

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. 4613 (Mr. Geoff Davis of Kentucky).

**Proponent name,<sup>3</sup> location:** TOPAS Advanced Polymers, Inc., Florence, Kentucky.

**Other bills on product (110<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2012.

**Retroactive effect:** None.

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

Ethylene-norbornene copolymer (CAS No. 26007-43-2) (provided for in subheading 3911.90.90).

**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 based on the polymerization of norbornene, a cyclic hydrocarbon that is based on cyclohexene, with ethylene. This amorphous, transparent resin is described chemically as a specialty cyclic olefin copolymer having unique properties relative to commodity grade resins. The product is used for a wide variety of applications, including flexible food packaging, pharmaceutical packaging (prefillable syringes, vials, ampoules, and blister packs), diagnostic articles, optical applications (lenses, light guides, films, and sensors), electronics, and as a toner binder in color printers. The product is imported from Germany.

<sup>1</sup> Industry analyst preparing report: Ray Cantrell (202-205-3362); 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.

**Estimated effect on customs revenue:**

<b>HTS subheading: 3911.90.90</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$6,300,000	\$7,350,000	\$8,500,000	\$9,800,000	\$11,250,000
Customs revenue loss	\$409,500	\$477,750	\$552,500	\$637,000	\$731,250

Source of estimated dutiable import data: Commission and 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)		
TOPAS Advanced Polymers, Inc. (Proponent) Allen Freeman, 513-680-9000 Tim Samer, 859-746-6447, ext. 4403 Bernd Sparenberg, 859-746-6447	03/04/2008	No	Yes	No
Bayer Corporation Karen Niedermeyer, 412-777-2058	03/04/2008	No	No	No
Bluegrass Crossings Business Centre Larry Mayfield, 270-298-3551	03/07/2008	No	Yes	No
Dow Chemical Company Lisa Schroeter, 202-429-3400	03/05/2008	No	No	No
DuPont Helen McMahan, 302-992-2263	03/04/2008	No	No	No
Efficient Global Trade, Inc. Henry P. Stoebenau, 215-628-4919	03/07/2008	No	No	No
ExxonMobil Chemical Company Russ Spiller, 281-834-5516	03/04/2008	No	No	No
Klockner Pentaplast of America, Inc. Michael Ryan, 540-832-1425	03/06/2008	No	No	No
LANXESS Corporation Jamie Schaffer, 412-809-3666	03/04/2008	No	No	No
Ohio County Industrial Foundation Hayward Spinks, 270-298-3551	03/07/2008	No	Yes	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
			(Yes/No)	
Ohio County Judge Executive David Jones, 270-298-4400	03/07/2008	No	Yes	No
PPC Industries, Inc. Jeffrey Levernier, 262-947-0900	03/07/2008	No	Yes	No
SABIC Innovative Plastics Jessine Monaghan, 202-637-4003	03/06/2008	Yes	Yes	Yes

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

The Commission staff suggests that the article description on page 1 of this report be used in the proposed new heading in order to provide the correct HTS subheading reference.<sup>5</sup> The Commission staff also notes that the second column of the heading should read “No change”.

<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.

<sup>5</sup> USITC staff contact with National Import Specialist Frank Cantone, New York, NY, March 7, 2008.

110TH CONGRESS  
1ST SESSION

# H. R. 4613

To suspend until December 31, 2012, the duty on ethylene-norbornene copolymer.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

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

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## A BILL

To suspend until December 31, 2012, the duty on ethylene-norbornene copolymer.

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. ETHYLENE-NORBORNENE COPOLYMER.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of  
5 the Harmonized Tariff Schedule of the United States is  
6 amended by inserting in numerical sequence the following  
7 new heading:

“	9902.39.00	Ethylene-norbornene copolymer (CAS No. 26007-43-2) (provided for in heading 3901.90.55) .....	Free	Free	No change	On or before 12/31/2012	”.
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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 the 15th day after the date of the enactment of this Act.

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