



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)):

Plastic laminate sheets consisting of layers of polyethylene film; polyethylene coextrusion copolymer of low density polyethylene and ethylene acrylic acid; and aluminum foil (provided for in subheading 3921.90.40)

(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.)

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

The subject products are used to produce flexible packaging for a range of consumer products including toothpaste, pharmaceuticals, cosmetics, and toiletries. The subject products are imported from Germany.

Opposition to this bill is noted below in the Contacts table.

IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	3921.90.40				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty or percentage point reduction (%)	4.2	4.2	4.2	4.2	4.2
Estimated value of <i>dutiable</i> imports (\$)	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000
Customs revenue loss (\$)	378,000	378,000	378,000	378,000	378,000

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

The modified article description includes a corrected HTS subheading, per discussions with the appropriate National Import Specialist (NIS) at U.S. Customs and Border Protection (CBP), and editorial changes. It should be noted, however, according to the NIS, that the HTS classification could change and CBP will not be able to administer the provision with this article description.

VI. Continuation

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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	Procter & Gamble (Interested entity) Matt Mattingley	202-841-5601	No	No	No
2	3M Greg Walters	202-414-3008	No	No	No
3	Air Products and Chemicals Richard F. Goodstein	202-639-0840	No	No	No
4	Albaugh Stuart Feldstein	515-964-9444	No	No	No
5	American Packaging Peter Schottland	585-254-9500	No	No	No
6	Arkema David Kunz	202-263-3491	No	No	No
7	Ashland Frank Fusiak	973-628-4123	No	No	No
8	BASF Richard J. Salamone	973-895-8316	No	No	No
9	Bayer Steve Johnsen	412-777-5616	No	No	No
10	Celanese Samuel Ramirez	972-443-4689	No	No	No
11	Chemtura Elizabeth J. Thomasino	203-573-2644	No	No	No
12	Clariant Andrew Zamoyski	202-415-9159	No	No	No
13	ColorChem Steven Printz	770-993-5500, x18	No	No	No
14	Crowell & Moring, LLP Mike Gill	202-508-8843	No	No	No
15	DSM Sheetal Bhadekar	973-257-8323	No	No	No
16	Dixie Chemical Mal Johnson	281-291-2659	No	No	No
17	Dow Lisa Schroeter	202-429-3407	No	No	No
18	Drexel Chemical Stanley Bernard	901-774-4370	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	DuPont Elaine M. Olsen	302-992-2263	No	No	No
20	DyStar L.P. Megan Malone	202-344-4621	No	No	No
21	Eastman Brent Perry	202-347-9547	No	No	No
22	Emerald Performance Materials Thomas Dirmyer	330-916-6706	No	No	No
23	Evonik Russell Mait	804-452-5711	No	No	No
24	Exopack Esther Goodman	847-885-3963	Yes	Yes	Yes
25	FMC Jerry Prout	202-956-5209	No	No	No
26	Fanwood Chemical V. M. (Jim) DeLisi	908-322-8440	No	No	No
27	Flexible Packaging Association Marla Donahue	410-694-0800	No	No	No
28	Honeywell Art Simonetti	202-662-2671	No	No	No
29	Huntsman Robert F. Hurley	202-289-9800	No	No	No
30	Kemira Rajesh Sharma	678-819-4577	No	No	No
31	LANXESS Jamie B. Schaeffer	412-809-3666	No	No	No
32	Lonza Joe Robinson	201-316-9364	No	No	No
33	Madico Rob Comeau	781-756-4211	Yes	Yes	Yes
34	Milliken Kathi Dutilh	202-775-0084	No	No	No
35	Monsanto James K. Travis	202-383-2864	No	No	No
36	Nation Ford Chemical Jay Dickson	803-548-3210, x15	No	No	No
37	NEX Performance Films Glenn Harsh	847-922-3087	Yes	Yes	Yes

38	Nufarm Americas Joel Junker	206-621-7878	No	No	No
39	PPG Industries Bill Ries	412-434-1717	No	No	No
40	Purolite Gary Thundercliffe	484-384-2708	No	No	No
41	Rhodia Jackie Guscott	609-860-3379	No	No	No
42	Royce Associates, ALP Terry Scheirer	201-438-5200	No	No	No
43	SOCMA Robert E. Branand	202-345-2717	No	No	No
44	Sensient Technologies Ken Goldacker	314-658-7363	No	No	No
45	Sigma-Aldrich Jared Fenton	314-286-8326	No	No	No
46	Solutia Kassie Wooton	314-674-3297	No	No	No
47	Solvay Andrew K. Jones	856-251-3412	No	No	No
48	Symrise Elizabeth Scharlat	908-429-6821	No	No	No
49	Syngenta Mike Blythe	336-632-2824	No	No	No
50	Tessenderlo Kerley Brian Thomassen	602-889-8397	No	No	No
51	United Color Manufacturing Tom Nowakowski	215-860-2165	No	No	No
52	Valent Robin Demouth	925-256-2758	No	No	No

From: [Nesbitt, Elizabeth](#)
To: [Nesbitt, Elizabeth](#)
Subject: RE: HR5498
Date: Wednesday, August 08, 2012 11:26:39 AM

From: Esther Goodman [mailto:Esther.Goodman@Exopack.com]
Sent: Thursday, July 19, 2012 12:01 PM
To: Nesbitt, Elizabeth
Cc: Chris.Ragot@Exopack.com; Doug.Bengtson@Exopack.com
Subject: RE: HR5498

Dear Ms. Nesbitt,

Yes, we would object to this bill as we do produce a like product domestically.

Thank you.

Esther Goodman
Manager, Office Administration

Exopack Holding Corp.
8600 W. Bryn Mawr Avenue, Suite 800N, Chicago, IL 60631
P: +1 773.790.4835 / F: +1 773.877.3301 / C: +1 847.708.1915
E-m: esther.goodman@exopack.com

From: [Robert Comeau](#)
To: [Nesbitt, Elizabeth](#)
Subject: RE: HR5498
Date: Monday, July 30, 2012 1:57:25 PM

Dear Ways and Means Committee Office,

On behalf of Madico, I object to this bill. Madico produces similar products in the United States, we employ 350 people, we hold a strong domestic market share position in the target markets of these imports, and we strongly believe that we will be adversely affected by the legislation.

Please feel free to contact me at:

Madico, Incorporated
Attn: Rob Comeau, Director of Marketing
64 Industrial Parkway
Woburn, MA 01801

Or call:

781-756-4211

I'd like to thank Elizabeth Nesbitt for bringing the bill to our attention.

Regards,

Rob Comeau

Robert Comeau

Corporate Marketing Director

Madico, Inc.

64 Industrial Parkway

Woburn, MA 01801

Tel: 781-935-7850 X-211
Direct Dial:781-756-4211
Mobile :781-864-6279
E-mail: rcomeau@madico.com

www.madico.com



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From: [Harsh, Glenn](#)
To: [Nesbitt, Elizabeth](#); [Skoczylas, David](#)
Subject: NEX Performance Films Objection to HR 5498
Date: Monday, August 06, 2012 6:06:03 PM

Elizabeth, on behalf of NEX Performance Films, we object to HR 5498 on the following grounds:

1. We have 3 plants located in 3 small communities in the US. Our annual sales are approximately \$110M, and we employ 160 US Citizens. This is important business for us, and generates profits that we re-invest into those plants and communities.
2. All 3 plants supply the base film to make these products; this is a VERY important piece of business that will be jeopardized if this legislation moves forward.
3. We have many R&D projects related to this product line that will be stymied if this legislation moves forward, and therefore the local communities where our plants are located would not be in a position to add high-paying manufacturing jobs. In fact, the CURRENT jobs at those locations would potentially be at risk.
4. Our customers, utilizing our films, make very high-quality products for tubes that are used in medical and/or health and beauty aid markets. We buy premium raw materials from US-based suppliers, and adhere to strict regulatory and manufacturing principles that ensure the safety and integrity of these products. As many of these finished products are used for medicine and are ingested, or come into direct contact with skin, this is a very important point. The risk/cost of failure is very high, and cost should not be the only determining factor when it comes to sourcing decisions.

We respectfully request that for these reasons and many others, this resolution be denied, in order to maintain high-paid US jobs in local communities, and to protect the safety of the hundreds of millions of consumers that buy these products.

Thank you,

Glenn Harsh
Vice President of Sales
NEX Performance Films
847-922-3087

112TH CONGRESS
2D SESSION

H. R. 5498

To suspend temporarily the rate of duty on plastic laminate sheets.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2012

Mrs. SCHMIDT introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the rate of duty on plastic laminate
sheets.

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 PLASTIC LAMINATE SHEETS.**

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	Plastic laminate sheets consisting of layers of Polyethylene Film; Polyethylene Coextrusion Copolymer of Low Density Polyethylene and Ethylene Acrylic Acid; and Aluminum Foil (provided for in subheading 3920.10.00)	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 articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

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