

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: July 29, 2008]²

Bill No. and sponsor: H.R. 5062 (Mr. Joe Sestak of Pennsylvania).

Proponent name,³ location: United Phosphorus, Inc., King of Prussia, PA.

Other bills on product (110th 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)):

1 alpha(S*), 3 alpha(Z)-(+)-cyano(3-phenoxyphenyl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Lambda-cyhalothrin) (CAS No. 91465-08-6) (provided for in subheading 2926.90.30).

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 synthetic organic chemical, Lambda-cyhalothrin, is a non-systemic, contact insecticide that is used to control many insect pests in crop and non-crop areas. The chemical is imported from India.⁴

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

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/.

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

⁴ India is a designated beneficiary of the Generalized System of Preferences (GSP), and HTS subheading 2926.90.30 is an eligible product category for purposes of the GSP program. However, India is ineligible for duty-free treatment under HTS subheading 2926.90.30. See General Note 4(d) of the HTS (2008).

Estimated effect on customs revenue:

HTS subheading: <u>2926.90.30</u>					
	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	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000
Customs revenue loss	\$211,250	\$211,250	\$211,250	\$211,250	\$211,250

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)		
United Phosphorus, Inc. (Proponent) Jerry C. Hill, jhill@mwe.com	5/15/2008	No	No	No
Arkema Inc. Charles A. Kitchen, Fax: 215-419-7075	5/15/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	5/15/2008	No	No	No
Bayer CropScience William Hensley, Fax: 202-737-8909	5/15/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	5/15/2008	No	No	No
Dow Chemical Co. Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	5/15/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	5/15/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	5/15/2008	No	No	No
FMC Jerry Prout, Fax: 202-956-5235	5/15/2008	No	No	No
Gowan Company Cindy Baker, Fax: 928-373-1822 George L. Rolofson, Fax: 336-854-2772	5/15/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
MG Group Matt Mattingley, Fax: 703-670-9313	5/15/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	5/15/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	5/15/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	5/15/2008	No	No	No

Technical comments:⁵

The Commission staff notes that there should be a space between “methyl” and “3-(2-chloro”.

⁵ 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
2D SESSION

H. R. 5062

To suspend temporarily the duty on lambda-cyhalothrin.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2008

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

A BILL

To suspend temporarily the duty on lambda-cyhalothrin.

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. LAMBDA-CYHALOTHRIN.**

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	1 alpha(S*), 3 alpha(Z)-(+)cyano(3-phenoxyphenyl)methyl3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate (Lambda-cyhalothrin) (CAS No. 91465-08-6) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2011	”.
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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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