

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: August 1, 2008]²

Bill No. and sponsor: H.R. 5417 (Mr. Bob Etheridge of North Carolina).

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

Other bills on product (110th Congress only): H.R. 4722 (Ms. Corrine Brown of Florida).
H.R. 5011 (Mrs. Ellen O. Tauscher of California).

Nature of bill: Extension of temporary duty suspension through December 31, 2011.

Retroactive effect: None.

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

(3-Phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Permethrin)
(CAS No. 52645-53-1) (provided for in subheading 2916.20.50).

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 synthetic organic chemical that is used as an agricultural insecticide on major crops. It is principally imported from China and India.⁴

¹ Industry analyst preparing report: Jeff Clark (202-205-3318); 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. USITC staff identified two additional beneficiaries of this bill that were not identified by the sponsor/proponent, and those beneficiaries submitted a written representation that they would benefit from this bill.

⁴ Imports of the subject product from India are eligible for duty-free treatment under the Generalized System of Preferences.

Estimated effect on customs revenue:

HTS subheading: 2916.20.50					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$12,500,000	\$12,500,000	\$12,500,000	\$12,500,000	\$12,500,000
Customs revenue loss 1/	\$0	\$462,500	\$462,500	\$462,500	\$462,500

1/ There is an existing duty suspension under HTS heading 9902.10.80 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):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Bayer CropScience (Proponent) Will Hensley, Fax: 202-737-8909 Jean Reimers, Fax: 202-737-8909	5/6/2008 5/14/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 215-419-7075	5/14/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	5/14/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	5/14/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	5/14/2008	No	No	No
Dow AgroSciences Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	5/14/2008	No	No	No
Dupont Helen McMahon, Fax: 302-355-2994	5/14/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	5/14/2008	No	No	No
FMC Corporation Jerry Prout, Fax: 202-956-5235	5/14/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Gowan Company George Rolofson, Fax: 336-854-2772 Cindy Baker, Fax: 928-373-1822	5/14/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	5/14/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	5/14/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 Angus Kelly, Fax: 336-632-6084	5/14/2008	No	No	No
Valent U.S.A. Corp. Robin Demouth, Fax: 925-256-2776	5/14/2008	No	No	No

Technical comments:⁵

The Commission staff notes that H.R. 4722, H.R. 5011, and H.R. 5417 each would extend the temporary duty suspension that is provided for in HTS heading 9902.10.80. Only one bill should be enacted.

⁵ 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. 5417

To extend the temporary suspension of duty on Permethrin.

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 extend the temporary suspension of duty on Permethrin.

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. PERMETHRIN.**

4 (a) IN GENERAL.—Heading 9902.10.80 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 Permethrin) is amended by striking “12/31/2009” and in-
7 serting “12/31/2011”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from
10 warehouse for consumption, on or after the 15th day after
11 the date of the enactment of this Act.