

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: May 8, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4531 (Mr. Jo Bonner of Alabama).

**Proponent name,<sup>3</sup> location:** DuPont, Wilmington, DE.

**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)):**

(4aS) -7-Chloro-2, 5-dihydro-2-[[methoxycarbonyl][4-(trifluoromethoxy) phenyl]amino] carbonyl]-indeno[1,2-e]-[1,3,4] oxadiazine-4a (3H)-carboxylic acid methyl ester (CAS No. 173584-44-6) (provided for in subheading 2934.99.16).

**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:**

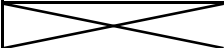
The subject product is a synthetic organic chemical that is used as a broad-spectrum insecticide on fruit trees, vegetables, and cotton. DuPont produces the subject product in a foreign trade zone from intermediates imported from Japan, China, Germany, and France.

<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: <u>2934.99.16</u></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   | \$1,750,000 | \$1,750,000 | \$1,750,000 | \$1,750,000 | \$1,750,000 |
| Customs revenue loss 1/   | \$0         | \$113,750   | \$113,750   | \$113,750   | \$113,750   |

1/ There is an existing duty suspension under HTS heading 9902.12.42 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)                                     |                      |                   |
| DuPont (Proponent)<br>Helen McMahon, Fax: 302-355-2994<br>Elaine Olsen, Fax: 302-774-1398  | 01/18/2008     | No   | No                   | No                |
| Arkema Inc. (Atofina)<br>Charles Kitchen, Fax: 216-419-7075                                | 01/18/2008     | No   | No                   | No                |
| Bayer CropScience<br>William Hensley, 202-756-3781<br>Jean Reimers, 202-756-3779           | 01/18/2008     | No   | No                   | No                |
| BASF Corp.<br>Greg Thies, Fax: 703-255-7142  | 01/18/2008     | No   | No                   | No                |
| Chemtura Corporation<br>Matt Mattingley, Fax: 202-463-8498                                 | 01/18/2008     | No   | No                   | No                |
| Crop Life America<br>Isi Siddiqui Fax: 202-463-0474  | 01/18/2008     | No   | No                   | No                |
| Dow AgroSciences<br>Max Turnipseed, Fax: 225-338-0310<br>Lisa Schroeter, Fax: 202-429-3467 | 01/18/2008     | No   | No                   | No                |
| FMC Corp<br>Jerry Prout, Fax: 202-956-5235<br>Steve Ziehm, 202-872-8181                    | 01/18/2008     | No   | No                   | No                |
| Monsanto Corp.<br>Michael Parris, Fax: 202-789-1867  | 01/18/2008     | No   | No                   | No                |

| Name of firm/organization  | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
|  |                |  |                      |                   |
| Nufarm Limited<br>Joel R. Junker, Fax: 206-621-8220              | 01/18/2008     | No   | No                   | No                |
| Syngenta Crop Protection, Inc.<br>Angus Kelly, Fax: 336-632-6084 | 01/18/2008     | No   | No                   | No                |
| Valent USA<br>Robin Demouth, Fax: 925-256-2776                   | 01/18/2008     | No   | No                   | No                |

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

The Commission staff suggests that, in line 6 of the bill, "12/31/11" be deleted and "12/31/2011" be inserted in lieu thereof.

---

<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. 4531

To extend temporarily the duty on (S)-methyl 7-chloro-2,5-dihydro-2-[[methoxycarbonyl][4-(trifluoromethoxy)phenyl]amino]-carbonyl]indeno[1,2-e][1,3,4]oxadiazine-4a-(3H)-carboxylate (a.k.a. DPX-KN128, Indoxacarb), CAS Number 144171-61-9.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. BONNER introduced the following bill; which was referred to the  
Committee on Ways and Means

---

## A BILL

To extend temporarily the duty on (S)-methyl 7-chloro-2,5-dihydro-2-[[methoxycarbonyl][4-(trifluoromethoxy)phenyl]amino]-carbonyl]indeno[1,2-e][1,3,4]oxadiazine-4a-(3H)-carboxylate (a.k.a. DPX-KN128, Indoxacarb), CAS Number 144171-61-9.

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. TEMPORARY EXTENSION OF DUTY.**

4 (a) IN GENERAL.—Heading 9902.12.42 (pertaining  
5 to DPX-KN128) is amended by striking the date in the  
6 effective date column and inserting “12/31/11” in lieu  
7 thereof.

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

○