MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress ¹

[Date approved: August 8, 2005]²

Bill No. and sponsor: H.R. 1727 (Mrs. Capito)

Proponent name, location: Bayer CropScience
1275 Pennsylvania Ave., NW
Suite 810
Washington, DC  20004

Other bills on product (109th Congress only): None.


Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):
Triadimefon (1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone)
(CAS No. 43121-43-3) (provided for in subheading 2933.99.22).

Check one: Same as that in bill as introduced
X Different from that in bill as introduced (explain differences in Technical comments section)

Product information, including uses/applications and source(s) of imports:

Triadimefon is a synthetic organic chemical used as a systemic fungicide to control powdery mildew on cereals, vegetables, and fruits. It is also used to control a wide spectrum of diseases relating to turf and ornamentals. Currently, there is no U.S. production of this product. This product is imported from Germany as a technical material and then formulated and packaged for sale in the domestic market.

There are at least two systemic fungicides that compete with Triadimefon in the turf, ornamentals, and specific crop markets. Some of these competing products are also imported and then formulated in the United States.

¹ Industry analyst preparing report: Ed Cappuccilli (202-205-3368); Tariff Affairs contact: David Michels (202-205-3440).
² Access to an electronic copy of this memorandum is available at www.usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm.
Estimated effect on customs revenue:

<table>
<thead>
<tr>
<th>HTS subheading:  2933.99.22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Col. 1-General rate of duty (AVE) 1/</td>
</tr>
<tr>
<td>Estimated value dutiable imports</td>
</tr>
<tr>
<td>Customs revenue loss</td>
</tr>
</tbody>
</table>

1/ The AVE is the ad valorem equivalent of a specific or compound duty rate expressed as a percent, using the most recent import data available.
Source of estimated dutiable import data: Industry estimates.

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

<table>
<thead>
<tr>
<th>Name of firm/organization</th>
<th>Date contacted</th>
<th>US production of same or competitive product claimed?</th>
<th>Submission attached?</th>
<th>Opposition noted?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayer CropScience (Proponent) William Hensley Tel. No.: 202-756-3781</td>
<td>06/09/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>AtoFina Cerexagri Charles Kitchin Fax: 703-527-2092</td>
<td>06/21/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>BASF Corp. Greg Theis Fax: 202-682-9459</td>
<td>06/21/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Crop Life America Lawrence Norton Fax: 202-463-0474</td>
<td>06/21/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Dow AgroScience Margaret Rogers Fax: 202-429-3467</td>
<td>06/21/2005</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
### Technical comments:

There is already an existing duty suspension on this product. The Commission suggests that the bill be rewritten to extend the current duty suspension on Triadimefon. The current heading 9902.02.56 can be modified by striking the date in the Effective Period column and inserting “12/31/2008” in lieu thereof.

In any event, the Commission suggests that the article description given on page 1 of this report be used in the proposed new heading to reflect the correct nomenclature for this product as well as to reflect the common name Triadimefon. The article description is the same as currently listed under heading 9902.02.56.

---

3 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.
H. R. 1727

To suspend temporarily the duty on Triadimefon.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

Mrs. CAPITO introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To suspend temporarily the duty on Triadimefon.

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

SECTION 1. TRIADIMEFON.

(a) In general.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

```
9902.05.72 1-(4-Chlorophenoxy)-3,3-dimethy]-1-(1H-1,2,4-triazol-1-
y1)-2-butanone (CAS No. 43121–43–3) (provided for in subheading 2933.99.22) . Free No change No change On or before 12/31/2008 .
```

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