

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: July 11, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5120 (Mr. Kenny Hulshof of Missouri).

**Proponent name,<sup>3</sup> location:** Bayer CropScience, Research Triangle Park, NC.

**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)):**

(5S)-3,5-Dihydro-5-methyl-2-(methylthio)-5-phenyl-3-(phenylamino)-4H-imidazol-4-one (Fenamidone)  
(CAS No. 161326-34-7) (provided for in subheading 2933.29.35)

**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 the active ingredient in REASON® 500 SC Fungicide, which is a broad-spectrum foliar fungicide. The fungicide is used to control certain plant diseases of potatoes and other tuberous and corm vegetables, tomatoes, onions and other bulb vegetables, lettuce (leaf and head), squash, melons, and cucumbers and other cucurbit crops. The subject product is imported from France.

<sup>1</sup> Industry analyst preparing report: Jack Greenblatt (202-205-3353); 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 identified no additional beneficiaries of this bill.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2933.29.35</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$2,631,852	\$2,631,852	\$2,631,852	\$2,631,852	\$2,631,852
Customs revenue loss 1/	\$0	\$171,070	\$171,070	\$171,070	\$171,070

1/ There is an existing duty suspension under HTS heading 9902.10.38 that expires on December 31, 2009. Therefore, there will be no Customs revenue loss related to this bill for 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)		
Bayer CropScience (Proponent) Will Hensley, Fax: 202-737-8909 Karen Niedermeyer, Fax: 412-777-4740	04/28/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	05/09/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	05/09/2008	No	No	No
CropLife America Lawrence Norton, Fax: 202-463-0474	05/09/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-383-0590	05/09/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	05/09/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	05/09/2008	No	No	No
LANXESS Jamie Schaeffer, Fax: 412-809-3614	05/09/2008	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	05/09/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 202-347-8758	05/09/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
(Yes/No)				
Valent USA Robin Demouth, Fax: 925-256-2776	05/09/2008	No	No	No

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

None.

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<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. 5120

To extend the temporary suspension of duty on Fenamidone.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2008

Mr. HULSHOF 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 Fenamidone.

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. FENAMIDONE.**

4       (a) IN GENERAL.—Heading 9902.10.38 of the Har-  
5       monized Tariff Schedule of the United States (relating to  
6       Fenamidone) is amended by striking the date in the effec-  
7       tive period column and inserting “12/31/2011”.

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