

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: October 6, 2008]²

Bill No. and sponsor: H.R. 5342 (Mrs. Judy Biggert of Illinois).

Proponent name,³ location: Nufarm Americas, Inc., Burr Ridge, IL.

Other bills on product (110th Congress only): H.R. 4383 (Mr. Dan Burton of Indiana).

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)):

2-Methyl-4-chlorophenoxyacetic acid (MCPA) (CAS No. 94-74-6) (provided for in subheading 2918.99.20).

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 herbicide that is used to control a wide variety of broad leaved weeds in cereals, grasses, flax, and non-crop areas. The subject product is imported from the Netherlands and the United Kingdom.

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 identified seven additional beneficiaries of this bill. USITC staff sent inquiries to the additional beneficiaries and received a response from one. It submitted a written representation that it would benefit from this bill.

Estimated effect on customs revenue:

| HTS subheading: 2918.99.20 | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|
| | 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 | \$17,000,000 | \$17,000,000 | \$17,500,000 | \$18,000,000 | \$18,000,000 |
| Customs revenue loss 1/ | \$0 | \$1,105,000 | \$1,137,500 | \$1,170,000 | \$1,170,000 |

1/ There is an existing duty suspension under HTS heading 9902.13.60 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? |
|---|--|--|----------------------|-------------------|
| | | | | |
| Nufarm Americas, Inc. (Proponent) Joel Junker, 206-621-7878 Emily Lawson, emily@jrjtradelaw.com | 4/17/2008 4/25/2008 5/1/2008 5/6/2008 5/7/2008 | No | No | No |
| Albaugh, Inc. Jim Kahnk, jimk@albaughinc.com | 5/6/2008 | No | No | No |
| Arkema Charles Kitchen, Fax: 215-419-7075 | 5/7/2008 | No | No | No |
| BASF Corp. Greg Thies, Fax: 202-558-5101 | 5/7/2008 | No | No | No |
| Bayer CropScience Will Hensley, Fax: 202-737-8909 Jean Reimers, Fax: 202-737-8909 | 5/7/2008 | No | No | No |
| Chemtura Matt Mattingley, Fax: 202-463-8498 Lloyd Moon, Fax: 203-573-2686 | 5/7/2008 | No | No | No |
| CropLife America Isi Siddiqui, Fax: 202-463-0474 | 5/7/2008 | No | No | No |
| Dow AgroSciences Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590 | 5/7/2008 | No | No | No |

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
| | | | | |
| DuPont Helen McMahon, Fax: 302-355-2994 | 5/7/2008 | No | No | No |
| Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480 | 5/7/2008 | No | No | No |
| FMC Corp. Jerry Prout, Fax: 202-956-5235 | 5/7/2008 | No | No | No |
| Gowan Company George Rolofson, Fax: 336-854-2772 Cindy Baker, Fax: 928-373-1822 | 5/7/2008 | No | No | No |
| Loveland Products, Inc. Lanetta Scott, Fax: 303-222-2719 | 5/7/2008 | No | No | No |
| Monsanto Corp. Grant Erdel, Fax: 202-789-1867 | 5/7/2008 | No | No | No |
| PBI/Gordon Corp. Richard Martin, rmartin@pbigordon.com | 5/6/2008 | No | No | No |
| Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 Angus Kelly, Fax: 336-632-6084 | 5/7/2008 | No | No | No |
| Valent U.S.A. Corporation Robin Demouth, robin.demouth@valent.com | 5/7/2008 | No | No | No |
| Winfield Solutions, LLC Linda Johnson, lmjohnson@landolakes.com | 5/6/2008 | No | No | No |

Technical comments:⁴

The Commission staff recommends that the article description of HTS heading 9902.13.60 be modified as shown on page 1 of this report in order to include the common chemical abbreviation for this product 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. 5342

To extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

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

A BILL

To extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic 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. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.**

4 (a) IN GENERAL.—Heading 9902.13.60 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 2-methyl-4-chlorophenoxyacetic acid) 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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