

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: August 1, 2008]²

Bill No. and sponsor: H.R. 4722 (Ms. Corrine Brown of Florida).

Proponent name,³ location: FMC Corporation, Jacksonville, FL.

Other bills on product (110th Congress only): H.R. 5011 (Mrs. Ellen O. Tauscher of California).
H.R. 5417 (Mr. Bob Etheridge of North Carolina).

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)):

(3-Phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate (Permethrin)
(CAS No. 52645-53-1) (provided for in subheading 2916.20.50).

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 agricultural insecticide on major crops. It is principally imported from China and India.⁴

¹ Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David 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. USITC staff identified two additional beneficiaries of this bill that were not identified by the sponsor/proponent, and those beneficiaries submitted a written representation that they would benefit from this bill.

⁴ Imports of the subject product from India are eligible for duty-free treatment under the Generalized System of Preferences.

Estimated effect on customs revenue:

| HTS subheading: 2916.20.50 | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|
| | 2009 | 2010 | 2011 | 2012 | 2013 |
| Col. 1-General rate of duty | 3.7% | 3.7% | 3.7% | 3.7% | 3.7% |
| Estimated value <i>dutiable</i> imports | \$12,500,000 | \$12,500,000 | \$12,500,000 | \$12,500,000 | \$12,500,000 |
| Customs revenue loss 1/ | \$0 | \$462,500 | \$462,500 | \$462,500 | \$462,500 |

1/ There is an existing duty suspension under HTS heading 9902.10.80 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? |
|--|----------------|--|----------------------|-------------------|
| | | | | |
| FMC Corporation (Proponent) Jerry Prout, 202-956-5209 | 4/20/2008 | No | No | No |
| Arkema Inc. (Atofina) Charles Kitchen, Fax: 215-419-7075 | 4/25/2008 | No | No | No |
| BASF Corp. Greg Thies, Fax: 703-255-7142 | 4/25/2008 | No | No | No |
| Bayer CropScience William Hensley, 202-756-3781 Jean Reimers, 202-756-3779 | 4/25/2008 | No | No | No |
| Chemtura Corporation Matt Mattingley, Fax: 202-463-8498 | 4/25/2008 | No | No | No |
| CropLife America Isi Siddiqui, Fax: 202-463-0474 | 4/25/2008 | No | No | No |
| Dow AgroSciences Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590 | 4/25/2008 | No | No | No |
| DuPont Helen McMahon, Fax: 302-355-2994 | 4/25/2008 | No | No | No |
| Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480 | 4/25/2008 | No | No | No |

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|---|----------------|--|----------------------|-------------------|
| | | | | |
| Gowan Company George Rolofson, Fax: 336-854-2772 Cindy Baker, Fax: 928-373-1822 | 4/25/2008 | No | No | No |
| Monsanto Corp. Grant Erdel, Fax: 202-789-1867 | 4/25/2008 | No | No | No |
| Nufarm Limited Joel R. Junker, Fax: 206-621-8220 | 4/25/2008 | No | No | No |
| Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 | 4/25/2008 | No | No | No |
| Valent U.S.A. Corp. Robin Demouth, Fax: 925-256-2776 | 4/25/2008 | No | No | No |

Technical comments:⁵

The Commission staff notes that H.R. 4722, H.R. 5011, and H.R. 5417 each would extend the temporary duty suspension that is provided for in HTS heading 9902.10.80. Only one bill should be enacted.

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. 4722

To extend the temporary suspension of duty on Permethrin.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2007

Ms. CORRINE BROWN of Florida introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To extend the temporary suspension of duty on Permethrin.

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. PERMETHRIN.**

4 (a) IN GENERAL.—Heading 9902.10.80 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 Permethrin) is amended by striking “12/31/2009” and in-
7 serting “12/31/2011”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from
10 warehouse for consumption, on or after the 15th day after
11 the date of the enactment of this Act.