

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: October 6, 2008]²

Bill No. and sponsor: H.R. 5416 (Mr. Bob Etheridge of North Carolina).

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

Other bills on product (110th 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)):

8-*tert*-Butyl-1,4-dioxaspiro[4.5]decan-2-ylmethyl(ethyl)(propyl)amine (Spiroxamine) (CAS No. 118134-30-8) (provided for in subheading 2932.99.90).

Check one: ___ Same as that in bill as introduced.
 X 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 synthetic organic chemical that is used as a fungicide for grapes, bananas, cereals, and other crops. This fungicide is effective in controlling powdery mildew on hops. The product is imported from Germany.

Estimated effect on customs revenue:

HTS subheading: <u>2932.99.90</u>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty					
Col. 1-General rate of duty	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Customs revenue loss 1/	\$0	\$3,700	\$3,700	\$3,700	\$3,700

1/ There is an existing duty suspension under HTS heading 9902.10.70 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

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

Contacts with domestic firms/organizations (including the proponent):

¹ Industry analyst preparing report: Philip Stone (202-205-3424); 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.

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Bayer CropScience (Proponent) Williams Hensley, Fax: 202-737-8909	05/20/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 215-419-7075	05/20/2008	No	No	No
BASF Corporation Greg Thies, Fax: 202-558-5101	05/20/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	05/20/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	05/20/2008	No	No	No
Dow Chemical/Dow AgroScience Max Turnipseed, Fax: 225-383-0590	05/20/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	05/20/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	05/20/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	05/20/2008	No	No	No
Gowan Company George L. Rolofson, Fax: 336-854-2772	05/20/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	05/20/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	05/20/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	05/20/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	05/20/2008	No	No	No

Technical comments:⁴

The Commission staff notes that there is an existing duty suspension for the subject product under HTS heading 9902.10.70 that expires on December 31, 2009. HTS heading 9902.10.70 should be used to extend the existing duty suspension. Also, the Commission staff recommends that the article description on page 1 of this report be used in HTS heading 9902.10.70 in order to correct the chemical name and include the common name “Spiroxamine”.

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.

110TH CONGRESS
2^D SESSION

H. R. 5416

To suspend temporarily the duty on Spiroxamine.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2008

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

A BILL

To suspend temporarily the duty on Spiroxamine.

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. SPIROXAMINE.**

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	8-(1,1-dimethylethyl)-N-ethyl- N-propyl-1,4- diazaspiro[4,5]decane-2- methanamine (CAS No. 118134-30-8) (provided for in subheading 2932.99.90) ...	Free	No change	No change	On or before 12/31/2011	”.
---	------------	--	------	-----------	-----------	----------------------------	----

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.

○