

June 2, 1998

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

MEMORANDUM TO THE COMMITTEE ON WAYS AND MEANS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES ON PROPOSED TARIFF LEGISLATION¹

Bill no., sponsor, and sponsor's state: H. R. 3327 (105th Congress), Representative Neal (MA).

Companion bill: S. 1782 (105th Congress), Senator Bond (MO).²

Title as introduced: To suspend temporarily the duty on the chemical Polyvinyl butyral.

Summary of bill:³

This bill would temporarily suspend the most-favored-nation (MFN) duty on U.S. imports of polyvinyl butyral, a polymeric resin in primary form, until on or before December 31, 2000.

Effective date: The 15th day of enactment.

Retroactive effect: None.

Statement of purpose:

The legislation was introduced without sponsor comment in the *Congressional Record*.⁴ However, background information was provided by the petitioner, Solutia Inc., a new firm based in St. Louis, MO, formed in September 1997 as a spin off of the Monsanto Co. applied chemistry business.

According to the petitioner, this product is manufactured by Solutia and DuPont in both the United States and Europe. While U.S. production of this resin is commonly used in the manufacture of interlayer for automobile and architectural safety glass, shifts in global market demand or in production facility availability may make imports or exports necessary. Since Solutia and DuPont resins compete directly in the interlayer business, it is unlikely that DuPont would be willing to supply resin to Solutia or to do so on a cost-effective basis. While the

¹ Industry analyst: Raymond Cantrell (205-3362); attorney: Leo Webb (205-2599).

² *Congressional Record*, S. 1782, Mar., 17, 1998. p. S2114.

³ See appendix A for definitions of tariff and trade agreement terms.

⁴ *Congressional Record*, H. R. 3327, Mar. 4, 1998, p. H850.

petitioner has no immediate plans to alter imports or exports of this product, the firm wishes to maintain the flexibility to do so should the situation require.⁵

⁵Mr. Glenn S. Ruskin, V.P., Government Affairs, Solutia, Inc., Washington, DC, and Mr. Jim Enyart, Solutia Consultant, St. Louis, MO, Apr. 4, 1998.

Product description and uses:

Polyvinyl butyral: This synthetic organic polymer is a member of the polyvinyl acetal family of resins produced commercially through the reaction of polyvinyl alcohol with butyraldehyde. Polyvinyl butyral (PVB) has a number of unique properties including high tensile strength, impact resistance, transparency and elasticity which make it particularly suitable as an adhesive film interlayer in the manufacture of laminated safety glass (LSG) in automobile windshields and architectural safety glass. PVB films for this purpose are typically compounded with a plasticizer to enhance adhesion, flexibility and impact resistance, and sold commercially in the form of extruded sheet. In recent years, natural disasters such as hurricanes and tornadoes, etc., along with terrorist bombings have resulted in the promulgation of national safety standards targeted at the reduction in fatalities and injuries resulting from flying glass.

PVB also finds extensive use in non-film applications including adhesives in metal conditioners for corrosion-inhibiting pigments; in wood finishes, including wash coats and sealers; in structural adhesives, often in combination with thermosetting resins, and in combination with plasticizers, waxes and resins to produce hot-melt adhesives. Other uses include textile coatings to waterproof fabrics and impart stain resistance, and for use as a toner or developer in electrophotography. PVB also acts to improve green strength prior to the firing of ceramic articles.

Tariff treatment:⁶

<u>Product</u>	<u>HTS subheading</u>	Col. 1-general <u>rate of duty</u>
Polyvinyl butyral.....	3905.99.80	5.3%

Structure of domestic industry (including competing products):

Polyvinyl butyral: The petitioner, Solutia, Inc., and DuPont each manufacture this product in the United States. The two firms compete in the large PVB interlayer markets used in automotive and architectural safety glass. The petitioner produces both PVB interlayer and resin for sale from two facilities in MA and MI; while DuPont is believed to convert PVB resin into interlayer sheet principally for the safety glass market in two facilities in NC and WV. The principal difference between Solutia and DuPont interlayer is in the plasticizer used in the composition. Both products are believed to be of the same quality. Both Solutia and DuPont are believed to have the capability to import PVB resin and/or sheet from affiliates in Europe, if required, but the U.S. industry reportedly produces a significant surplus amount of PVB for export, and is known to be a large net exporter. Solutia has announced

⁶See appendix B for column 1-special and column 2 duty rates.

the startup of a new manufacturing facility at NewPort Wales, U.K. in late-1998.
The plant is believed to be designed to produce both PVB and plasticizer.

Private-sector views:

In addition to the petitioner, the Commission contacted DuPont, Wilmington, DE, and three other firms in conjunction with this bill.⁷

U.S. consumption:

Polyvinyl butyral: ¹	<u>1995</u>	<u>1996</u>	<u>1997</u>
	----- (million dollars)-----		
U.S. production.....	500	500	500
U.S. imports.....	150	180	200
U.S. exports.....	300	400	500
Apparent U.S. consumption.....	350	430	500

¹Commission estimates based on information supplied by industry.

Principal import sources: Belgium, Germany, and Japan.

Principal export markets: Canada, Europe, Asia, Mexico, and South America.

Effect on customs revenues:⁸

Future (1998-2000) effect:

<u>Product</u>	Estimated average annual <u>revenue loss</u>		
	<u>1998</u>	<u>1999</u>	<u>2000</u>
	----- (1,000 dollars)-----		
Polyvinyl butyral.....	200	220	250

Retroactive effect: None.

Technical comments:

None.

⁷The C. P. Hall Co., Bedford Park, IL; Eastman Chemical, Kingsport, TN; and, Union Carbide, Danbury, CT.

⁸Actual revenue loss may be understated if a significant increase in imports occurs during the duty suspension period.

APPENDIX A

TARIFF AND TRADE AGREEMENT TERMS

In the **Harmonized Tariff Schedule of the United States** (HTS), chapters 1 through 97 cover all goods in trade and incorporate in the tariff nomenclature the internationally adopted Harmonized Commodity Description and Coding System through the 6-digit level of product description. Subordinate 8-digit product subdivisions, either enacted by Congress or proclaimed by the President, allow more narrowly applicable duty rates; 10-digit administrative statistical reporting numbers provide data of national interest. Chapters 98 and 99 contain special U.S. classifications and temporary rate provisions, respectively. The HTS replaced the **Tariff Schedules of the United States** (TSUS) effective January 1, 1989.

Duty rates in the **general** subcolumn of HTS column 1 are most-favored-nation (MFN) rates, many of which have been eliminated or are being reduced as concessions resulting from the Uruguay Round of Multilateral Trade Negotiations. Column 1-general duty rates apply to all countries except those enumerated in HTS general note 3(b) (Afghanistan, Cuba, Laos, North Korea, and Vietnam), which are subject to the statutory rates set forth in **column 2**. Specified goods from designated MFN-eligible countries may be eligible for reduced rates of duty or for duty-free entry under one or more preferential tariff programs. Such tariff treatment is set forth in the **special** subcolumn of HTS rate of duty column 1 or in the general notes. If eligibility for special tariff rates is not claimed or established, goods are dutiable at column 1-general rates. The HTS does not enumerate those countries as to which a total or partial embargo has been declared.

The **Generalized System of Preferences** (GSP) affords nonreciprocal tariff preferences to developing countries to aid their economic development and to diversify and expand their production and exports. The U.S. GSP, enacted in title V of the Trade Act of 1974 for 10 years and extended several times thereafter, applies to merchandise imported on or after January 1, 1976 and before the close of June 30, 1998. Indicated by the symbol "A", "A*", or "A+" in the special subcolumn, the GSP provides duty-free entry to eligible articles the product of and imported directly from designated beneficiary developing countries, as set forth in general note 4 to the HTS.

The **Caribbean Basin Economic Recovery Act** (CBERA) affords nonreciprocal tariff preferences to developing countries in the Caribbean Basin area to aid their economic development and to diversify and expand their production and exports. The CBERA, enacted in title II of Public Law 98-67, implemented by Presidential Proclamation 5133 of November 30, 1983, and amended by the Customs and Trade Act of 1990, applies to merchandise entered, or withdrawn from warehouse for consumption, on or after January 1, 1984. Indicated by the symbol "E" or "E*" in the special subcolumn, the CBERA provides duty-free entry to eligible articles, and reduced-duty treatment to certain other articles, which are the product of and imported directly from designated countries, as set forth in general note 7 to the HTS.

Free rates of duty in the special subcolumn followed by the symbol "IL" are applicable to products of Israel under the **United States-Israel Free Trade Area Implementation Act** of 1985 (IFTA), as provided in general note 8 to the HTS.

Preferential nonreciprocal duty-free or reduced-duty treatment in the special subcolumn followed by the symbol "J" or "J*" in parentheses is afforded to eligible articles the product of designated beneficiary countries under the **Andean Trade Preference Act** (ATPA), enacted as title II of Public Law 102-182 and implemented by Presidential Proclamation 6455 of July 2, 1992 (effective July 22, 1992), as set forth in general note 11 to the HTS.

Preferential or free rates of duty in the special subcolumn followed by the symbol "CA" are applicable to eligible goods of Canada, and rates followed by the symbol "MX" are applicable to eligible goods of Mexico, under the **North American Free Trade Agreement**, as provided in general note 12 to the HTS and implemented effective January 1, 1994

by Presidential Proclamation 6641 of December 15, 1993. Goods must originate in the NAFTA region under rules set forth in general note 12(t) and meet other requirements of the note and applicable regulations.

Other special tariff treatment applies to particular **products of insular possessions** (general note 3(a)(iv)), **products of the West Bank and Gaza Strip** (general note 3(a)(v)), goods covered by the **Automotive Products Trade Act** (APTA) (general note 5) and the **Agreement on Trade in Civil Aircraft** (ATCA) (general note 6), **articles imported from freely associated states** (general note 10), **pharmaceutical products** (general note 13), and **intermediate chemicals for dyes** (general note 14).

The **General Agreement on Tariffs and Trade 1994** (GATT 1994), pursuant to the Agreement Establishing the World Trade Organization, is based upon the earlier GATT 1947 (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786) as the primary multilateral system of disciplines and principles governing international trade. Signatories' obligations under both the 1994 and 1947 agreements focus upon most-favored-nation treatment, the maintenance of scheduled concession rates of duty, and national treatment for imported products; the GATT also provides the legal framework for customs valuation standards, "escape clause" (emergency) actions, antidumping and countervailing duties, dispute settlement, and other measures. The results of the Uruguay Round of multilateral tariff negotiations are set forth by way of separate schedules of concessions for each participating contracting party, with the U.S. schedule designated as Schedule XX.

Pursuant to the **Agreement on Textiles and Clothing** (ATC) of the GATT 1994, member countries are phasing out restrictions on imports under the prior "Arrangement Regarding International Trade in Textiles" (known as the **Multifiber Arrangement** (MFA)). Under the MFA, which was a departure from GATT 1947 provisions, importing and exporting countries negotiated bilateral agreements limiting textile and apparel shipments, and importing countries could take unilateral action in the absence or violation of an agreement. Quantitative limits had been established on imported textiles and apparel of cotton, other vegetable fibers, wool, man-made fibers or silk blends in an effort to prevent or limit market disruption in the importing countries. The ATC establishes notification and safeguard procedures, along with other rules concerning the customs treatment of textile and apparel shipments, and calls for the eventual complete integration of this sector into the GATT 1994 over a ten-year period, or by Jan. 1, 2005.

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APPENDIX B

**SELECTED PORTIONS OF THE
HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES**

(Appendix not included in the electronic version of this report.)

105TH CONGRESS
2D SESSION

H. R. 3327

To suspend temporarily the duty on the chemical Polyvinyl butyral.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1998

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

A BILL

To suspend temporarily the duty on the chemical Polyvinyl butyral.

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. TEMPORARY SUSPENSION OF DUTY.**

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:

“	9902.39.05	Polyvinyl butyral (CAS No. 63148– 65–2) (provided for in subheading 3905.99.80)	Free	No change	No change	On or before 12/31/2000	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 this section applies with respect to goods entered, or with-
3 drawn from warehouse for consumption, on or after the
4 15th day after the date of the enactment of this Act.

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