

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: October 6, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5342 (Mrs. Judy Biggert of Illinois).

**Proponent name,<sup>3</sup> location:** Nufarm Americas, Inc., Burr Ridge, IL.

**Other bills on product (110<sup>th</sup> Congress only):** H.R. 4383 (Mr. Dan Burton of Indiana).

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

**Retroactive effect:** None.

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

2-Methyl-4-chlorophenoxyacetic acid (MCPA) (CAS No. 94-74-6) (provided for in subheading 2918.99.20).

**Check one:**     \_\_\_ Same as that in bill as introduced.  
                  X 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 herbicide that is used to control a wide variety of broad leaved weeds in cereals, grasses, flax, and non-crop areas. The subject product is imported from the Netherlands and the United Kingdom.

<sup>1</sup> Industry analyst preparing report: Jeff Clark (202-205-3318); 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 identified seven additional beneficiaries of this bill. USITC staff sent inquiries to the additional beneficiaries and received a response from one. It submitted a written representation that it would benefit from this bill.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2918.99.20</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	\$17,000,000	\$17,000,000	\$17,500,000	\$18,000,000	\$18,000,000
Customs revenue loss 1/	\$0	\$1,105,000	\$1,137,500	\$1,170,000	\$1,170,000

1/ There is an existing duty suspension under HTS heading 9902.13.60 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

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?
Nufarm Americas, Inc. (Proponent) Joel Junker, 206-621-7878 Emily Lawson, emily@jrjtradelaw.com	4/17/2008 4/25/2008 5/1/2008 5/6/2008 5/7/2008	No	No	No
Albaugh, Inc. Jim Kahnk, jimk@albaughinc.com	5/6/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	5/7/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	5/7/2008	No	No	No
Bayer CropScience Will Hensley, Fax: 202-737-8909 Jean Reimers, Fax: 202-737-8909	5/7/2008	No	No	No
Chemtura Matt Mattingley, Fax: 202-463-8498 Lloyd Moon, Fax: 203-573-2686	5/7/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	5/7/2008	No	No	No
Dow AgroSciences Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	5/7/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
DuPont Helen McMahon, Fax: 302-355-2994	5/7/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	5/7/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	5/7/2008	No	No	No
Gowan Company George Rolofson, Fax: 336-854-2772 Cindy Baker, Fax: 928-373-1822	5/7/2008	No	No	No
Loveland Products, Inc. Lanetta Scott, Fax: 303-222-2719	5/7/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	5/7/2008	No	No	No
PBI/Gordon Corp. Richard Martin, rmartin@pbigordon.com	5/6/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 Angus Kelly, Fax: 336-632-6084	5/7/2008	No	No	No
Valent U.S.A. Corporation Robin Demouth, robin.demouth@valent.com	5/7/2008	No	No	No
Winfield Solutions, LLC Linda Johnson, lmjohnson@landolakes.com	5/6/2008	No	No	No

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

The Commission staff recommends that the article description of HTS heading 9902.13.60 be modified as shown on page 1 of this report in order to include the common chemical abbreviation for this product in parentheses.

<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  
2D SESSION

# H. R. 5342

To extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mrs. BIGGERT 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 2-methyl-4-chlorophenoxyacetic acid.

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. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.**

4 (a) IN GENERAL.—Heading 9902.13.60 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 2-methyl-4-chlorophenoxyacetic acid) is amended by strik-  
7 ing the date in the effective period column and inserting  
8 “12/31/2011”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) applies to goods entered, or withdrawn from

- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of the enactment of this Act.

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