

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: October 6, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5339 (Mrs. Judy Biggert of Illinois).

**Proponent name,<sup>3</sup> location:** Nufarm Americas, Inc., Burr Ridge, IL.

**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)):**

3,5-Dibromo-4-hydroxybenzoxynil octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2) (provided for in subheading 2926.90.25).

**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 herbicide to control broadleaf weeds in certain vegetables, cereals, forage grasses, and turf. The product is imported from France and the United Kingdom.

<sup>1</sup> Industry analyst preparing report: Philip Stone (202-205-3424); 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 identified four additional beneficiaries of this bill. USITC staff sent inquiries to the additional beneficiaries and received responses from two. One submitted a written representation that it would benefit from this bill.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2926.90.25</b>					
	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	\$15,000,000	\$16,000,000	\$17,000,000	\$17,000,000	\$17,000,000
Customs revenue loss 1/	\$0	\$1,040,000	\$1,105,000	\$1,105,000	\$1,105,000

1/ There is an existing duty suspension under HTS heading 9902.22.97 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)		
Nufarm Americas, Inc. (Proponent) Joel R. Junker, Fax: 206-621-8220	05/09/2008	No	No	No
Aceto Agricultural Chemicals President, Fax: 516-627-6093	05/13/2008	No	No	No
Albaugh, Inc. President, Fax: 515-964-7813	05/13/2008	No	No	No
Arkema Inc. Charles Kitchen, Fax: 215-419-7075	05/09/2008	No	No	No
BASF Corporation Greg Thies, Fax: 202-558-5101	05/09/2008	No	No	No
Bayer CropScience William Hensley, Fax: 202-737-8909	05/09/2008	No	No	No
Chemtura Matt Mattingley, Fax: 703-670-9313	05/09/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	05/09/2008	No	No	No
Dow Chemical/Dow AgroScience Max Turnipseed, Fax: 225-383-0590	05/09/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	05/09/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	05/09/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	05/09/2008	No	No	No
Gowan Company George Rolofson, Fax: 336-854-2772	05/09/2008	No	No	No
LT Biosyn, Inc. President, Fax: 909-348-5135	05/13/2008	No	No	No
MANA Crop Protection Karen Lowman, Fax: 919-256-9370	05/14/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	05/09/2008	No	No	No
Stoller Enterprises, Inc. President, Fax: 713-461-4467	05/13/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	05/09/2008	No	No	No
United Phosphorus, Inc. President, Fax: 610-491-2801	05/13/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	05/09/2008	No	No	No

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

The Commission staff suggests that the article description on page 1 of this report be used in HTS heading 9902.22.97 because it contains the correct CAS number and it includes the common name in parentheses. The Commission staff notes that HTS heading 9902.10.56 also provides a temporary duty suspension for bromoxynil octanoate that expires on December 31, 2009. If this bill is enacted, HTS heading 9902.10.56 should be deleted from the HTS.

<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. 5339

To extend the temporary suspension of duty on Bromoxynil Octonoate.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mrs. BIGGERT 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 Bromoxynil  
Octonoate.

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. BROMOXYNIL OCTONOATE.**

4 (a) IN GENERAL.—Heading 9902.22.97 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 Bromoxynil Octonoate) is amended by striking the date  
7 in the effective period column and inserting “12/31/2011”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 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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