

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 16, 2008]<sup>2</sup>

**Bill No. and sponsor:** HR 4628 (Mr. Sam Graves of Missouri).

**Proponent name,<sup>3</sup> location:** Bayer CropScience, Research Triangle Park, NC.

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

**Nature of bill:** Temporary duty reduction through December 31, 2011.

**Retroactive effect:** None.

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

Products containing (E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine (Clothianidin) (CAS No. 210880-92-5) (provided for in subheading 3808.91.50).

**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 seed-applied insecticide that protects both seed and seedlings from the damaging effects of a number of insects through both systemic and contact activity. The product can be used to control a wide variety of insect pests, including the following: wireworms, cutworms, white grubs, seedcorn maggots, grape colaspises, flea beetles, southern corn leaf beetles, chinch bugs, southern green stinkbugs, aphids, and thrips. The product is imported from Germany.

<sup>1</sup> Industry analyst preparing report: Jack Greenblatt (202-205-3353); 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: 3808.91.50</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	5%	5%	5%	5%	5%
Estimated value <i>dutiable</i> imports	\$98,308,000	\$98,308,000	\$98,308,000	\$98,308,000	\$98,308,000
Customs revenue loss 1/	\$491,540	\$491,540	\$491,540	\$491,540	\$491,540

1/ The estimated customs revenue loss is based on a temporary reduction of the general rate of duty from 5 percent ad valorem to 4.5 percent ad valorem, a reduction of 0.5 percentage points.

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?
Bayer CropScience (Proponent) Will Hensley, 202-756-3781	3/10/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	3/17/2008	No	No	No
BASF Corp. Gregory A. Thies, 202-904-2332	3/17/2008	No	No	No
CropLife America Lawrence Norton, Fax: 202-463-0474	3/17/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-383-0590	3/17/2008	No	No	No
Dupont Helen McMahon, Fax: 302-355-2994	3/17/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	3/17/2008	No	No	No
LANXESS Jamie Schaeffer, Fax: 412-809-3614	3/17/2008	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	3/17/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	3/17/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Valent USA Robin Demouth, Fax: 925-256-2776	3/17/2008	No	No	No

**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 chemical name and the correct HTS subheading reference, and to include the common chemical name.

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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. 4628

To suspend temporarily the duty on products containing (E)-N-[(2-Chloro-1,3-thiazol-5-yl) methyl]-N-methyl[oxido(oxo)hydrazono] methanediamine or N-[(2-Chloro-1,3-thiazol-5-yl)methyl]-N-{(E)-(methylamino) [oxido(oxo)hydrazono] methyl}amine.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

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

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## A BILL

To suspend temporarily the duty on products containing (E)-N-[(2-Chloro-1,3-thiazol-5-yl) methyl]-N-methyl[oxido(oxo)hydrazono] methanediamine or N-[(2-Chloro-1,3-thiazol-5-yl)methyl]-N-{(E)-(methylamino) [oxido(oxo)hydrazono] methyl}amine.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PRODUCTS CONTAINING (E)-N-[(2-CHLORO-1,3-**  
 2 **THIAZOL-5-YL) METHYL]-N-**  
 3 **METHYL[OXIDO(OXO)HYDRAZONO]**  
 4 **METHANEDIAMINE OR N-[(2-CHLORO-1,3-**  
 5 **THIAZOL-5-YL)METHYL]-N-{(E)-**  
 6 **(METHYLAMINO)[OXIDO(OXO)HYDRAZONO]**  
 7 **METHYL}AMINE.**

8 (a) IN GENERAL.—Subchapter II of chapter 99 of  
 9 the Harmonized Tariff Schedule of the United States is  
 10 amended by inserting in numerical sequence the following  
 11 new heading:

“	9902.____	Products containing (E)-N-[(2-Chloro-1,3-thiazol-5-yl)methyl]-N-methyl[oxido(oxo)hydrazono]methanediamine or N-[(2-Chloro-1,3-thiazol-5-yl)methyl]-N-{(E)-(methylamino)[oxido(oxo)hydrazono]methyl}amine (CAS No. 210880-92-5) (provided for in subheading 3808.91.5000) .....	4.5%	No change	No change	On or before 12/31/2011	”.
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12 (b) EFFECTIVE DATE.—The amendment made by  
 13 subsection (a) applies to articles entered, or withdrawn  
 14 from warehouse for consumption, on or after the 15th day  
 15 after the date of the enactment of this Act.

