

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: November 8, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2397 (Mr. Jim Costa of California)

**Proponent name, location:** Bayer CropScience, Washington, DC.

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Renewal of temporary duty suspension through December 31, 2008.<sup>3</sup>

**Retroactive effect:** From January 1, 2004.

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

(E,E)- $\alpha$ -(Methoxyimino)-2-[[[1-[3-(trifluoromethyl)phenyl]-ethylidene]amino]oxy]-methyl]benzeneacetic acid, methyl ester (CAS No. 141517-21-7) (provided for in subheading 2929.90.20)

**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:**

The subject product is a synthetic organic chemical used as a fungicide on bananas, grapes, sugar beets, and cereals. This product is imported from Switzerland as the active ingredient and then used in formulations for domestic sale.

**Estimated effect on customs revenue:**

HTS subheading: <b>2929.90.20</b>					
	2004	2005	2006	2007	2008
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$8,000,000	\$8,000,000	\$8,000,000	\$8,000,000	\$8,000,000
Customs revenue loss	\$520,000	\$520,000	\$520,000	\$520,000	\$520,000

Source of estimated dutiable import data: Industry and Commission estimates.

<sup>1</sup> Industry analyst preparing report: Ed Cappuccilli (202-205-3368); 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).

<sup>3</sup> The subject product was eligible for duty-free treatment under heading 9902.29.41 through December 31, 2003.

**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)		
Bayer CropScience (Proponent) William Hensley, 202-756-3781	9/20/2005	No	No	No
AtoFina Cerexagri Charles Kitchin, Fax: 703-527-2092	9/20/2005	No	No	No
BASF Corp. Greg Thies, Fax: 202-682-9459	9/20/2005	No	No	No
Crompton Corp. Carly Seymour, 202-463-8493	9/20/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-436-0474	9/20/2005	No	No	No
Dow AgroScience Margaret Rogers, Fax: 202-429-3467	9/20/2005	No	No	No
E.I. DuPont Elaine Olsen, Fax: 302-774-1398	9/20/2005	No	No	No
FMC Corp. Sidney McDaniel, Fax: 215-299-6954 Jerry Prout, Fax: 202-956-5235	9/20/2005	No	No	No
Griffin Corp. James Whatley, Fax: 800-248-5154 Stephen Glennon, Fax: 800-248-5154	9/20/2005	No	No	No
Syngenta Mike Blythe, Fax: 336-632-6084	9/20/2005	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	9/20/2005	No	No	No

**Technical comments:**<sup>4</sup> None.

<sup>4</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. 2397

To extend the temporary suspension of duty on Trifloxystrobin.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2005

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

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## A BILL

To extend the temporary suspension of duty on  
Trifloxystrobin.

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. TRIFLOXYSTROBIN.**

4 (a) IN GENERAL.—Heading 9902.29.41 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 Trifloxystrobin) is amended by striking “12/31/2003” and  
7 inserting “12/31/2008”.

8 (b) EFFECTIVE DATE.—

9 (1) IN GENERAL.—The amendment made by  
10 subsection (a) applies to goods entered, or with-

1 drawn from warehouse for consumption, on or after  
2 January 1, 2004.

3 (2) RETROACTIVE APPLICATION.—Notwith-  
4 standing section 514 of the Tariff Act of 1930 (19  
5 U.S.C. 1514) or any other provision of law, upon  
6 proper request filed with U.S. Customs and Border  
7 Protection before the 90th day after the date of the  
8 enactment of this Act, any entry, or withdrawal  
9 from warehouse for consumption, of any good—

10 (A) that was made on or after January 1,  
11 2004, and before the date of the enactment of  
12 this Act, and

13 (B) with respect to which there would have  
14 been no duty if the amendment made by sub-  
15 section (a) applied to such entry or withdrawal,  
16 shall be liquidated or reliquidated as if such amend-  
17 ment applied to such entry or withdrawal.

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