

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress ¹**

[Date approved: June 4, 2010]²

Bill No. and sponsor: S. 2692 (Mr. Richard Burr of North Carolina).

Proponent name,³ location: Baxter Healthcare Corporation, Deerfield, IL.

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)):

Polyethylene film rolls with inner layer of printed nylon film, with or without an additional inner layer of polyvinylidene chloride, the laminate measuring not over 0.185 mm in thickness, used for aseptic manufacture of IV drug bags and plasma products (provided for in subheading 3920.10.00).

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:

The subject product is shipped in rolls consisting of linear low-density polyethylene film containing an inner laminate of printed nylon-6 film. The laminate film structure may also contain an additional inner film of polyvinylidene chloride. The imported filmstock, consisting predominately of polyethylene, is subsequently formed into bags, sealed, and filled with pre-mixed intravenous pharmaceutical solutions. The product is imported from Japan.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3920.10.00:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	4.2%	4.2%	4.2%	4.2%	4.2%
Estimated value dutiable imports ^a	\$9,000,000	\$9,500,000	\$10,000,000	\$10,500,000	\$11,000,000
Customs revenue loss ^b	\$378,000	\$399,000	\$420,000	\$441,000	\$462,000

a/ Dutiable import estimates were based on Commission and industry estimates.

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: Ray Cantrell (202-205-3362); 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?
			(Yes/No)	
Baxter Healthcare Corporation (Proponent) J.V. Schwan, 202-508-8207 jv_schwan@baxter.com	11/29/2009	No	No	No
Advanced Scientifics www.advancedscientifics.com	11/29/2009	No	No	No
Bayer Corporation Karen Niedermeyer, karen.niedermeyer.b@bayer.com	12/01/2009	No	No	No
Hospira Julie Reed, 224-212-2333 juliana.reed@hospira.com	12/08/2009	Yes	Yes	Yes
Lanxess Corporation Jamie Schaeffer, jamie.schaeffer@lanxess.com	12/01/2009	No	No	No
Sealed Air Corporation Nicholas Berendt, +44 (0)7977 988700 Nicholas.Berendt@sealedair.com Sam Campbell, 864-433-2057 Sherlyn Greer, 864-433-3045 medicalpackaging@sealedair.com Ira Lakritz, 201-791-7600	12/01/2009	No	Yes	No
West Pharmaceutical Services Fran Degrazio, frandegrazio@westpharma.com Paul Smith, Paul_Smith@westpharma.com	12/01/2009	No	No	No

Technical comments:⁴

The Commission staff recommends that the article description on page 1 of this report be used in the proposed new heading. The suggested article description more accurately defines the product in a manner that is administrable by U.S. Customs and Border Protection.⁵

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.

⁵ USITC staff contacts with National Import Specialist, U.S. Customs and Border Protection, New York, NY, December 2009.

111TH CONGRESS
1ST SESSION

S. 2692

To suspend temporarily the duty on certain laminated rolled filmstock.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2009

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

A BILL

To suspend temporarily the duty on certain laminated rolled
filmstock.

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 LAMINATED ROLLED FILMSTOCK.**

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	Laminated film of poly- ethylene, in rolls, printed, with an overall thickness of approximately 0.114 mm or more but not over 0.185 mm (provided for in subheading 3926.10.00)	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.

○