

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 110<sup>th</sup> Congress<sup>1</sup>**

[Date approved: May 14, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4592 (Mr. Emanuel Cleaver of Missouri).

**Proponent name,<sup>3</sup> location:** Bayer CropScience, Research Triangle Park, NC.

**Other bills on product (110<sup>th</sup> Congress only):** HR 4635 (Mr. Sam Graves of Missouri).

**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 containing methyl

4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carbonylsulfamoyl]-5-methylthiophene-3-carboxylate (Thiencarbazone-methyl) (CAS No. 317815-83-1), ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl) (CAS No. 163520-33-0) and (5-cyclopropyl-1,2-oxazol-4-yl)( $\alpha,\alpha,\alpha$ -trifluoro-2-mesyl-*p*-tolyl)methanone (Isoxaflutole) (CAS No. 141112-29-0) (provided for in subheading 3808.93.15).

**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 postemergence corn herbicide for grass and broadleaf control. The product is imported from Germany.

<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/).

<sup>3</sup> The sponsor/proponent did not identify any additional beneficiaries of this bill.

**Estimated effect on customs revenue:**

<b>HTS subheading: 3808.93.15</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty (AVE)	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$11,875,000	\$11,875,000	\$11,875,000	\$11,875,000	\$11,875,000
Customs revenue loss	\$771,875	\$771,875	\$771,875	\$771,875	\$771,875

Source of estimated dutiable import data: U.S. industry estimates.

**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)		
Bayer CropScience (Proponent) William Hensley, 202-756-3781 Jean Reimers, 202-756-3779	02/18/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075	02/18/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	02/18/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	02/18/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	02/18/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467	02/18/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994 Elaine Olsen, Fax: 302-774-1398	02/18/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181	02/18/2008	No	No	No
Monsanto Corp. Michael Parris, Fax: 202-789-1867	02/18/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	02/18/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	02/18/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	02/18/2008	No	No	No

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

The Commission staff suggests that the article description on page 1 of this report be used in the proposed new heading in order to provide the correct chemical names and the correct subheading reference.

<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.

110TH CONGRESS  
1ST SESSION

# H. R. 4592

To suspend temporarily the duty on certain mixtures containing  
Thiencarbazone-methyl and Isoxadifen-ethyl and Isoxaflutole.

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. CLEAVER introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To suspend temporarily the duty on certain mixtures con-  
taining Thiencarbazone-methyl and Isoxadifen-ethyl and  
Isoxaflutole.

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 MIXTURES CONTAINING THIENCAR-**  
4 **BAZONE-METHYL AND ISOXADIFEN-ETHYL**  
5 **AND ISOXAFLUTOLE.**

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

“	9902.01.00	Mixtures containing (methyl 4-((3-methoxy-4-methyl-5- oxo-4,5-dihydro-1H-1,2,4- triazol-1- yl)carbonylamino)sulfonyl)- 5-methylthiophene-3- carboxylate) (Thiencarbazone-methyl) (CAS No. 317815-83-1), ethyl 4,5-dihydro-5,5-di- phenyl-1,2-oxazole-3- carboxylate (Isoxadifen- ethyl) (CAS No. 163520- 33-0) and 5-cyclopropyl-4- (2-Methylsulfonyl-4- Trifluoromethylbenzoyl- isoxazole) (Isoxaflutole) (CAS No. 141112-29-0) (provided for in subheading 3808.93.1500) .....	Free	No change	No change	On or before 12/31/2011	”.
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1           (b) **EFFECTIVE DATE.**—The amendment made by  
2 subsection (a) applies to articles entered, or withdrawn  
3 from warehouse for consumption, on or after the 15th day  
4 after the date of the enactment of this Act.

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