

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: May 3, 2010]²

Bill No. and sponsor: S. 2149 (Mr. Tom Harkin of Iowa).

Proponent name,³ location: Monsanto, Muscatine, IA.

Other bills on product (111th Congress only): S. 2138.

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

Retroactive effect: None.

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

o-Toluidine (CAS No. 95-53-4) (provided for in 2921.43.90).

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 an organic chemical that is used as an intermediate in the production of dyes, pesticides, and other chemicals. The product is imported from Germany.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2921.43.90:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports ^a	\$18,000,000	\$23,000,000	\$28,000,000	\$28,000,000	\$28,000,000
Customs revenue loss ^b	\$1,170,000	\$1,495,000	\$1,820,000	\$1,820,000	\$1,820,000

a/ Dutiable import estimates were provided by industry sources and Commission estimates.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

¹ Industry analyst preparing report: Philip Stone (202-205-3424); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor/proponent identified nine additional beneficiaries of this bill. USITC staff identified one additional beneficiary of this bill that was not identified by the sponsor/proponent. USITC staff sent inquiries to the ten additional beneficiaries and received responses from six. Five companies submitted a written representation that they would benefit from this bill; one company opposed it.

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?
Monsanto (Proponent) Brian Pomper, 202-223-1197	02/24/2010	No	No	No
Air Products Richard Goodstein, 202-783-1555	02/16/2010	No	No	No
Albemarle Phil Devrou, phil.devrou@albemarle.com	03/08/2010	No	No	No
Arkema Brian Sowa, Brian@strategicmi.com	02/24/2010	No	No	No
BASF Greg Thies, gregory.thies@basf.com	02/24/2010	No	No	No
Chemtura Matt Mattingley, matt@mattingleygroup.com	02/24/2010	No	No	No
Clariant Corporation Andrew Zamoyski, az@azamoyski.com	02/24/2010	No	No	No
Dow Max Turnipseed, mctint@att.net	02/24/2010	No	No	No
Dupont Elaine Olsen, elaine.m.olsen@usa.dupont.com	02/24/2010	No	No	No
Eastman Chemical Brent Perry, 202-347-9568	02/22/2010	No	No	No
Evonik Russell B. Mait, russell.mait@evonik.com	02/24/2010	No	No	No
Gabriel Performance Products Kenneth R. Allen, ken_allen@gabepro.com	02/22/2010	No	No	No
GFS Chemicals John Long, JohnL@gfschemicals.com	03/04/2010	Yes	Yes	Yes
Goodyear Phala Johnson, 202-682-9250	01/29/2010	No	No	No
LANXESS Kate Crouch, 412-809-1510	02/25/2010	No	No	No
3M Megan Ivory Carr, mmivory@mmm.com	02/24/2010	No	No	No
Royce Colors (Passaic Color) Wylie Royce, wroyce@roycecolors.com	02/22/2010	No	No	No
Solutia Robert Hurley, Rhurley@TheAccordGroup.com	02/24/2010	No	No	No
Weylchem Corporation Thomas Heinis, 803-438-3471	02/23/2010	No	No	No
United Color Tom Nowakowski, 215-860-2165	02/23/2010	No	No	No

Technical comments:⁴

The Commission staff suggests that the article description on page 1 of this report be used in the proposed heading because it contains the preferred chemical name. Also, the Commission staff notes that S. 2138 and S. 2149 would provide a temporary duty suspension for the same product. Only one bill needs to be enacted.

⁴ 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.

111TH CONGRESS
1ST SESSION

S. 2149

To suspend temporarily the duty on orthotoluidine.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. HARKIN introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

To suspend temporarily the duty on orthotoluidine.

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. ORTHOTOLUIDINE.**

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	Orthotoluidine (CAS No. 95-53-4) (provided for in sub-heading 2921.43.90)	Free	No change	No change	On or before 12/31/2011	”.
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8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from

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

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