

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: March 24, 2008]²

Bill No. and sponsor: H.R. 4391 (Mr. Dan Burton of Indiana).

Proponent name,³ location: Dow AgroSciences, Indianapolis, IN.

Other bills on product (110th Congress only): H.R. 5044 (Mr. Costa of California).

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)):

1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole (Propiconazole) (CAS No. 60207-90-1)(provided for in subheading 2934.99.12).

Check one: ___ Same as that in bill as introduced.
 X 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 fungicide that is imported from India.⁴

Estimated effect on customs revenue:

| HTS subheading: <u>2934.99.12</u> | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|
| | 2009 | 2010 | 2011 | 2012 | 2013 |
| Col. 1-General rate of duty (AVE) | | | | | |
| Col. 1-General rate of duty (AVE) | 6.5% | 6.5% | 6.5% | 6.5% | 6.5% |
| Estimated value <i>dutiable</i> imports | \$7,657,306 | \$3,800,000 | \$3,800,000 | \$3,800,000 | \$3,800,000 |
| Customs revenue loss 1/ | \$0 | \$247,000 | \$247,000 | \$247,000 | \$247,000 |

1/ There is an existing duty suspension under HTS heading 9902.29.80 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.

¹ Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

⁴ The subject chemical imported from India already enters the United States duty free under the Generalized System of Preferences (GSP).

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? |
|--|----------------|--|----------------------|-------------------|
| | | | | |
| Dow AgroSciences (Proponent) Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467 | 01/18/2008 | No | No | No |
| Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075 | 01/18/2008 | No | No | No |
| Bayer CropScience William Hensley, 202-756-3781 Jean Reimer, 202-756-3779 | 01/18/2008 | No | No | No |
| BASF Corp. Greg Thies, Fax: 703-255-7142 | 01/18/2008 | No | No | No |
| Chemtura Corporation Matt Mattingley, Fax: 202-463-8498 | 01/18/2008 | No | No | No |
| CropLife America Isi Siddiqui, Fax: 202-463-0474 | 01/18/2008 | No | No | No |
| DuPont Helen McMahon, Fax: 302-355-2994 Elaine Olson, Fax: 302-774-1398 | 01/18/2008 | No | No | No |
| FMC Corp Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181 | 01/18/2008 | No | No | No |
| Monsanto Corp. Michael Parris, Fax: 202-789-1867 | 01/18/2008 | No | No | No |
| Nufarm Limited Joel R. Junker, Fax: 206-621-8220 | 01/18/2008 | No | No | No |
| Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084 | 01/18/2008 | No | No | No |
| Valent USA Robin Demouth, Fax: 925-256-2776 | 01/18/2008 | No | No | No |

Technical comments:⁵

The Commission staff suggests that the article description of heading 9902.29.80 be modified to insert the name “Propiconazole” in parentheses after the chemical name, as reflected on page 1 of this report.

⁵ 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. 4391

To extend the temporary suspension of duty on Propiconazole.

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

A BILL

To extend the temporary suspension of duty on
Propiconazole.

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. PROPICONAZOLE.**

4 (a) IN GENERAL.—Heading 9902.29.80 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.