

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 24, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4393 (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:** Modification and extension of temporary duty reduction through December 31, 2011.

**Retroactive effect:** None.

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

Benzoic acid, 3-methoxy-2-methyl-2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide  
(Methoxyfenozide) (CAS No. 161050-58-4) (provided for in subheading 2928.00.25).

**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 an active ingredient in the production of a narrow spectrum insecticide. The product attacks selected lepidopterous insects, those whose larvae are caterpillars (e.g., moths). The product is imported from Italy.

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<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. 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.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2928.00.25</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty (AVE)	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$22,500,000	\$22,500,000	\$22,500,000	\$22,500,000	\$22,500,000
Customs revenue loss 1/ 2/	\$0	\$495,000	\$495,000	\$495,000	\$495,000

1/ The estimated customs revenue loss is based on a temporary reduction of the general rate of duty from 6.5 percent ad valorem to 4.3 percent ad valorem, a reduction of 2.2 percentage points.

2/ The estimated customs revenue loss for 2009 is based on the fact that this bill does not take effect until January 1, 2010.

Source of estimated dutiable import data: 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)	
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

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
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:<sup>4</sup>**

The Commission staff suggests that the article description of heading 9902.32.93 be modified to insert the common name “Methoxyfenozide” in parentheses after the chemical name, as reflected on page 1 of this report.

<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. 4393

To extend and modify the temporary suspension of duty on Methoxyfenozide.

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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 and modify the temporary suspension of duty on Methoxyfenozide.

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. METHOXYFENOZIDE.**

4       (a) IN GENERAL.—Heading 9902.32.93 of the Har-  
5       monized Tariff Schedule of the United States is amend-  
6       ed—

7               (1) by striking “1.0%” and inserting “4.3%”;  
8       and

9               (2) by striking “12/31/2009” and inserting  
10       “12/31/2011”.

1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies with respect to goods entered, or  
3 withdrawn from warehouse for consumption, on or after  
4 January 1, 2010.

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