

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: October 12, 2005]²

Bill No. and sponsor: H.R. 1936 (Mr. Thomas M. Reynolds of New York).

Proponent name, location: FMC Corporation, Philadelphia, PA

Other bills on product (109th Congress only): H.R. 2255.

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

Retroactive effect: None.

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

N-(Cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide (Flonicamid) (CAS No. 158062-67-0)
(provided for in subheading 2933.39.27)

Check one: Same as that in bill as introduced.
 Different from that in bill as introduced (see Technical comments section).

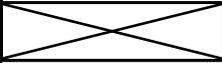
Product information, including uses/applications and source(s) of imports:

Flonicamid, a synthetic organic chemical, is the active ingredient in an insecticide used on crops such as cotton, potatoes, tomatoes and leafy vegetables. The proponent imports the product, which is just being introduced to the U.S. market, from Japan. A competing product, Pymetrozine, is imported by Syngenta, a Swiss company.

¹ Industry analyst preparing report: Elizabeth Nesbitt (202-205-3355); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm

Estimated effect on customs revenue:

HTS subheading: <u>2933.39.27</u>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$0	\$1,400,000	\$2,800,000	\$4,900,000	\$7,400,000
Customs revenue loss	\$0	\$91,000	\$182,000	\$318,500	\$481,000

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)		
FMC Corporation (Proponent) Jerry Prout 202-956-5209	8/22/2005	No	No	No
AtoFina Cerexagri Charles Kitchin Fax No.: 703-527-2092	8/22/2005	No	No	No
Bayer CropScience Jean Reimers Fax No.: 202-628-6622	8/22/2005	No	No	No
BASF Corp. Greg Thies Fax No.: 202-558-5101	8/22/2005	No	No	No
Crop Life America Lawrence Norton Fax No.: 202-463-0474	8/22/2005	No	No	No
Dow/Dow AgroSciences Lisa Schroeter Fax No.: 202-429-3467	8/22/2005	No	No	No
E. I. DuPont Elaine Olsen Fax No.: 302-892-7343	8/22/2005	No	No	No
Griffin Corp. James Whatley Fax No.: 800-248-5154	8/22/2005	No	No	No
Syngenta Mike Blythe Fax No.: 336-632-6084	8/22/2005	No	No	No

Valent USA Robin Dermouth Fax No.: 925-256-2776	8/22/2005	No	No	No
Monsanto Corp. Linda Strachan Fax No: 202-789-1819	8/22/2005	No	No	No

Technical comments:³

The Commission suggests that the article description on page 1 of this report be used in the proposed new heading in order to provide the correct HTS number and italicize the indicated nitrogen in the chemical name.

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.

109TH CONGRESS
1ST SESSION

H. R. 1936

To suspend temporarily the duty on Flonicamid.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2005

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

A BILL

To suspend temporarily the duty on Flonicamid.

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. FLONICAMID.**

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:

“	9902.06.03	N-(Cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide (Flonicamid) (CAS No. 158062-67-0) (provided for in subheading 2933.59.15) ..	Free	No change	No change	On or before 12/31/2008	”.
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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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