

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: October 6, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5386 (Mr. Henry Brown of South Carolina).

**Proponent name,<sup>3</sup> location:** Symrise Inc., Goose Creek, SC.

**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)):**

5-Methyl-2-(1-methylethyl)cyclohexyl-2-hydroxypropanoate (lactic acid, menthyl ester) (Frescolat)  
(CAS No. 59259-38-0) (provided for in subheading 2918.11.51).

**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 a cosmetics additive. The product is imported from Germany.

**Estimated effect on customs revenue:**

HTS subheading: <u>2918.11.51</u>					
	2009	2010	2011	2012	2013
<del>Col. 1-General rate of duty</del>					
Col. 1-General rate of duty	3.4%	3.4%	3.4%	3.4%	3.4%
Estimated value <i>dutiable</i> imports	\$4,000,000	\$4,000,000	\$4,500,000	\$4,500,000	\$5,000,000
Customs revenue loss 1/	\$0	\$136,000	\$153,000	\$153,000	\$170,000

1/ There is an existing duty suspension under HTS heading 9902.01.42 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.

<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.

**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)		
Symrise Inc. (Proponent) Brett Garson, brettg@sda-inc.com	5/6/2008 5/7/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	5/13/2008	No	No	No
Avecia Mike Gill, MGill@crowell.com	5/13/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	5/13/2008	No	No	No
Ciba Specialty Chemicals Corp. Robert Hurley, Fax: 202-289-3588	5/13/2008	No	No	No
Clariant Corporation Andrew Zamoyski, Fax: 202-248-9043	5/13/2008	No	No	No
ColorChem Steve Printz, Fax: 770-993-4780	5/13/2008	No	No	No
Dow Chemical Max Turnipseed, Fax: 225-383-0590	5/13/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	5/13/2008	No	No	No
Firmenich, Inc. Laura Heybur, Fax: 609-452-8063	5/14/2008	No	No	No
Givaudan Fragrances Corp. Diane Koenig, Fax: 973-448-6624	5/14/2008	No	No	No
International Flavors & Fragrance Tom Kinlin, Fax: 732-335-2244	5/14/2008	No	No	No
Kalsec, Inc. Ted Lupina, tlupina@kalsec.com	5/14/2008	No	No	No
Koch Industries Ron Osman, Fax: 361-242-8353	5/14/2008	No	No	No
LANXESS Jamie Schaeffer, Fax: 412-809-3614	5/13/2008	No	No	No
Lubrizol Gregory Perun, glp@lubrizol.com	5/13/2008	No	No	No
Penta Mfg. Co. George Volpe, Fax: 973-740-1839	5/14/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Sigma-Aldrich Co. Cynthia Hening, 414-438-3850, x-5396 Jared Fenton, jared.fenton@sial.com	5/13/2008 5/14/2008	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.

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

# H. R. 5386

To extend the temporary suspension of duty on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mr. BROWN of South Carolina 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 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate.

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-METHYL-2-(METHYLETHYL)CYCLOHEXYL-2-**  
4 **HYDROXYPROPANOATE.**

5 (a) IN GENERAL.—Heading 9902.01.42 of the Har-  
6 monized Tariff Schedule of the United States (relating to  
7 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate)  
8 is amended by striking the date in the effective period col-  
9 umn and inserting “12/31/2011”.

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

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