

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: September 9, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5049 (Mr. Scott Garrett of New Jersey).

**Proponent name,<sup>3</sup> location:** Lonza Inc., Allendale, NJ.

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

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

**Retroactive effect:** None.

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

2-Methyl-5-ethylpyridine (CAS No. 104-90-5) (provided for in subheading 2933.39.20).

**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 an organic chemical that is used in agrochemical applications, nutritional products (Vitamin A), and pharmaceuticals (Etoricoxib). The product is imported from China and Switzerland.

**Estimated effect on customs revenue:**

HTS subheading: <u>2933.39.20</u>					
	2009	2010	2011	2012	2013
<del>Col. 1-General rate of duty</del>	5.8%	5.8%	5.8%	5.8%	5.8%
Estimated value <i>dutiable</i> imports	\$1,250,000	\$1,250,000	\$1,250,000	\$1,250,000	\$1,250,000
Customs revenue loss	\$72,500	\$72,500	\$72,500	\$72,500	\$72,500

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

<sup>1</sup> Industry analyst preparing report: Larry Johnson (202-205-3351); Tariff Affairs contact: Dave 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.

**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)	
Lonza Inc. (Proponent) Greg McCue, 202-429-6421	06/19/2008	No	No	No
Abbott Laboratories Elaine Leavenworth, Fax: 202-783-6631	06/19/2008	No	No	No
American Chemistry Council Marty Durbin, Fax: 703-741-6097	06/19/2008	No	No	No
Apollo Color, Inc. Dave Klebine, Fax: 815-741-2599	06/19/2008	No	No	No
BASF David Bushnell, Fax: 301-654-8336 Greg Thies, Fax: 202-558-5101	06/19/2008	No	No	No
Bayer Corp. Karen Niedermeyer, Fax: 412-777-4740	06/19/2008	No	No	No
Biddle Sawyer Corp. William Thonack, Fax: 212-239-1089	06/19/2008	No	No	No
Chemtura Corporation Lloyd Moon, Fax: 203-573-2686	06/19/2008	No	No	No
Ciba Specialty Chemicals Robert Hurley, Fax: 202-289-3588	06/19/2008	No	No	No
Clariant Corp. Andy Zamoyski, Fax: 202-248-9043	06/19/2008	No	No	No
Dow Lisa Schroeter, Fax: 202-429-3467	06/19/2008	No	No	No
Dupont Helen McMahon, Fax: 302-355-2994	06/19/2008	No	No	No
Eastman Chemical Greg Riddle, Fax: 212-835-1621	06/19/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	06/19/2008	No	No	No
Galaxie Chemical Corp. Michael Santoro, Jr., Fax: 973-790-7104	06/19/2008	No	No	No
Honeywell Art Simonetti, Fax: 202-662-2675	06/19/2008	No	No	No
Huntsman Corp. John Deming, Fax: 302-479-5499	06/19/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	06/19/2008	No	No	No
PMC Inc. Gordon McCollough, Fax: 513-482-7884	06/19/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Rhodia Dominick Cangiano, Fax: 609-860-2256	06/19/2008	No	No	No
Solutia, Inc. Kassie D. Wooten, Fax: 314-674-1585	06/19/2008	No	No	No
Sun Chemical Corp. Steve Schmidt, Fax: 513-681-4960	06/19/2008	No	No	No

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

The Commission staff recommends that the article description on page 1 of this report be used in the proposed new heading in order to use the chemical name that is used in the article description in HTS subheading 2933.39.20.

<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  
2D SESSION

# H. R. 5049

To suspend temporarily the duty on 5-Ethyl-2-methylpyridine.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2008

Mr. GARRETT of New Jersey introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To suspend temporarily the duty on 5-Ethyl-2-methylpyridine.

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. 5-ETHYL-2-METHYLPYRIDINE.**

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	5-Ethyl-2-methylpyridine (CAS No. 104-90-5) (pro- vided for in subheading 2933.39.20) .....	Free	No change	No change	On or before 12/31/2011
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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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