dadkins@VALHI.NET</a>	03/29/2010	Yes	Yes	Yes
Louisiana Pigment Co. (Joint venture of Kronos, Huntsman Chemicals & TiOxide) Lisa Swain, <a href="mailto:Lisa_swain@huntsman.com">Lisa_swain@huntsman.com</a>	03/23/2010	No	No	No
LyondellBasell Chemical Co. Susan Moore, <a href="mailto:susan.moore@lyondellbasell.com">susan.moore@lyondellbasell.com</a>	03/23/2010	No	No	No
Millennium Inc. (Subsidiary of Cristal Global) 410-229-4501, Fax: 410-229-5003	03/23/2010	No	No	No
NL Industries Tim Hafer, 972-233-1700, Fax: 972-448-1445	03/29/2010	No	No	No
PPG William Reis, 412-434-1717, <a href="mailto:Wries@ppg.com">Wries@ppg.com</a>	03/23/2010	No	No	No
Solutia Inc. Kassie Wooton, 314-674-3297, <a href="mailto:kdwoot@solutia.com">kdwoot@solutia.com</a>	03/11/2010	No	No	No
Tronox (formerly part of Kerr-McGee) John D. Romano, 405-775-5000 Mark Van Landingham, 405-826-2456	03/11/2010	No	No	No

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

The Commission staff suggests that the CAS Number in the article description should be corrected to read 13463-67-7, as shown on page 1 of this report.

---

<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. 2435

To suspend temporarily the duty on microcrystalline anatase-type titanium dioxide.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

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

---

## A BILL

To suspend temporarily the duty on microcrystalline anatase-type titanium dioxide.

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. MICROCRYSTALLINE ANATASE-TYPE TITANIUM**

4 **DIOXIDE.**

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

“	9902.01.00	Microcrystalline anatase-type titanium dioxide, surface treated with aluminum, silicon, phosphorous and manganese (CAS No. 13463-37-7) (provided for in sub-heading 3206.11.00) .....	Free	No change	No change	On or before 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.

○