

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: September 9, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5225 (Mr. Jo Bonner of Alabama).

**Proponent name,<sup>3</sup> location:** Evonik Industries, Parsippany, NJ.

**Other bills on product (110<sup>th</sup> 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)):**

Diethyl malonate (CAS No. 105-53-3) (provided for in subheading 2917.19.70).

**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 an organic chemical that is used as an intermediate to make a variety of downstream products, including adhesives and pharmaceutical intermediates. The product is imported from China and Germany.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2917.19.70</b>					
	2009	2010	2011	2012	2013
<del>Col. 1-General rate of duty</del>	4.0%	4.0%	4.0%	4.0%	4.0%
Estimated value <i>dutiable</i> imports	\$3,300,000	\$3,300,000	\$3,300,000	\$3,300,000	\$3,300,000
Customs revenue loss	\$132,000	\$132,000	\$132,000	\$132,000	\$132,000

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

<sup>1</sup> Industry analyst preparing report: Larry Johnson (202-205-3351); Tariff Affairs contact: Dave 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.

**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)	
Evonik Industries (Proponent) Ron Birnbaum, 973-541-8391	06/23/2008	No	No	No
Abbott Laboratories Elaine Leavenworth, Fax: 202-783-6631	06/23/2008	No	No	No
American Chemistry Council Marty Durbin, Fax: 703-741-6097	06/23/2008	No	No	No
Archimica USA Andrew Zamoyski, Fax: 401-823-2700	06/23/2008	No	No	No
Bayer Healthcare K. Niedermeyer, Fax: 412-777-4740	06/23/2008	No	No	No
Biddle Sawyer William Thonack, Fax: 212-239-1089	06/23/2008	No	No	No
Bristol-Myers Squibb David Warr, David.Warr@BMS.com	06/03/2008	No	No	No
Ciba Specialty Chemicals John Deming, Fax: 302-479-5152	06/23/2008	No	No	No
Clariant Corporation Andrew Zamoyski, Fax: 401-823-2700	06/23/2008	No	No	No
Dow Chemical Max Turnipseed, Fax: 225-383-0590	06/01/2008	No	No	No
Dupont Elaine Olsen, Fax: 302-355-2994	06/23/2008	No	No	No
Eastman Chemical Greg Riddle, Fax: 703-524-7707	06/23/2008	No	No	No
Eli Lilly Desiree Filippone, Filippone_D@Lilly.com	06/23/2008	No	No	No
Fanwood Chemical Jim DeLisi, Fax: 908-322-8494	06/23/2008	No	No	No
GlaxoSmithKline William Schuyler, William.J.Schuyler@gsk.com	06/23/2008	No	No	No
Honeywell International Art Simonetti, Fax: 202-662-2675	06/23/2008	No	No	No
Lonza, Inc. Sheri Donno, Sheri.Donno@lonza.com	06/23/2008	No	No	No
Merck & Co. T. Bombelles, thomas_bombelles@merck.com	06/23/2008	No	No	No
Monsanto Michael Parrish, Michael.Parrish@monsanto.com	06/23/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Novartis Tracy Haller, tracy.haller@novartis.com	06/23/2008	No	No	No
Pfizer A. Barone, Anthony.Barone@pfizer.com	06/23/2008	No	No	No
Procter & Gamble Jim McCarthy, McCarthy.JR@pg.com	06/23/2008	No	No	No
Rhein Chemie Corp. Robert Leo, robert.leo@mscustoms.com	06/23/2008	No	No	No
Rhodia Inc. Dominick Cangiano, Fax: 609-860-1841	06/23/2008	No	No	No
Schering-Plough Rob Lively, robert.lively@spcorp.com	06/23/2008	No	No	No
Solutia Dan Jenkins, Fax: 314-674-1585	06/23/2008	No	No	No
Uniroyal Lloyd Moon, Fax: 203-573-4430	06/23/2008	No	No	No
Watson Pharmaceuticals Sara Swee, Sara.Swee@watson.com	06/23/2008	No	No	No

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

The Commission staff recommends that the article description on page 1 of this report be used in the proposed new heading in order to provide a simplified chemical name.

<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  
2D SESSION

# H. R. 5225

To suspend temporarily the duty on Propanedioic acid, diethyl ester.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2008

Mr. BONNER 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 Propanedioic acid,  
diethyl ester.

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. PROPANEDIOIC ACID, DIETHYL ESTER.**

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	Propanedioic acid, diethyl ester (CAS No. 105-53-3) (provided for in subheading 2917.19.70) .....	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 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.

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