

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: July 29, 2008]²

Bill No. and sponsor: H.R. 5016 (Mrs. Ellen O. Tauscher of California).

Proponent name,³ location: Valent U.S.A. Corp., Walnut Creek, CA.

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)):

[S-(Z,E)]-5-(1-Hydroxy-2,6,6-trimethyl-4-oxo-2-cyclohexen-1-yl)-3-methyl-2,4-pentadienoic acid (S-abscisic acid) (CAS No. 14375-45-2) (provided for in subheading 2918.99.50).

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 synthetic organic chemical that is used in the manufacture of a plant growth regulator for fruits, vegetables, and ornamentals. The subject product is imported from China.

Estimated effect on customs revenue:

HTS subheading: <u>2918.99.50</u>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty					
Col. 1-General rate of duty	4.0%	4.0%	4.0%	4.0%	4.0%
Estimated value <i>dutiable</i> imports	\$500,000	\$1,000,000	\$1,500,000	\$2,000,000	\$2,500,000
Customs revenue loss	\$20,000	\$40,000	\$60,000	\$80,000	\$100,000

Source of estimated dutiable import data: U.S. industry estimates.

¹ Industry analyst preparing report: Jeff Clark (202-205-3318); 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.

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)		
Valent U.S.A. Corp. (Proponent) Robin Demouth, robin.demouth@valent.com	3/21/2008 3/31/2008 4/15/2008 4/22/2008 4/29/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	4/1/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	4/1/2008	No	No	No
Bayer CropScience Will Hensley, Fax: 202-737-8909 Jean Reimers, Fax: 202-737-8909	4/1/2008	No	No	No
Chemtura Matt Mattingley, Fax: 202-463-8498 Lloyd Moon, Fax: 203-573-2686	4/1/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	4/1/2008	No	No	No
Dow AgroSciences Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	4/1/2008	No	No	No
Dupont Helen McMahon, Fax: 302-355-2994	4/1/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	4/1/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	4/1/2008	No	No	No
Gowan Company George Rolofson, Fax: 336-854-2772 Cindy Baker, Fax: 928-373-1822	4/1/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	4/1/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	4/1/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
(Yes/No)				
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 Angus Kelly, Fax: 336-632-6084	4/1/2008	No	No	No

Technical comments:⁴

The Commission staff recommends that the article description on page 1 of this report be used in the proposed new heading in order to provide the proper HTS subheading reference and the common chemical name in parentheses.

⁴ 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. 5016

To suspend temporarily the duty on S-Abscisic Acid.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2008

Mrs. TAUSCHER introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the duty on S-Abscisic Acid.

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. S-ABSCISIC ACID.**

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:

“	9902.01.00	[S-(Z,E)]-5-(1-Hydroxy-2,6,6-trimethyl-4-oxo-2-cyclohexen-1-yl)-3-methyl-2,4-pentadienoic acid (CAS No. 14375-45-2) (provided for in subheading 2916.20.5000)	Free	No change	No change	On or before 12/31/2011	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

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