MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress

[Date approved: October 12, 2005]

Bill No. and sponsor: H.R. 1937 (Mr. Thomas M. Reynolds of New York).

Proponent name, location: FMC Corporation, Philadelphia, PA

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


Retroactive effect: None.

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

(2-Methyl[1,1’-biphenyl]-3-yl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82657–04–3) (provided for in subheading 2916.20.50).

Check one

X 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 chemical is a synthetic organic chemical used as a broad-spectrum pyrethroid insecticide, miticide, and termiticide on crops such as corn, cotton, soybeans, fruit and vegetables. The proponent imports bifenthrin from China. A competing product, lambda cyhalothrin, is produced by Syngenta, a Swiss company.
Estimated effect on customs revenue:

<table>
<thead>
<tr>
<th>HTS subheading: 2916.20.50</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Col. 1-General rate of duty</td>
<td>3.7%</td>
<td>3.7%</td>
<td>3.7%</td>
<td>3.7%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Estimated value of dutiable imports</td>
<td>$11,500,000</td>
<td>$11,500,000</td>
<td>$11,500,000</td>
<td>$11,500,000</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Customs revenue loss</td>
<td>$425,500</td>
<td>$425,500</td>
<td>$425,500</td>
<td>$425,500</td>
<td>$425,500</td>
</tr>
</tbody>
</table>

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>
</table>
| 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 |
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.

<table>
<thead>
<tr>
<th>Company</th>
<th>Date</th>
<th>Opinion</th>
<th>Concern 1</th>
<th>Concern 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Syngenta</td>
<td>8/22/05</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Mike Blythe (Fax No.: 336-632-6084)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valent USA</td>
<td>8/22/05</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Robin Dermouth (Fax No.: 925-256-2776)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monsanto Corp.</td>
<td>8/22/05</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Linda Strachan (Fax No: 202-789-1819)</td>
<td></td>
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</tbody>
</table>

**Technical comments:** None.
To suspend temporarily the duty on Bifenthrin.

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 Bifenthrin.

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

SECTION 1. BIFENTHRIN.

(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:

| 9902.06.04 | (2-Methyl[1,1'-biphenyl]-3-yl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Bifenthrin) (CAS No. 82657-04-3) (provided for in subheading 2916.29.50) | 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.