MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress

[Date approved: October 12, 2005]

Bill No. and sponsor: H.R. 2027 (Mrs. Ellen O. Tauscher of California).

Proponent name, location: Valent U.S.A. Corp., Walnut Creek, CA

Other bills on product (109th Congress only): H.R. 1885.


Retroactive effect: None.

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

(S)-α-cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate
(Deltamethrin) (CAS No. 52918–63–5) (provided for in subheading 2926.90.30)

Check one:

X Different from that in bill as introduced (see Technical comments section).

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

The subject product, commonly known as Deltamethrin, is a photo-stable pyrethroid insecticide. The proponent imports Deltamethrin from India. There are no other known importers.

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1 Industry analyst preparing report: Jeff Clark (202-205-3318); 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:

<table>
<thead>
<tr>
<th>HTS subheading: 2926.90.30</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Col. 1-General rate of duty</td>
</tr>
<tr>
<td>Estimated value dutiable imports</td>
</tr>
<tr>
<td>Customs revenue loss 1/</td>
</tr>
</tbody>
</table>

1/ Estimated revenue loss for 2005 and 2006 results from a current suspension of duty per heading 9902.01.49.
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>Valent U.S.A. Corp. (Proponent) Robin Demouth, 925-256-2758 Jed D’Ercole, 202-835-0740</td>
<td>08/11/2005 08/12/2005 08/15/2005</td>
<td>No No No</td>
<td>No No No</td>
<td></td>
</tr>
<tr>
<td>BASF Corp. Tom Coleman, 202-289-3900</td>
<td>08/12/2005</td>
<td>No</td>
<td>No No No</td>
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</tr>
<tr>
<td>Bayer Corp. Karen Niedermeyer, 412-777-2058</td>
<td>08/12/2005</td>
<td>No</td>
<td>No No No</td>
<td></td>
</tr>
<tr>
<td>E. I. du Pont de Nemours and Company Elaine Olsen, 302-992-2263</td>
<td>08/12/2005</td>
<td>No</td>
<td>No No No</td>
<td></td>
</tr>
<tr>
<td>Monsanto Corp. Linda Strachan, 202-383-2849</td>
<td>08/12/2005</td>
<td>No</td>
<td>No No No</td>
<td></td>
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<tr>
<td>Syngenta Crop Protection Mike Blythe, 336-632-6000</td>
<td>08/12/2005</td>
<td>No</td>
<td>No No No</td>
<td></td>
</tr>
</tbody>
</table>
Technical comments:³

The Commission notes that HTS heading 9902.01.49 provides a temporary duty suspension for this chemical until December 31, 2006. The Commission suggests that the new duty suspension be enacted using this heading number. This could be accomplished by deleting heading 9902.01.49, and by using that heading number for the new duty suspension in this bill.⁴ 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 common name Deltamethrin.

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.

⁴ Specifically, line 6 of the bill could be amended to read “...amended by striking heading 9902.01.49 and inserting in lieu thereof the following...”. In addition, the heading number used in the bill, 9902.06.12, should be deleted and replaced with 9902.01.49.
H. R. 2027

To suspend temporarily the duty on Deltamethrin.

IN THE HOUSE OF REPRESENTATIVES

April 28, 2005

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

A BILL

To suspend temporarily the duty on Deltamethrin.

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

SECTION 1. DELTAMETHRIN.

(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:

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 9902.06.12 (S)-α-cyano-3-phenoxybenzyl
 (1R,3R)-3-(2,2-
dibromovinyl)-2,2-
dimethylcyclopropane-carbox-
 ylate (CAS No. 52918–63–
5) (provided for in sub-
heading 2926.90.30) ........ Free No change No change On or before 12/31/2008`
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(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 the enactment of this Act.