

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: June 19, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5118 (Mr. Kenny Hulshof 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:** Extension of temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

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

Aluminum tris (O-ethylphosphonate) (Fosetyl-Al) (CAS No. 39148-24-8) (provided for in subheading 2920.90.50).

**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 a fungicide to control *Alternaria*, *Oomycetes*, and *Penicillium* on avocado, cacao, citrus, fruits, hops, ornamentals, pineapple, rubber, strawberries, tobacco, vegetables, and vines. The product also suppresses certain bacterial pathogens, *Erwinia* fire blight and *Pseudomonas* blister spot on pome fruit, and *Xanthomonas* on ornamentals. The product is imported from France.

<sup>1</sup> Industry analyst preparing report: Jeff Clark (202-205-3318); 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: 2920.90.50</b>					
	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	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000	\$15,000,000
Customs revenue loss 1/	\$0	\$555,000	\$555,000	\$555,000	\$555,000

1/ There is an existing duty suspension under HTS heading 9902.01.73 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 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?
		(Yes/No)		
Bayer CropScience (Proponent) Will Hensley, Fax: 202-737-8909 Jean Reimers, Fax: 202-737-8909	4/17/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	4/17/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	4/17/2008	No	No	No
Chemtura Matt Mattingley, Fax: 202-463-8498 Lloyd Moon, Fax: 203-573-2686	4/17/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	4/17/2008	No	No	No
Dow AgroSciences Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	4/17/2008	No	No	No
Dupont Helen McMahon, Fax: 302-355-2994	4/17/2008	No	No	No
Emerald Performance Materials, LLC Tom Dirmyer, Fax: 330-315-6480	4/17/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	4/17/2008	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	4/17/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	4/17/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	4/17/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 Angus Kelly, Fax: 336-632-6084	4/17/2008	No	No	No
Valent U.S.A. Corporation Robin Demouth, robin.demouth@valent.com	4/17/2008	No	No	No

**Technical comments:<sup>4</sup>**

The Commission staff recommends adding the common chemical name, “(Fosetyl-Al)”, to the article description of heading 9902.01.73 as shown on page 1 of this report.

<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  
2D SESSION

# H. R. 5118

To extend the temporary suspension of duty on Aluminum tris (O-ethylphosphonate).

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2008

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

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## A BILL

To extend the temporary suspension of duty on Aluminum tris (O-ethylphosphonate).

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. ALUMINUM TRIS (O-ETHYLPHOSPHONATE).**

4 (a) IN GENERAL.—Heading 9902.01.73 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 Aluminum tris (O-ethylphosphonate)) is amended by strik-  
7 ing the date in the effective period column and inserting  
8 “12/31/2011”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) applies to goods entered, or withdrawn from

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

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