

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 110<sup>th</sup> Congress<sup>1</sup>**

[Date approved: March 27, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4381 (Mr. Dan Burton of Indiana).

**Proponent name,<sup>3</sup> location:** Dow AgroSciences, Indianapolis, IN.

**Other bills on product (110<sup>th</sup> Congress only):** None.

**Nature of bill:** Extension of temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

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

Mixtures of myclobutanil (a-Butyl-a-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile, and application adjuvants (CAS No. 88671-89-0) (provided for in subheading 3808.92.15).

**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 fungicide that is used on a variety of products including turf grass, vegetables, and tree fruit. The product is imported from Italy.

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<sup>1</sup> Industry analyst preparing report: Jeff Clark (202-205-3318); 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/tata/hts/other/rel\\_doc/bill\\_reports/](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/).

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

**Estimated effect on customs revenue:**

<b>HTS subheading: 3808.92.15</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty (AVE)	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$1,800,000	\$1,800,000	\$1,800,000	\$1,800,000	\$1,800,000
Customs revenue loss 1/	\$0	\$117,000	\$117,000	\$117,000	\$117,000

1/ There is an existing duty suspension under HTS heading 9902.25.41 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

Source of estimated dutiable import data: U.S. industry estimates.

**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)		
Dow AgroSciences (Proponent) Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	1/25/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	2/5/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	1/25/2008	No	No	No
Bayer Corporate Services Karen Niedermeyer, Fax: 412-777-4740	1/25/2008	No	No	No
Bayer CropScience Will Hensley, Fax: 202-737-8909 Jean Reimers, Fax: 202-737-8909	1/25/2008	No	No	No
Chemtura Matt Mattingley, Fax: 202-463-8498 Lloyd Moon, Fax: 203-573-2686	1/25/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	1/25/2008	No	No	No
Dupont Helen McMahon, Fax: 302-355-2994	1/25/2008	No	No	No
Emerald Performance Chemicals Tom Dirmyer, Fax: 330-315-6480	1/25/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
FMC Corp. Jerry Prout, Fax: 202-956-5235	1/25/2008	No	No	No
LANXESS Jamie Schaeffer, Fax: 412-809-3614	1/25/2008	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	1/25/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	1/25/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 Angus Kelly, Fax: 336-632-6084	1/25/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	1/25/2008	No	No	No

**Technical comments:**<sup>4</sup>

None.

<sup>4</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.

110TH CONGRESS  
1ST SESSION

# H. R. 4381

To extend the temporary suspension of duty on mixtures of fungicide.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2007

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

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## A BILL

To extend the temporary suspension of duty on mixtures of fungicide.

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. MIXTURES OF FUNGICIDE.**

4 (a) IN GENERAL.—Heading 9902.25.41 of the Har-  
5 monized Tariff Schedule of the United States is amended  
6 by striking “12/31/2009” and inserting “12/31/2011”.

7 (b) EFFECTIVE DATE.—The amendment made by  
8 subsection (a) applies with respect to goods entered, or  
9 withdrawn from warehouse for consumption, on or after  
10 the 15th day after the date of the enactment of this Act.