

United States International Trade Commission Office of Traiff Affairs and Trade Agreements

Exclusion User Guide

Date: September 2020

Preface

This user guide is intended to provide a basic understanding of how to find and research section 301 exclusions in the Harmonized Tariff Schedule ("HTS").

- The most recent edition of the HTS may be accessed at https://hts.usitc.gov/current.
- The information contained in this user guide is based on the 2020 HTS (as of January 2020). Thus, **this user guide is not intended** to provide up-to-date information on the HTS, nor is this guide intended to be used for official classification purposes.
- Additionally, this guide presupposes that the reader already knows the HTS subheading for the reader's product. For more information on the HTS, and for user guides that detail how to determine the HTS subheadings for products, please see <u>https://www.usitc.gov/harmonized_tariff_information</u>.
- Please note also that U.S. Customs and Boarder Protection, and not the U.S. International Trade Commission, makes legally binding decisions with regard to classification matters, including the HTS provision under which each article should enter the United States.

I. Find the product's HTS Code

Go to the HTS's table of contents (<u>https://hts.usitc.gov/current</u>) and look for the product's applicable section and chapter.

In this case, sebacic acid is located under Section VI, Chapter 29.

→ C ☆	hts.usitc.gov/o	urrent		* 0
			Harmonized Tariff Schedule	
			(2020 Revision 2)	
Q Search	View	😭 Export	Teedback	
			NOTICE: For the list of China tariff numbers, please click HERE.	
Version: 2020 R	evision 2			
				Go To Archive
Full Docume	nt			
			e Harmonized Tariff Schedule and general notes. The links below correspond to the various sections in the T d the corresponding Adobe .pdf file	Table of Contents for the
(Note: Section no	otes, if any, are atta	iched to the first cha	apter of each section. "Page down" to view chapter after selecting.)	
Cover				
	ord (The record of	legal and statistical o	I changes in this edition of the Harmonized Tariff Schedule)	
Preface				
		of Interpretation; G	General Statistical Notes	
Notice to Exp	porters			
闭 China Tariffs				
Section I:	Animal Products			
Chapter 1	Live animals Meat and edible	most offal		
Chapter 2			d other aquatic invertebrates	
Chapter 3			honey; edible products of animal origin, not elsewhere specified or included	
Chapter 5			where specified or included	
		<u> </u>		
_				
Section VI:				
	e Chemical or Allie	d Industries		
			organi c compounds of precious metals, of rare-earth metals,of radioactive elements or of isotopes	
Products of the Chapter 28	Inorganic chem Organic chemic	icals; organic or inor	organi c compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes	
Products of the Chapter 28 Chapter 29 Chapter 30	Inorganic chem Organic chemic Pharmaceutica	icals; organic or inor als	organi c compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes	
Products of the Chapter 28 Chapter 29 Chapter 30 Chapter 31	 Inorganic chem Organic chemic Pharmaceutica Fertilizers 	icals; organic or inor als I products		
Products of the Chapter 28 Chapter 29 Chapter 30 Chapter 31 Chapter 32	 Inorganic chemi Organic chemio Pharmaceutica Fertilizers Tanning or dyei 	icals; organic or inor als products ng extracts; dyes, pi	pigments, paints, varnishes, putty and mastics	
Products of the Chapter 28 Chapter 29 Chapter 30 Chapter 31 Chapter 32 Chapter 32 Chapter 33	 Inorganic chemi Organic chemi Pharmaceutica Fertilizers Tanning or dyei Essential oils a 	icals; organic or inor als products ng extracts; dyes, pi nd resinoids; perfum	pigments, paints, varnishes, putty and mastics mery, cosmetic or toilet preparations	
Products of the Chapter 28 Chapter 29 Chapter 30 Chapter 31 Chapter 32	 Inorganic chemi Organic chemio Pharmaceutica Fertilizers Tanning or dyei Essential oils a Soap, organic s 	icals; organic or inor ials products ng extracts; dyes, pi nd resinoids; perfum surface-active agents	pigments, paints, varnishes, putty and mastics	eparations, candles and
Products of the Chapter 28 Chapter 29 Chapter 30 Chapter 31 Chapter 32 Chapter 32 Chapter 33	Inorganic chemi Organic chemia Pharmaceutica Fertilizers Tanning or dyei Essential oils a Soap, organic s similar articles,	icals; organic or inor ials I products ng extracts; dyes, pi nd resinoids; perfum surface-active agents modeling pastes, "dd	pigments, paints, varnishes, putty and mastics mery, cosmetic or toilet preparations its, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring pre	eparations, candles and
Products of the Chapter 28 Chapter 29 Chapter 30 Chapter 31 Chapter 32 Chapter 33 Chapter 33 Chapter 34 Chapter 35 Chapter 35 Chapter 36	 Inorganic chemi Organic chemio Pharmaceutica Fertilizers Tanning or dyei Essential oils a Soap, organic s similar articles, Albuminoidal si Explosives; pyr 	icals; organic or inor ials products ng extracts; dyes, pi nd resinoids; perfum uurface-active agents modeling pastes, "di ubstances; modified :	pigments, paints, varnishes, putty and mastics mery, cosmetic or toilet preparations its, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring pre idental waxes" and dental preparations with a basis of plaster	eparations, candles and
Products of the Chapter 28 Chapter 30 Chapter 30 Chapter 30 Chapter 31 Chapter 32 Chapter 33 Chapter 34 Chapter 35 Chapter 35 Chapter 35 Chapter 37	 Inorganic chemi Organic chemio Pharmaceutica Fertilizers Tanning or dyei Essential oils a Soap, organic s similar articles, Albuminoidal si Explosives; pyr 	icals; organic or inor ials products ng extracts; dyes, pi nd resinoids; perfum wurface-active agents modeling pastes, "od ibstances; modified obechnic products; m r cinematographic go	pigments, paints, varnishes, putty and mastics mery, cosmetic or toilet preparations tts, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring pre dental waxes'' and dental preparations with a basis of plaster d starches; glues; enzymes matches; pyrophoric alloys; certain combustible preparations	eparations, candles and

Helpful hints!

All products are classified in the HTS using a 4-, 6-, or 8-digit code, and some have an additional 2-digit suffix that is used for statistical purposes.¹

Find the applicable 8-digit code under the heading/subheading column header. Then locate the article description that corresponds to the applicable 10-digit HTS code. ² In some cases, the article description will be the same at the 8-digit and 10-digit level.

Headina/	Stat.		Unit		Rates of Duty	29
Subheading	Suf-	Article Description	of		1	2
	fix		Quantity	General	Special	1
2917		Polycarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives: Acyclic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives:				
2917.11.00	00	Oxalic acid, its salts and esters	kg	3.1% ^{75/}	Free (A, AU, BH, CA, CL, CO, D, E, IL, JO, KR, L, MA, MX, OM, P, PA, PE, SG)	34.5%
2917.12		Adipic acid, its salts and esters:				
2917.12.10	00	Adipic acid	kg	6.5% ¹¹	Free (AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	15.4¢/kg + 63%
		Other:				
2917.12.20	00	Plasticizers	kg	6.5% ^{1/}	Free (A, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	15.4¢/kg + 57%
2917.12.50	00	Other	kg	6.5% ^{1/}	Free (A+, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	15.4¢/kg + 53.5%
2917.13.00		Azelaic acid, sebacic acid, their salts and esters		4.8% ^{76/}	Free (A, AU, BH, CA, CL, CO, D, E, IL, JO, K, KR, MA, MX, OM, P, PA, PE, SG)	25%
	30	Sebacic acid ^{25/}	kg			
	90	Other	kg			

¹ The final two numbers under the Statistical Suffix column create the ten-digit number, which is used in collecting detailed trade data.

² Note how the HTS moves like an outline: you go from less specificity (*e.g.*, edible fruit, chapter 8) to more specificity (dried raisins, 0806.20; made from seedless grapes: sultanas, 0806.20.1020). In other words, the provisions at the tendigit level must be read in the context of the nomenclature at the four-, six-, and eight-digit levels. (Duties are assigned at the eight-digit level.)

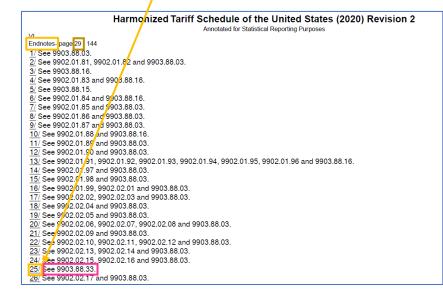
All products with a 301 exclusion will have an endnote on the applicable article description.

In this example, endnote 25 leads to 9903.88.33, which is in Chapter 99.³

Helpful hints!

Exclusions to section 301 tariffs are listed under U.S. note 20 to section III to Chapter 99.

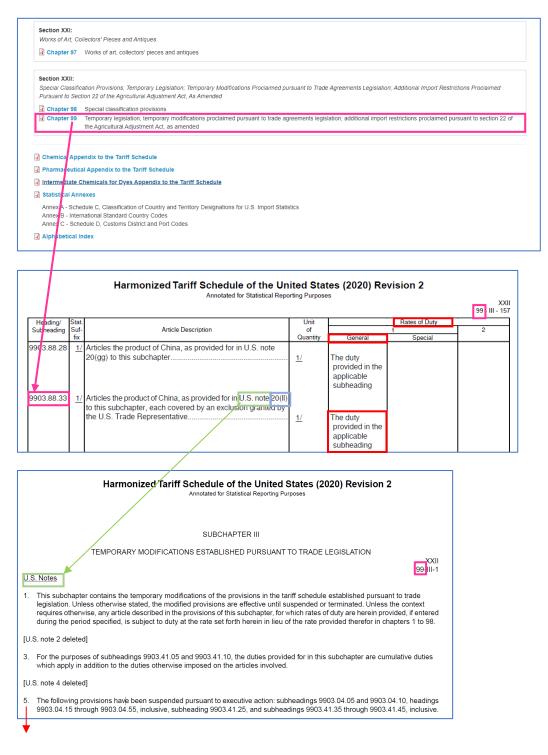
	Harmonized Tariff Schedule of the United States (2020) Revision 2 Annotated for Statistical Reporting Purposes					
						29-5
	Stat.		Unit		Rates of Duty	
Subheading	Suf- fix	Article Description	of Quantity	General	1 Special	2
2917		Polycarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulfonated, nitrated or nitrosated derivatives: Acyclic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives:			oponu	
2917.11.00	00	Oxalic acid, its salts and esters	kg	3.1% ^{75/}	Free (A, AU, BH, CA, CL, CO, D, E, IL, JO, KR, L, MA, MX, OM, P, PA, PE, SG)	34.5%
2917.12 2917.12.10	00	Adipic acid, its salts and esters: Adipic acid	kg	6.5% ^{<u>1/</u>}	Free (AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	15.4¢/kg + 63%
2917.12.20	00	Other: Plasticizers	kg	6.5% ^{1/}	Free (A, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	15.4¢/kg + 57%
2917.12.50	00	Other	kg	6.5% ^{1/}	Free (A+, AU, BH, CA, CL, CO, D, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	15.4¢/kg + 53.5%
2917.13.00	30	Azelaic acid, sebacic acid, their salts and esters		4.8% <mark>76/</mark>	Free (A, AU, BH, CA, CL, CO, D, E, IL, JO, K, KR, MA, MX, OM, P, PA, PE, SG)	25%
			, v			
	90	Other	kg			



³ Endnote 76, which is also flagged in the picture of 2917.13.0030, above, cites 9902.02.93. 9902.02.93 pertains to the Miscellaneous Tariff Bill ("MTB") process. Under current law, MTBs do not relieve importers of additional duties imposed under Chapter 99 of the Harmonized Tariff Schedule, including products of China subject to section 301 duties and steel and aluminium products subject to section 232 duties. An overview of the MTB process is at https://www.usitc.gov/trade_tariffs/mtb_program_information.

II. Follow the endnote to Chapter 99 and find the code

Endnote 25 to sebacic acid says to see 9903.88.33. The text of 9903.88.33 says that articles that are excluded from section 301 tariffs are listed in U.S. Note 20(II). The screen captures below illustrate the workflow from the table of contents, to 9903.88.33, to U.S. Note 20(II). Sebacic acid is the third exclusion listed in U.S. Note 20(II).



⁴ The section 301 tariff applicable to products from China is in the General Rate of Duty column under 9903.88.03.

Harmonized Tariff Schedule of the United States (2020) Revision 2 Annotated for Statistical Reporting Purposes	
9 - 111 - 14	
(ii) bars, rods and profiles provided for in heading 7604; wire provided for in heading 7605;	
 (ii) plates, sheets and strip provided for in heading 7606; foil provided for in heading 7607; 	
(iii) futures, sheets and sup provided to in reading 7000, foil provided to in reading 7007,	
(v) castings and forgings of aluminum provided for in subheading 7616.99.51.	
Any reference above to aluminum products classifiable in any heading or subheading of chapter 76, as the case may be, shall mean that any good provided for in the article description of such heading or subheading and of all its subordinate provisions (both legal and statistical) is covered by the provisions of this note and related tariff provisions.	
(c) The Secretary of Commerce may determine and announce any exclusions from headings 9903.85.01 and 9903.85.03 th may be appropriate for individual derivative aluminum products or individual aluminum products otherwise covered by subdivision (a)(iii) or subdivision (b) of this note, respectively, or for individual shipments thereof, whether or not limited to particular quantities of any such goods or shipments, and shall immediately convey all such determinations to U.S. Custon and Border Protection ("CBP") for implementation by CBP at the earliest possible opportunity, but not later than five busine days after the date on which CBP receives any such determination from Commerce. Pursuant to subheading 9903.85.11 and superior text thereot, the Secretary may provide that any excluded product shall be granted entry into the customs territe of the United States when the applicable quantitative limitation has filled for the specified period for such good.	ns ss
20. (a) For the purposes of heading 9903.88.01, products of China, as provided for in this note, shall be subject to an additional percent ad valorem rate of duty. The products of China that are subject to an additional 25 percent ad valorem rate of dut under heading 9903.88.01 are products of China that are classified in the subheadings enumerated in U.S. note 20(b) to subchapter III. All products of China that are classified in the subheading senumerated in U.S. note 20(b) to subchapter III are subject to the additional 25 percent ad valorem rate of duty imposed by heading 9903.88.01, except products of China that are classified in the subheading 9903.88.01, except products of China granted an exclusion by the U.S. Trade Representative and provided for in: (1) heading 9903.88.05 and U.S. note 20(h) to subchapter III of chapter 99; (2) heading 9903.88.06 and U.S. note 20(i) to subchapter III of chapter 99; (3) heading 9903.88.06 and U.S. note 20(i) to subchapter III of chapter 99; (3) heading 9903.88.00 and U.S. note 20(i) to subchapter III of chapter 99; (5) heading 9903.88.10 and U.S. note 20(m) to subchapter III of chapter 99; (6) heading 9903.88.11 and U.S. note 20(m) to subchapter III of chapter 99; (7) heading 9903.88.14 and U.S. note 20(q) to subchapter III of chapter 99; or (8) heading 9903.88.19 and U.S. note 20(x) to subchapter III of chapter 99; or (8) heading 9903.88.19 and U.S. note 20(x) to subchapter III of chapter 99; or (8) heading 9903.88.19 and U.S. note 20(x) to subchapter III of chapter 99; or (8) heading 9903.88.19 and U.S. note 20(x) to subchapter III of chapter 99; or (8) heading 9903.88.19 and U.S. note 20(x) to subchapter III of chapter 99; or (8) heading 9903.88.19 and U.S. note 20(x) to subchapter III of chapter 99.	y a 07 r (n)
Notwithstanding U.S. note 1 to this subchapter, all products of China that are subject to the additional 25 percent ad valore rate of duty imposed by heading 9903.88.01 shall also be subject to the general rates of duty imposed on products of China classified in the subheadings enumerated in U.S. note 20(b) to subchapter III.	
Harmonized Tariff Schedule of the United States (2020) Revision 2 Annotated for Statistical Reporting Purposes	
99 III - (S. Notes (con.)	117 XXII
(aa) For purposes of heading 9903.88.22, the additional duties imposed by heading 9903.88.03 or 9903.88.09 shall not apply to entries under subheadings 2202.99.36, 2202.99.37, 5810.91.00, 5810.92.10, 5810.92.90, 5810.99.10, 5810.99.90, 8205.90.60, 8206.00.00, 8215.20.00, 9017.90.01, 9620.00.15, and 9620.00.30, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.02.	
(bb)For purposes of heading 9903.88.23, the additional duties imposed by heading 9903.88.03 or 9903.88.09 shall not apply to entries under subheadings 2202.99.36, 2202.99.37, 5810.91.00, 5810.92.10, 5810.92.90, 5810.99.10, 5810.99.90, 8205.90.60, 8206.00.00, 8215.20.00, 9017.90.01, 9620.00.15, and 9620.00.30, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.03 or 9903.88.09.	
	_
(gg)For purposes of heading 9903.88.28, the additional duties imposed by heading 9903.88.15 shall not apply to entries under subheadings 2106.90.52, 2106.90.54, 6103.22.00, 6103.29.05, 6103.29.05, 6103.29.00, 6103.29.20, 6103.29.20, 6103.29.00, 6104.29.00, 6104.29.00, 6204.29.00, 6203.29.30, 6203.29.15, 6203.29.20, 6203.29.30, 6204.21.00, 6204.22.30, 6204.29.20, 8215.10.00, 9005.90.40, 9005.90.80, 9110.11.00, 9110.90.20, and 9608.50.00, if such entries are subject to an applied rate of duty under such enumerated subheadings that is derived from another subheading that is subject to the additional duties imposed by heading 9903.88.15.	
(II) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.03 and provided for in U.S. notes 20(e) and (f) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.03, and by which particular products classified in heading 9903.88.04 and provided for in U.S. note 20(g) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.04, see 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 29576 (June 24, 2019). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.03 or	
process, the 0.5. Index representative has determined that the additional duties provided for in heading 9903.68.04 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:	- I
in heading 9903.88.04 shall not apply to the following particular products, which are provided for in the enumerated	
in heading 9903.88.04 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:	

III. Section 301 exclusions and the U.S. Notes

As pointed out in part II, above, sebacic acid's exclusion from section 301 tariffs is under U.S. Note 20(II)(3). Note how U.S. Note 20(II) refers back to 9903.88.03. U.S. Note 20(II) states that sebacic acid is excluded from additional duties imposed by 9903.88.03 and U.S. Note 20(e) and (f).⁵

(II) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.03 and provided for in U.S. notes 20(e) and (f) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.03, and by which particular products classified in heading 9903.88.04 and provided for in U.S. note 20(g) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.04. See 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 29576 (June 24, 2019). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that the additional duties provided for in heading 9903.88.04 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:
(1) Erythritol (CAS No. 149-32-6) (described in statistical reporting number 2905.49.4000)
(2) 3-Trifluoromethyl-4-nitrophenol (CAS No. 88-30-2) (IUPAC: 4-nitro-3-(trifluoromethyl)phenol), valued over \$16 per kg but not over \$25 per kg (described in statistical reporting number 2908.99.8000)
(3) Sebacic acid (CAS No. 111-20-6) (described in statistical reporting number 2917.13.0030)

- (4) 4,4'-Diamino-2,2'-stilbenedisulfonic acid (CAS No. 81-11-8) (described in statistical reporting number 2921.59.2000)
- (5) Ethyl 4-aminobenzoate (CAS No. 94-09-7) (Benzocaine (INN)) (described in statistical reporting number 2922.49.3700)

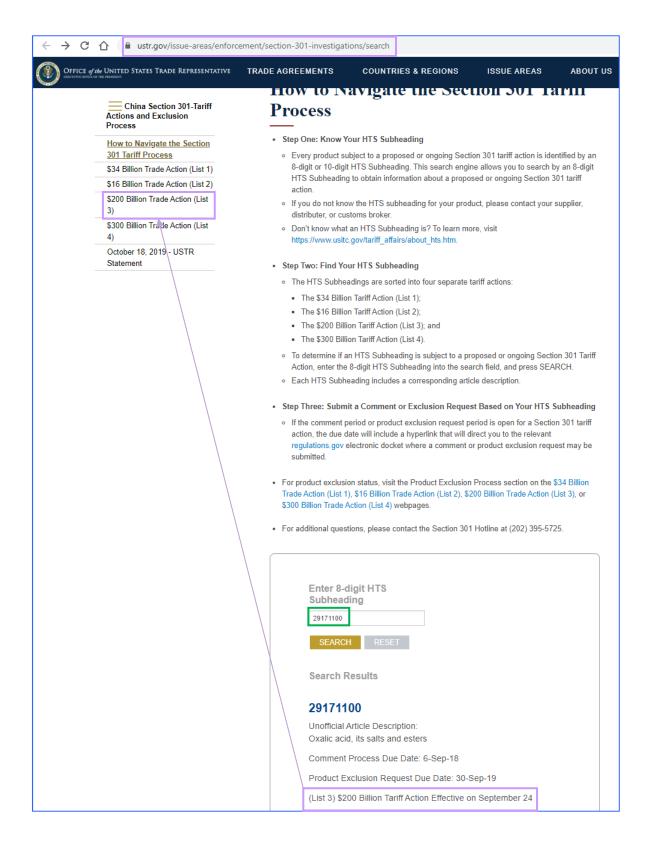
IV. Exclusion End Dates

Go to the Office of the United States Trade Representative's 301 investigations website (<u>https://ustr.gov/issue-areas/enforcement/section-301-investigations/search</u>) to find the Fed. Reg. citation needed to find the exclusion's end date.

Enter the product's 8-digit HTS code and click on the list that applies to your search results. See the diagram on the next page.

⁵ Statistical reporting numbers specified in an exclusion are subject to change. In those instances, the exclusion will list the relevant statistical reporting numbers (previous and current), as well as the effective date of those statistical reporting numbers. For example, the statistical reporting changes for impellers are listed in U.S. Note 20(n)(13), which is in Chapter 99:

⁽¹³⁾ Impellers (described in statistical reporting number 8413.91.9080 prior to January 1, 2019; described in statistical reporting number 8413.91.9095 effective January 1, 2019 through December 31, 2019; described in statistical reporting number 8413.91.9085 or 8413.91.9096 effective January 1, 2020)

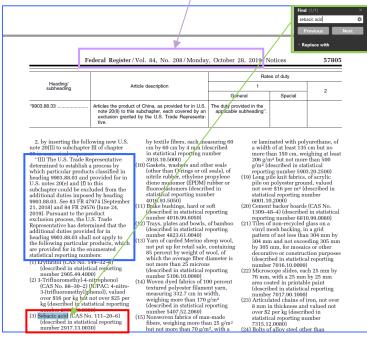


IV. Verifying the exclusion's end date

Search through the USTR's Exclusions Granted heading on the Trade Action webpage until you find the Fed. Reg. publication that pertains to your product, *e.g.*, sebacic acid.

Helpful hints!
Ctrl-f to search for keywords that pertain to your product, such as the product's HTS number or the
name of the product.

OFFICE of the UNITED STATES TRADE REPRESENTATIVE	TRADE AGREEMENTS	COUNTRIES & REGIONS	ISSUE AREAS ABOUT U
	\$200 Billio	on Product Ex	clusion
	Process		
		Status: The USTR Exclusion pol 30, 2019. The deadline for subr	
	FAQs		
	CBP Resources		
	Information Collection R	equest- May 21, 2019	
	Renewal of Information	Collection Request - August 22,	2019
	Renewal of Information	Collection Request - November	1, 2019
	Exclusions.ustr.gov Pub	lic Docket	
	Exclusions Granted: E Register notices.	xclusions are announced peri	odically through Federal
	Exclusions Granted Aug Guidance	ust 7, 2019	CSMS
	Exclusions Granted Sep	tember 20, 2019	CSMS Guidance
	Exclusions Granted Oct Guidance	ober 28, 2019	CSMS
	Exclusions Granted Nov	rember 13, 2019	CSMS Guidance
	Exclusions Granted Nov	reniber 29, 2019	CSMS Guidance
	Exclusions Granted Dec Guidance	ember 17, 2019	CSMS
	Exclusions Granted Dec	ember 31, 2019	
	Exclusions Granted Feb	ruary 5, 2020	
	/		



Next, use ctrl-f to search for keywords that pertain to end dates or extensions of end dates, such as "year," "effective," etc.).

Note: the general rule for an end date is one year from publication, though there are exceptions to this general rule.

57804	ederal Register	/Vol. 84, No. 208/Monday, October :	Find (1/13) effective Previous 28. 2029/ Notices > Replace with
innovation. The Representative exclusion proce- interested perso- requests for the products. This : U.S. Trade Rep- determination t	initiated a product ss in June 2019, and ons have submitted exclusion of specific notice announces the	action from the additional duties. See 84 FR 29576 (the June 24 notice). Under the June 24 notice, requests for exclusion had to identify the product subject to the request in terms of the physical characteristics that distinguish it from other products within the relevant 8-digit subheading covered by the \$200 billion action. Requestors also had to provide the 10-digit subheading of the HTSUS most applicable to the provide the product for	summarized above, pursuant to section: 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to grant the product exclusions set out in the Annex to this notice. The U.S. Trade Representative's determination also takes into account advice from advisory committees and
of the Septemb	luct exclusions his notice will apply as r 24, 2018, <mark>effective c</mark> ate on action, to August 7,	particular product requested for exclusion, and could submit information on the ability of U.S. Customs and Border Protection to administer the requested exclusion.	any public comments on the pertinent exclusion requests. As set out in the Annex, the exclusions are reflected in 83 specially prepared product descriptions, which