

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress**¹

[Date approved: July 11, 2008]²

Bill No. and sponsor: H.R. 5000 (Mr. Randy Neugebauer of Texas).

Proponent name,³ location: Bayer CropScience, Research Triangle Park, NC.

Other bills on product (110th Congress only): None.

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

Retroactive effect: None.

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

Mixtures containing ethyl (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop-p-ethyl) (CAS No. 71283-80-2), 5-hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrasulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8) (provided for in subheading 3808.93.15).

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 an organic herbicide that is used to control a wide variety of broadleaf weeds in conjunction with the cultivation of wheat or barley. The active ingredients in this herbicide work together in a newly developed mode of action that effectively cuts off the photosynthesis process to kill weeds. The active ingredients are manufactured in Germany and the United States and shipped to Canada for formulation. The final product thereafter is imported into the United States.⁴

¹ Industry analyst preparing report: Ray Cantrell (202-205-3362); 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 identified one additional beneficiary of this bill. USITC staff sent an inquiry to the named beneficiary and received a response from the beneficiary. The beneficiary submitted a written representation that it would benefit from this bill.

⁴ Imports of the subject product may not meet the eligibility requirements of NAFTA.

Estimated effect on customs revenue:

HTS subheading: 3808.93.15					
	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	\$6,500,000	\$6,800,000	\$7,100,000	\$7,400,000	\$7,600,000
Customs revenue loss	\$422,500	\$442,000	\$461,500	\$481,000	\$494,000

Source of estimated dutiable import data: Commission and 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)		
Bayer CropScience (Proponent) Mike Gill, 202-508-8843 Will Hensley, 202-756-3781 Karen Niedermeyer, 412-777-2058 Jean Reimers, 202-756-3779 Andy Whitmoyer, 919-549-2588	05/23/2005	No	No	No
Arkema, Inc. Charles Kitchen, 215-419-7615	05/19/2008	No	No	No
BASF Corporation Gregory A. Thies, gregory.thies@basf.com	05/24/2008	No	No	No
CropLife America Isi Siddiqui, 202-833-4474 Jay Vroom, 202-296-1585, ext. 850	05/24/2008	No	No	No
Dow Chemical Company Lisa Schroeter, 202-429-3400 Max Turnipseed, 225-338-0310	05/24/2008	No	No	No
DuPont Helen McMahon, 302-992-2263 Elaine Olsen, 302-992-2263	05/24/2008	No	No	No
FMC Corporation Gerald R. Prout, 202-956-5200	05/24/2008	No	No	No
LANXESS Corporation Jamie Schaeffer, 412-809-3666	05/24/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Makhteshim Agan of North America, Inc. John Rabby, jrabby@manainc.com Scott Rawlins, 443-762-5377	05/24/2008	No	No	No
Monsanto Company Michael Parrish, 202-783-2460	05/24/2008	No	No	No
Syngenta Crop Protection, Inc. Anne Burt, 202-628-2372 Angus Kelly, 202-347-7772	05/26/2008	No	No	No

Technical comments:⁵

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 names.

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
2D SESSION

H. R. 5000

To suspend temporarily the duty on mixtures containing (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop Ethyl), (CAS No. 71283-80-2), 5-hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrafulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8).

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2008

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

A BILL

To suspend temporarily the duty on mixtures containing (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop Ethyl), (CAS No. 71283-80-2), 5-hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrafulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8).

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. MIXTURES CONTAINING (R)-2-[4-(6-CHLORO-1,3-**
 2 **BENZOAZOL-2-**
 3 **YLOXY)PHENOXY]PROPIONATE**
 4 **(FENOXAPROP ETHYL) (CAS NO. 71283-80-2), 5-**
 5 **HYDROXY-1,3-DIMETHYLPYRAZOL-4-YL 2-**
 6 **MESYL-4-(TRIFLUOROMETHYL)PHENYL KE-**
 7 **TONE (PYRAFULFOTOLE) (CAS NO. 365400-11-**
 8 **9), 2,6-DIBROMO-4-CYANOPHENYL OCTA-**
 9 **NOATE (BROMOXYNIL OCTANOATE) (CAS NO.**
 10 **1689-99-2), AND 2,6-DIBROMO-4-CYANOPHENYL**
 11 **HEPTANOATE (BROMOXYNIL HEPTANOATE)**
 12 **(CAS NO. 56634-95-8).**

13 (a) IN GENERAL.—Subchapter II of chapter 99 of
 14 the Harmonized Tariff Schedule of the United States is
 15 amended by inserting in numerical sequence the following
 16 new heading:

“ 9902.____	Mixtures containing (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop Ethyl) (CAS No. 71283-80-2), 5-hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrafulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2011	”.
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17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) applies to articles entered, or withdrawn

- 1 from warehouse for consumption, on or after the 15th day
- 2 after the date of the enactment of this Act.

