

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. 5346 (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:** Temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

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

2-[(RS)-4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl]nicotinic acid (Imazapyr) (CAS No. 81334-34-1)  
(provided for in subheading 2933.39.25).

**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 herbicide that is used to control a broad range of weeds in uncropped and aquatic areas. The product is imported from China.

**Estimated effect on customs revenue:**

HTS subheading: <u>2933.39.25</u>					
<del> </del>	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	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Customs revenue loss	\$325,000	\$325,000	\$325,000	\$325,000	\$325,000

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

<sup>1</sup> Industry analyst preparing report: Larry Johnson (202-205-3351); Tariff Affairs contact: Dave 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 identified six additional beneficiaries of this bill, one of which is a subsidiary of the proponent. USITC staff sent inquiries to the other five named beneficiaries and received responses from none.

**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 Junker, 206-621-7878 Emily Lawson, emily@jrjtradelaw.com	05/23/2008 06/16/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	05/23/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	05/23/2008	No	No	No
Bayer CropScience Jean Reimers, Fax: 202-737-8909	05/23/2008	No	No	No
Chemtura Matt Mattingley, Fax: 202-463-8498 Lloyd Moon, Fax: 203-573-2686	05/23/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	05/23/2008	No	No	No
Dow AgroSciences Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	05/23/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	05/23/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	05/23/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	05/23/2008	No	No	No
Gowan Company George Rolofson, Fax: 336-854-2772 Cindy Baker, Fax: 928-373-1822	05/23/2008	No	No	No
Makhteshim-Agan of North America, Inc. Mark Bishop, mbishop@manainc.com	06/13/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	05/23/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	05/23/2008	No	No	No
United Phosphorus, Inc. Jeff Allison, jeff.allison@uniphos.com	06/13/2008	No	No	No
Valent U.S.A. Corporation Robin Demouth, robin.demouth@valent.com	05/23/2008	No	No	No

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

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 correct chemical name and the common name.

---

<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.

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5346

To suspend temporarily the duty on Imazapyr.

---

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 suspend temporarily the duty on Imazapyr.

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. IMAZAPYR.**

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	2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid (CAS No. 81334-34-1) (provided for in subheading 2933.39.25) .....	Free	No change	No change	On or before 12/31/2011	”.
---	------------	--	------	-----------	-----------	----------------------------	----

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.

○