

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: August 1, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5011 (Mrs. Ellen O. Tauscher of California).

**Proponent name,<sup>3</sup> location:** Valent U.S.A. Corp., Walnut Creek, CA.

**Other bills on product (110<sup>th</sup> Congress only):** H.R. 4722 (Ms. Corrine Brown of Florida).  
H.R. 5417 (Mr. Bob Etheridge of North Carolina).

**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)):**

(3-Phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Permethrin)  
(CAS No. 52645-53-1) (provided for in subheading 2916.20.50).

**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 agricultural insecticide on major crops. It is principally imported from China and India.<sup>4</sup>

<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. 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. USITC staff identified two additional beneficiaries of this bill that were not identified by the sponsor/proponent, and those beneficiaries submitted a written representation that they would benefit from this bill.

<sup>4</sup> Imports of the subject product from India are eligible for duty-free treatment under the Generalized System of Preferences.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2916.20.50</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$12,500,000	\$12,500,000	\$12,500,000	\$12,500,000	\$12,500,000
Customs revenue loss 1/	\$0	\$462,500	\$462,500	\$462,500	\$462,500

1/ There is an existing duty suspension under HTS heading 9902.10.80 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)	
Valent U.S.A. Corp. (Proponent) Robin Demouth, Fax: 925-256-2776	02/18/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075	02/18/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	02/18/2008	No	No	No
Bayer CropScience William Hensley, 202-756-3781 Jean Reimers, 202-756-3779	02/18/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	02/18/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	02/18/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467	02/18/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994 Elaine Olsen, Fax: 302-774-1398	02/18/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	02/18/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
FMC Corporation Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181	02/18/2008	No	No	No
Gowan Company George Rolofson, Fax: 336-854-2772 Cindy Baker, Fax: 928-373-1822	02/18/2008	No	No	No
Monsanto Corp. Michael Parris, Fax: 202-789-1867	02/18/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	02/18/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	02/18/2008	No	No	No

**Technical comments:<sup>5</sup>**

The Commission staff notes that H.R. 4722, H.R. 5011, and H.R. 5417 each would extend the temporary duty suspension that is provided for in HTS heading 9902.10.80. Only one bill should be enacted.

<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.

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5011

To extend the temporary suspension of duty on Permethrin.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2008

Mrs. TAUSCHER 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 Permethrin.

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. PERMETHRIN.**

4       (a) IN GENERAL.—Heading 9902.10.80 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.