

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. 2032 (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):** None.

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

**Retroactive effect:** None.

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

Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (Flumiclorac-pentyl)  
(CAS No. 87547-04-4) (provided for in subheading 2926.90.25)

**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:**

Flumiclorac-pentyl is a synthetic organic chemical used as a broadleaf herbicide for the control of velvetleaf in corn and soybeans. It is the active ingredient in Valent's Resource<sup>®</sup> brand. Valent imports the product from Japan and India.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2926.90.25</b>					
	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	\$2,104,807	\$3,957,756	\$4,497,450	\$4,797,280	\$5,097,110
Customs revenue loss	\$136,812	\$257,254	\$292,334	\$311,823	\$331,312

Source of estimated dutiable import data: Industry estimates.

<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)

**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)		
Valent USA (proponent) Jed D'Ercole, 202-835-0740 Robin Demouth, Fax: 925-256-2776	8/15/2005	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 McMahan, 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>**

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 in parentheses.

<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. 2032

To suspend temporarily the duty on flumiclorac pentyl ester.

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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 flumiclorac pentyl ester.

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. FLUMICLORAC PENTYL ESTER.**

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:

“	9902.33.66	Pentyl [2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy] acetate (CAS No. 87547-04-4) (provided for in subheading 2926.90.25) .....	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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