

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 110<sup>th</sup> Congress<sup>1</sup>**

[Date approved: May 23, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4597 (Mr. Emanuel Cleaver of Missouri).

**Proponent name,<sup>3</sup> location:** Bayer CropScience, Research Triangle Park, NC.

**Other bills on product (110<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

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

(5-Cyclopropyl-4-isoxazolyl)[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl]methanone (Isoxaflutole)  
(CAS No. 141112-29-0) (provided for in subheading 2934.99.15)

**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, a synthetic organic chemical, Isoxaflutole, is the active ingredient in formulated herbicides for use on crops. The subject product is imported from Finland.

---

<sup>1</sup> Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/).

<sup>3</sup> The sponsor/proponent did not identify any additional beneficiaries of this bill.

**Estimated effect on customs revenue:**

| <b>HTS subheading: 2934.99.15</b>       |             |             |             |             |             |
|-----------------------------------------|-------------|-------------|-------------|-------------|-------------|
|                                         | 2009        | 2010        | 2011        | 2012        | 2013        |
| Col. 1-General rate of duty             | 6.5%        | 6.5%        | 6.5%        | 6.5%        | 6.5%        |
| Estimated value <i>dutiable</i> imports | \$7,590,570 | \$7,590,570 | \$7,590,570 | \$7,590,570 | \$7,590,570 |
| Customs revenue loss <u>1/</u>          | \$364,347   | \$493,387   | \$493,387   | \$493,387   | \$493,387   |

1/ The estimated customs revenue loss for 2009 is based on the difference between the temporary rate of duty of 4.8 percent ad valorem that would apply under HTS heading 9902.11.46, which expires on December 31, 2009, and “Free”, which is the temporary rate of duty that would apply under the bill, a reduction of 4.8 percentage points.

Source of estimated dutiable import data: U.S. industry estimates.

**Contacts with domestic firms/organizations (including the proponent):**

| Name of firm/organization                                                                              | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------|----------------------|-------------------|
|                                                                                                        |                | (Yes/No)                                     |                      |                   |
| Bayer CropScience (Proponent)<br>William H. Hensley, 202-756-3781                                      | 3/25/2008      | No                                           | No                   | No                |
| Arkema<br>Charles A. Kitchen, Fax: 215-419-7075                                                        | 3/25/2008      | No                                           | No                   | No                |
| BASF<br>Greg Thies, Fax: 202-558-5101                                                                  | 3/25/2008      | No                                           | No                   | No                |
| Chemtura Corporation<br>Matt Mattingley, Fax: 202-463-8498                                             | 3/25/2008      | No                                           | No                   | No                |
| CropLife America<br>Isi Siddiqui, Fax: 202-463-0474                                                    | 3/25/2008      | No                                           | No                   | No                |
| Dow Chemical/Dow AgroScience<br>Lisa Schroeter, Fax: 202-429-3467<br>Max Turnipseed, Fax: 225-383-0590 | 3/25/2008      | No                                           | No                   | No                |
| DuPont<br>Helen McMahon, Fax: 302-355-2994                                                             | 3/25/2008      | No                                           | No                   | No                |
| Emerald Performance Chemicals<br>Tom Dirmyer, Fax: 330-315-6480                                        | 3/25/2008      | No                                           | No                   | No                |
| FMC<br>Jerry Prout, Fax: 202-956-5235                                                                  | 3/25/2008      | No                                           | No                   | No                |

| Name of firm/organization                                                                | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|------------------------------------------------------------------------------------------|----------------|----------------------------------------------|----------------------|-------------------|
|                                                                                          |                |                                              |                      |                   |
| Gowan Company<br>Cindy Baker, Fax: 928-373-1822<br>George L. Rolofson, Fax: 336-854-2772 | 3/25/2008      | No                                           | No                   | No                |
| Monsanto Corp.<br>Grant Erdel, Fax: 202-789-1867                                         | 3/25/2008      | No                                           | No                   | No                |
| Nufarm Limited<br>Joel R. Junker, Fax: 206-621-8220                                      | 3/25/2008      | No                                           | No                   | No                |
| Syngenta Crop Protection, Inc.<br>Angus Kelly, Fax: 336-632-6084                         | 3/25/2008      | No                                           | No                   | No                |
| Valent USA<br>Robin Demouth, Fax: 925-256-2776                                           | 3/25/2008      | No                                           | No                   | No                |

**Technical comments:**<sup>4</sup>

The Commission staff suggests that an existing heading, 9902.11.46, be used for the new duty suspension by changing the rate of duty from “4.8%” to “Free” and by modifying the effective date.

<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.

110TH CONGRESS  
1ST SESSION

# H. R. 4597

To suspend temporarily the duty on Isoxaflutole.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

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

---

## A BILL

To suspend temporarily the duty on Isoxaflutole.

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. ISOXAFLUTOLE.**

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:

|   |            |                                                                                                                                                                         |      |           |           |                         |    |
|---|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----------|-----------|-------------------------|----|
| “ | 9902.01.00 | Isoxaflutole: 5-Cyclopropyl-4-(2-Methylsulfonyl-4-Trifluoromethylbenzoyl) Isoxazole (CAS No. Isoxaflutole: 141112-29-0) (provided for in subheading 2934.99.1500) ..... | Free | No change | No change | On or before 12/31/2011 | ”. |
|---|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----------|-----------|-------------------------|----|

1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies to articles entered, or withdrawn  
3 from warehouse for consumption, on or after the 15th day  
4 after the date of the enactment of this Act.

○