



MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 112th Congress

Date approved

I. Background

Bill number:

Sponsor name:

Sponsor state:

Interested entity:

Name

City

State

Other bills on product (112th Congress only):

Nature of bill:

Expiration date:

Current or previous chapter 99 heading:

Retroactive date:

CAS number (if applicable):

Industry analyst:

Telephone:

Tariff Affairs contact:

Telephone:

Note:

1. Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.
2. In regard to the country(ies) of origin listed in section III, this report focuses on dutiable imports and does not take into account any tariff preference programs or special rates of duty.

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

tert-Butyl (E)-α-(1,3-dimethyl-5-phenoxy-pyrazol-4-ylmethyleneamino oxy)-p-toluate (Fenpyroximate) (CAS No. 134098-61-6) (provided for in subheading 2933.19.23)

Description above compared with bill as introduced:

- Same
- Different (see Technical Comments section)

III. Other product information, including uses/applications and source(s) of imports

This synthetic organic chemical is a technical-grade intermediate used in the manufacture of chemical products such as insecticides, fungicides, and miticides. The chemical is imported from Japan.

IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	2933.19.23				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty (%)	6.5	6.5	6.5	6.5	6.5
Estimated value of <i>dutiable</i> imports (\$)	7,000,000	8,000,000	8,000,000	9,000,000	10,000,000
Customs revenue loss (\$)	455,000	520,000	520,000	585,000	650,000

Note: Customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ. Regarding the HTS subheading listed in the article description of the bill, the Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only U.S. Customs and Border Protection is authorized to issue a binding ruling on this matter. The Commission believes that Customs should be consulted prior to enactment of the bill.

Dutiable imports were based on (more than one may apply):

- Official statistics of the U.S. Department of Commerce
- Provided by industry sources
- Industry information
- Commission estimates

Duty reduction notes:

- This bill is not a duty reduction
- This bill is a temporary duty reduction. Rates are shown below.

Col.1-general duty rate (%) Temporary rate (%) Percentage point reduction (%)

V. Technical comments

None

VI. Continuation

If enacted, the tariff relief provided for in this bill would be available to any entity that imports the product that is covered by the bill. T

VII. Contacts with domestic firms/organizations

#	Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
1	Nichino America (Interested entity) Gail Brooks	302-636-9001	No	No	No
2	3M Greg Walters	202-414-3008	No	No	No
3	Arkema David Kunz	202-263-3491	No	No	No
4	BASF Richard J. Salamone	973-895-8316	No	No	No
5	Bayer Steve Johnsen	412-777-5616	No	No	No
6	Chemtura Elizabeth J. Thomasino	203-573-2644	No	No	No
7	Clariant Andrew Zamoyski	202-415-9159	No	No	No
8	Crowell & Moring, LLP Mike Gill	202-508-8843	No	No	No
9	Dixie Chemical Mal Johnson	281-291-2659	No	No	No
10	Dow Chemical Lisa Schroeter	202-429-3407	No	No	No
11	Drexel Chemical Stanley Bernard	901-774-4370	No	No	No
12	DuPont Elaine M. Olsen	302-992-2263	No	No	No
13	Eastman Greg Riddle	212-835-1620	No	No	No
14	Emerald Performance Materials Thomas Dirmyer	330-916-6706	No	No	No
15	Evonik Russell Mait	804-452-5711	No	No	No
16	Fanwood Chemical V. M. (Jim) DeLisi	908-322-8440	No	No	No
17	FMC Jerry Prout	202-956-5209	No	No	No
18	Gowan Company Cindy Baker	928-819-1554	No	No	No

#	Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
19	Honeywell Art Simonetti	202-662-2671	No	No	No
20	Kemira Rajesh Sharma	678-819-4577	No	No	No
21	LANXESS Jamie B. Schaeffer	412-809-3666	No	No	No
22	Lonza Joe Robinson	201-316-9364	No	No	No
23	Makhtesheim Agan Scott Rawlings	443-762-5377	No	No	No
24	Monsanto James K. Travis	202-383-2864	No	No	No
25	Nation Ford Chemical Co. Jay Dickson	803-548-3210, x15	No	No	No
26	Nufarm Americas Joel Junker	206-621-7878	No	No	No
27	PPG Bill Ries	412-434-1717	No	No	No
28	Purolite Gary Thundercliffe	484-384 2708	No	No	No
29	Royce Associates, ALP Terry Scheirer	201-438-5200	No	No	No
30	SOCMA Robert E. Branand, Esq.	202-345-2717	No	No	No
31	Sensient Technologies Ken Goldacker	314-658-7363	No	No	No
32	Solutia Kassie Wooton	314-674-3297	No	No	No
33	Solvay Andrew K. Jones	856-251-3412	No	No	No
34	Symrise Elizabeth Scharlat	908-429-6821	No	No	No
35	Syngenta Mike Blythe	336-632-2824	No	No	No
36	United Phosphorous Diane Fago	610-491-2816	No	No	No
37	Valent Robin Demouth	925-256-2758	No	No	No

112TH CONGRESS
2D SESSION

H. R. 4439

To suspend temporarily the duty on Fenpyroximate.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2012

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

A BILL

To suspend temporarily the duty on Fenpyroximate.

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. FENPYROXIMATE.**

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	tert-Butyl (E)- α -(1,3-dimethyl-5-phenoxy- <i>pyrazol-4-yl</i> methyleneamino oxy)- <i>p</i> -toluate (Fenpyroximate) (CAS No. 134098-61-6) (provided for in sub-heading 2933.19.23)	Free	No change	No change	On or before 12/31/2015	”.
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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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