

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: August 26, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 1899 (Mr. Cleaver).

**Proponent name, location:** Bayer Crop Science  
Washington, DC, 20004

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2008.

**Retroactive effect:** None.

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

Phosphorus Thiochloride (CAS No. 3982-91-0) (provided for in subheading 2851.00.00)

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

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

The chemical is an active ingredient in a broad-spectrum soil insecticide that controls major corn insect pests including corn rootworm, cutworm, wireworm and white grub. The chemical is imported from India.

<sup>1</sup> Industry analyst preparing report: Jack Greenblatt (202-205-3353); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm).

**Estimated effect on customs revenue:**

| <b>HTS subheading: 2851.00.00</b>   |           |           |           |           |           |
|---|-----------|-----------|-----------|-----------|-----------|
|  | 2005      | 2006      | 2007      | 2008      | 2009      |
| Col. 1-General rate of duty (AVE) <u>1/</u>                                       | 2.8%      | 2.8%      | 2.8%      | 2.8%      | 2.8%      |
| Estimated value <i>dutiable</i> imports   | \$402,854 | \$402,854 | \$402,854 | \$402,854 | \$402,854 |
| Customs revenue loss  | \$11,280  | \$11,280  | \$11,280  | \$11,280  | \$11,280  |

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):**

| Name of firm/organization                                     | Date contacted | US production of same or competitive product claimed? | Submission attached? | Opposition noted? |
|---|----------------|---|----------------------|-------------------|
|   |                | (Yes/No)  |                      |                   |
| Bayer Crop Science (proponent)<br>Mike Gill Tel: 202-508-8843 | 7/14/2005      | No  | No                   | No                |
| AtoFina Cerexagri<br>Charles Kitchin Fax: 703- 527- 2092      | 7/14/2005      | No  | No                   | No                |
| Aventis<br>Jean Rimers Fax: 202- 628- 6622                    | 7/14/2005      | No  | No                   | No                |
| BASF Corp<br>Greg Theis Fax: 202- 682- 9459                   | 7/14/2005      | No  | No                   | No                |
| Crop Life America<br>Lawrence Norton Fax: 202- 463 0474       | 7/14/2005      | No  | No                   | No                |
| Dow Agro Science<br>Margaret Rogers Fax: 202-429-3467         | 7/14/2005      | No  | No                   | No                |
| E.I. duPont<br>Elaine Olsen Fax: 302- 892- 7343               | 7/14/2005      | No  | No                   | No                |
| FMC Corp<br>Jerry Prout. Fax: 202- 956- 5235                  | 7/14/2005      | No  | No                   | No                |

|  |           |    |    |    |
|--|-----------|----|----|----|
| Syngenta.<br>Mike Blythe Fax: 336- 632- 6084     | 7/14/2005 | No | No | No |
| Valent USA.<br>Robin Demouth Fax: 925- 256- 2776 | 7/14/2005 | No | No | No |

**Technical comments:**<sup>3</sup> None.

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<sup>3</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.

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1899

To suspend temporarily the duty on Phosphorus Thiochloride.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

Mr. CLEAVER 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 Phosphorus  
Thiochloride.

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. PHOSPHORUS THIOCHLORIDE.**

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:

|   |            |  |      |           |           |                            |    |
|---|------------|--|------|-----------|-----------|----------------------------|----|
| “ | 9902.05.92 | Phosphorus Thiochloride<br>(CAS No. 3982-91-0) (pro-<br>vided for in subheading<br>2851.00.00) ..... | Free | No change | No change | On or before<br>12/31/2008 | ”. |
|---|------------|--|------|-----------|-----------|----------------------------|----|

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 enactment of this Act.

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