

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: May 22, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 2609 (Mr. Charles E. Schumer of New York).

**Proponent name,<sup>3</sup> location:** Nisso America Inc., New York, NY.

**Other bills on product (111<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of temporary duty suspension through December 31, 2011.<sup>4</sup>

**Retroactive effect:** None.

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

(E)-N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (Acetamiprid) (CAS No. 135410-20-7) whether or not mixed with application adjuvants (provided for in subheading 2933.39.27 or 3808.91.25).

**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 that is used as an insecticide to control sucking insects on cotton and various fruits and vegetables. The product is imported from Japan.

**Estimated total effect on customs revenue for the subject products:**

	2010	2011	2012	2013	2014
<del> </del>					
Customs revenue loss <sup>a</sup>	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000

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

<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); 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/tariff\\_affairs/congress\\_reports/](http://www.usitc.gov/tariff_affairs/congress_reports/).

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

<sup>4</sup> Heading 9902.01.72 expired on December 31, 2006.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2933.39.27:**

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Customs revenue loss <sup>b</sup>	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000

a/ Dutiable import estimates were provided by industry sources,

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

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3808.91.25:**

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Customs revenue loss <sup>b</sup>	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000

a/ Dutiable import estimates were provided by industry sources,

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

**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)		
Nisso America Inc. (Proponent) John Kasper, 212-490-0350	11/20/2009	No	No	No
Arkema Inc. (Atofina) Brian Sowa, 202-467-5459 <a href="mailto:Brian@strategicmi.com">Brian@strategicmi.com</a>	11/20/2009	No	No	No
BASF Corp. Greg Thies, 202-299-7240 <a href="mailto:gregory.thies@basf.com">gregory.thies@basf.com</a>	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Bayer CropScience, LLP Jean Reimers, 202-756-3779 <a href="mailto:jean.reimers@bayercropscience.com">jean.reimers@bayercropscience.com</a> Michael Gill, 202-508-8843, <a href="mailto:Mgill@crowell.com">Mgill@crowell.com</a>	11/20/2009	No	No	No
Chemtura Corporation Matt Mattingley, 202-841-5601 <a href="mailto:matt@mattingleygroup.com">matt@mattingleygroup.com</a>	11/20/2009	No	No	No
CropLife America Doug Nelson, 202-872-3880 <a href="mailto:dnelson@croplifeamerica.org">dnelson@croplifeamerica.org</a>	11/20/2009	No	No	No
Dow AgroSciences Max Turnipseed, 225-338-0310, <a href="mailto:mctint@att.net">mctint@att.net</a> Lisa Schroeter, 202-429-3407 <a href="mailto:lmschroeter@dow.com">lmschroeter@dow.com</a>	11/20/2009	No	No	No
DuPont Elaine Olsen, 302-992-2263 <a href="mailto:elaine.m.olsen@usa.dupont.com">elaine.m.olsen@usa.dupont.com</a>	11/20/2009	No	No	No
FMC Corp. Jerry Prout, 202-956-5209, <a href="mailto:jerry.prout@fmc.com">jerry.prout@fmc.com</a> Steve Ziehm, 202-872-8181, <a href="mailto:sziehm@igc.com">sziehm@igc.com</a>	11/20/2009	No	No	No
Gowan Company Cindy Baker, 928-819-1554 <a href="mailto:cbaker@gowanco.com">cbaker@gowanco.com</a> George Rolofson, 336-580-1116 <a href="mailto:grolofson@triad.rr.com">grolofson@triad.rr.com</a>	11/20/2009	No	No	No
Makhteshim Agan of North America, Inc. Scott Rawlins, 443-762-5377 <a href="mailto:scottr@manainc.com">scottr@manainc.com</a>	11/20/2009	No	No	No
Monsanto Corp. Michael Parrish, 202-383-2859 <a href="mailto:michael.parrish@monsanto.com">michael.parrish@monsanto.com</a>	11/20/2009	No	No	No
Nufarm Limited Joel R. Junker, 206-621-7878 <a href="mailto:joel@jrjtradelaw.com">joel@jrjtradelaw.com</a>	11/20/2009	No	No	No
Solutia Inc. Kassie Wooton, 314-674-3297 <a href="mailto:kdwoot@solutia.com">kdwoot@solutia.com</a> Robert Hurley, 202-289-9800 <a href="mailto:rhurley@theaccordgroup.com">rhurley@theaccordgroup.com</a>	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084 <a href="mailto:angus.kelly@syngenta.com">angus.kelly@syngenta.com</a>	11/20/2009	No	No	No
United Phosphorus Inc. Diane Fago, 610-491-2816 <a href="mailto:diane.fago@uniphos.com">diane.fago@uniphos.com</a>	11/20/2009	No	No	No
Valent USA Corp. Robin Demouth, 925-256-2758 <a href="mailto:robin.demouth@valent.com">robin.demouth@valent.com</a>	11/20/2009	No	No	No

**Technical comments:**<sup>5</sup> None.

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<sup>5</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.

111TH CONGRESS  
1ST SESSION

# S. 2609

To extend temporarily the reduction of duty on certain acetamiprid, whether or not combined with application adjuvants.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2009

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

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## A BILL

To extend temporarily the reduction of duty on certain acetamiprid, whether or not combined with application adjuvants.

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. CERTAIN ACETAMIPRID, WHETHER OR NOT**  
4 **COMBINED WITH APPLICATION ADJUVANTS.**

5 (a) IN GENERAL.—Heading 9902.01.72 of the Har-  
6 monized Tariff Schedule of the United States (relating to  
7 certain acetamiprid, whether or not combined with appli-  
8 cation adjuvants) is amended by striking the date in the  
9 effective period column and inserting “12/31/2011”.

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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