

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: October 12, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2028 (Mrs. Ellen O. Tauscher of California).

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

**Other bills on product (109<sup>th</sup> Congress only):** H.R. 2026, H.R. 2246.

**Nature of bill:** Temporary duty suspension through 12/31/2008.

**Retroactive effect:** None.

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

[1R-[1 $\alpha$ (S\*),3 $\beta$ ]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434-00-6) (provided for in subheading 2916.20.50)

**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:**

S-Bioallethrin is a synthetic organic chemical used as an insecticide. It is effective against flying and crawling insects such as mosquitoes, flies, wasps, and ants. Valent will import the product from France and India.

<sup>1</sup> Industry analyst preparing report: Philip Stone (202-205- 3424); 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: 2916.20.50</b>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$280,077	\$280,077	\$280,077	\$280,077	\$280,077
Customs revenue loss	\$10,363	\$10,363	\$10,363	\$10,363	\$10,363

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?
Valent USA (proponent) Jed D'Ercole, 202-835-0740 Robin Demouth, Fax: 925-256-2776	8/15/2005 8/18/2005	No	No	No
Syngenta Mike Blythe, Fax: 336-632-6084	8/18/2005	No	No	No
Monsanto Corporation Michael Parrish, Fax: 202-789-1867	8/18/2005	No	No	No
FMC Corporation Jerry Prout, Fax: 202-956-5235	8/18/2005	No	No	No
DuPont Helen McMahon, Fax: 202-728-3649	8/18/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	8/18/2005	No	No	No
BASF Corporation Greg Thies, Fax: 202-558-5101	8/18/2005	No	No	No
Dow Agro Science Lisa Schroeter, Fax: 202-429-3467	8/18/2005	No	No	No

**Technical comments:**<sup>3</sup>

H.R. 2028 is very similar to H.R. 2026 and H.R. 2246. The article description of H.R. 2246, as modified, allows for either product described in H.R. 2026 or H.R. 2028 to be imported. H.R. 2246 would be easier to administer for U.S. Customs purposes. If H.R. 2246 is enacted, neither H.R. 2026 or H.R. 2028 would be necessary.

If H.R. 2028 is to be enacted, the Commission suggests that the article description on page 1 be used because it contains the common chemical name for this optical isomer.

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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.

109TH CONGRESS  
1ST SESSION

# H. R. 2028

To suspend temporarily the duty on Esbioallethrin.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mrs. TAUSCHER 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 Esbioallethrin.

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. ESBIOALLETHRIN.**

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:

“	9902.06.13	[1 <i>R</i> -[1α( <i>S</i> *),3β]]-2-methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (CAS No. 28434-00-6) (provided for in subheading 2916.20.50) .....	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 the enactment of this Act.

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