

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: August 26, 2008]²

Bill No. and sponsor: H.R. 5022 (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: Extension of temporary duty suspension through December 31, 2011.

Retroactive effect: None.

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

Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401-92-5) (provided for in subheading 2933.59.10).

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 chemical is a selective, post-emergent herbicide that has excellent contact application efficacy against annual and perennial grasses, sedges, and broadleaf weeds. It is particularly targeted at the rice production market. The product is imported from Japan.

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.

Estimated effect on customs revenue:

HTS subheading: 2933.59.10					
	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	\$1,400,000	\$1,700,000	\$1,400,000	\$1,400,000	\$1,400,000
Customs revenue loss ^{1/}	\$0	\$110,500	\$91,000	\$91,000	\$91,000

^{1/} There is an existing duty suspension under HTS heading 9902.24.29 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill for 2009. In addition, HTS heading 9902.05.20, which is referenced in the bill, had provided a temporary duty suspension to the subject product that expired on December 31, 2006.

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?
Valent U.S.A. Corp. (Proponent) Brett Garson, brettg@sda-inc.com	5/15/2008	No	No	No
Arkema Inc. Charles A. Kitchen, Fax: 215-419-7075	5/15/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	5/15/2008	No	No	No
Bayer Crop Science William Hensley, Fax: 202-737-8909	5/15/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	5/15/2008	No	No	No
Dow Chemical Co. Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	5/15/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	5/15/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	5/15/2008	No	No	No
FMC Jerry Prout, Fax: 202-956-5235	5/15/2008	No	No	No
Gowan Company Cindy Baker, Fax: 928-373-1822 George L. Rolofson, Fax: 336-854-2772	5/15/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
MG Group Matt Mattingley, Fax: 703-670-9313	5/15/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	5/15/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	5/15/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	5/15/2008	No	No	No

Technical comments:⁴

This bill would extend the temporary duty suspension provided for in HTS heading 9902.05.20. However, HTS heading 9902.05.20 expired on December 31, 2006. Therefore, in section 1(a) of the bill, line 6, "12/31/2009" should be deleted, and "12/31/2006" should be inserted in lieu thereof. Alternatively, HTS heading 9902.24.29 provides a temporary duty suspension for the subject product that expires on December 31, 2009. HTS heading 9902.24.29 could be used to extend the duty suspension. In that case, in line 4 of section 1(a) of the bill, delete "9902.05.20" and insert "9902.24.29" in lieu thereof.

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. 5022

To extend the temporary suspension of duty on Bispyribac-sodium.

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 extend the temporary suspension of duty on Bispyribac-sodium.

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. BISPYRIBAC-SODIUM.**

4 (a) IN GENERAL.—Heading 9902.05.20 of the Har-
5 monized Tariff Schedule of the United States is amended
6 by striking “12/31/2009” and inserting “12/31/2011”.

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