

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: May 16, 2008]²

Bill No. and sponsor: HR 4632 (Mr. Sam Graves of Missouri).

Proponent name,³ location: Bayer CropScience, Research Triangle Park, NC.

Other bills on product (110th Congress only): None.

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

Retroactive effect: None.

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

Mixtures containing (5-hydroxy-1,3-dimethylpyrazol-4-yl)(α,α,α -trifluoro-2-mesyl-p-tolyl)methanone (Pyrasulfotole) (CAS No. 365400-11-9); 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil Octanoate) (CAS No. 1689-99-2) and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil Heptanoate) (CAS No. 56634-95-8) (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 herbicide for broadleaf weed control that works by cutting off the photosynthesis process to kill weeds. It is imported from Canada.⁴

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/tata/hts/other/rel_doc/bill_reports/.

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

⁴ The proponent stated that imports of the subject product do not meet the eligibility requirements of NAFTA.

Estimated effect on customs revenue:

HTS subheading: 3808.93.15					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$19,010,250	\$19,010,250	\$19,010,250	\$19,010,250	\$19,010,250
Customs revenue loss 1/	\$494,267	\$494,267	\$494,267	\$494,267	\$494,267

1/ The estimated customs revenue loss is based on a temporary reduction of the general rate of duty from 6.5 percent ad valorem to 3.9 percent ad valorem, a reduction of 2.6 percentage points.

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) Will Hensley, 202-756-3781	3/10/2008	Yes ⁵	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	3/17/2008	No	No	No
BASF Corp. Gregory A. Thies, 202-904-2332	3/17/2008	No	No	No
CropLife America Lawrence Norton, Fax: 202-463-0474	3/17/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-383-0590	3/17/2008	No	No	No
Dupont Helen McMahan, Fax: 302-355-2994	3/17/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	3/17/2008	No	No	No
LANXESS Jamie Schaeffer, Fax: 412-809-3614	3/17/2008	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	3/17/2008	No	No	No

⁵ The proponent states that some of the product that is the subject of the bill is made by the proponent in the United States or Germany, formulated in Canada, imported as a finished good, and sold "as is."

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	3/17/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	3/17/2008	No	No	No

Technical comments:⁶

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 a clearer presentation of the chemical names and associated CAS numbers.

⁶ 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. 4632

To suspend temporarily the duty on mixtures containing Pyrasulfotole: 5-Hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone; and Bromoxynil Octanoate: 2,4-Dibromo-6-cyanophenyl octanoate; and Bromoxynil Heptanoate: 2,4-Dibromo-6-cyanophenyl heptanoate.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

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

A BILL

To suspend temporarily the duty on mixtures containing Pyrasulfotole: 5-Hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone; and Bromoxynil Octanoate: 2,4-Dibromo-6-cyanophenyl octanoate; and Bromoxynil Heptanoate: 2,4-Dibromo-6-cyanophenyl heptanoate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MIXTURES CONTAINING PYRASULFOTOLE: 5-**
 2 **HYDROXY-1,3-DIMETHYLPYRAZOL-4-YL 2-**
 3 **MESYL-4-(TRIFLUOROMETHYL)PHENYL KE-**
 4 **TONE; AND BROMOXYNIL OCTANOATE: 2,4-**
 5 **DIBROMO-6-CYANOPHENYL OCTANOATE; AND**
 6 **BROMOXYNIL HEPTANOATE: 2,4-DIBROMO-6-**
 7 **CYANOPHENYL HEPTANOATE.**

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

“	9902.____	mixtures containing Pyrasulfotole: 5-Hydroxy- 1,3-dimethylpyrazol-4-yl 2- mesyl-4- (trifluoromethyl)phenyl ke- tone; and Bromoxynil Octa- noate: 2,4-Dibromo-6- cyanophenyl octanoate; and Bromoxynil Heptanoate: 2,4- Dibromo-6-cyanophenyl heptanoate (CAS No. 365400–11–9, 1689–99–2, 56634–95–8) (provided for in subheading 3808.93.15) ..	3.9%	No change	No change	On or before 12/31/2011	”.
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12 (b) EFFECTIVE DATE.—The amendment made by
 13 subsection (a) applies to articles entered, or withdrawn
 14 from warehouse for consumption, on or after the 15th day
 15 after the date of the enactment of this Act.

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