

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. 4377 (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)):**

*N*-Butyl-*N*-ethyl- $\alpha,\alpha,\alpha$ -trifluoro-2,6-dinitro-*p*-toluidine (CAS No. 1861-40-1) (provided for in subheading 2921.43.90).

**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 pre-emergence herbicide that controls annual grasses and broadleaf weeds in alfalfa, lettuce, peanuts, tobacco, and established turf. The subject product is imported from Italy.

**Estimated effect on customs revenue:**

HTS subheading: <u>2921.43.90</u>					
	2009	2010	2011	2012	2013
<del>Col. 1-General rate of duty</del>	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000
Customs revenue loss 1/	\$0	\$78,000	\$78,000	\$78,000	\$78,000

1/ There is an existing duty suspension under HTS heading 9902.29.59 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: Philip Stone (202-205-3424); 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)		
Dow AgroSciences (Proponent) Max Turnipseed, 225-383-0590	02/12/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 215-419-7075	02/12/2008	No	No	No
BASF Greg Thies, Fax: 703-255-7142	02/12/2008	No	No	No
Bayer CropScience Jean Riemer, 202-737-8909	02/12/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	02/12/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	02/12/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	02/12/2008	No	No	No
Emerald Performance Chemicals Tom Dirmyer, Fax: 330-315-6480	02/12/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	02/12/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	02/12/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	02/12/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	02/12/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	02/12/2008	No	No	No

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

There is a typo in the chemical name given in Section 1(a) of the bill. Instead of “...-z,6-dinitro-...”, it should read -2,6-dinitro-...”. The existing heading 9902.29.59, which would be extended by this bill, has the correct article description.

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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  
1ST SESSION

# H. R. 4377

To extend the temporary suspension of duty on Benfluralin.

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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 Benfluralin.

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. BENFLURALIN.**

4 (a) IN GENERAL.—Heading 9902.29.59 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 *N*-Butyl-*N*-ethyl- $\alpha,\alpha,\alpha$ -trifluoro-*z*,6-dinitro-*p*-toluidine) is  
7 amended by striking “12/31/2009” and inserting “12/31/  
8 2011”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) applies to goods entered, or withdrawn from

- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of the enactment of this Act.

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