

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. 5420 (Mr. Bob Etheridge of North Carolina).

Proponent name,³ location: Bayer CropScience, Research Triangle Park, NC.

Other bills on product (110th Congress only): H.R. 5007 (Mrs. Ellen O. Tauscher of California).

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)):

[5-(Phenylmethyl)-3-furanyl]methyl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate (Resmethrin) (CAS No. 10453-86-8) (provided for in subheading 2932.19.10).

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 product is a synthetic organic chemical that is used as an insecticide. It is used on pests such as flies, mosquitoes, and cockroaches in both household and industrial settings. The product is imported from Japan and Hungary.

Estimated effect on customs revenue:

| HTS subheading: <u>2932.19.10</u> | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|
| | 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 | \$3,300,000 | \$3,300,000 | \$3,300,000 | \$3,300,000 | \$3,300,000 |
| Customs revenue loss 1/ | \$0 | \$214,500 | \$214,500 | \$214,500 | \$214,500 |

1/ There is an existing duty suspension under HTS heading 9902.10.83 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 and Commission estimates.

Contacts with domestic firms/organizations (including the proponent):

¹ Industry analyst preparing report: Philip Stone (202-205-3424); 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.

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
| | | (Yes/No) | | |
| Bayer CropScience (Proponent) Williams Hensley, Fax: 202-737-8909 | 05/20/2008 | No | No | No |
| Arkema Inc. (Atofina) Charles Kitchen, Fax: 215-419-7075 | 05/20/2008 | No | No | No |
| BASF Corporation Greg Thies, Fax: 202-558-5101 | 05/20/2008 | No | No | No |
| Chemtura Corporation Matt Mattingley, Fax: 202-463-8498 | 05/20/2008 | No | No | No |
| CropLife America Isi Siddiqui, Fax: 202-463-0474 | 05/20/2008 | No | No | No |
| Dow Chemical/Dow AgroScience Max Turnipseed, Fax: 225-383-0590 | 05/20/2008 | No | No | No |
| DuPont Helen McMahan, Fax: 302-355-2994 | 05/20/2008 | No | No | No |
| Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480 | 05/20/2008 | No | No | No |
| FMC Corp. Jerry Prout, Fax: 202-956-5235 | 05/20/2008 | No | No | No |
| Gowan Company George L. Rolofson, Fax: 336-854-2772 | 05/20/2008 | No | No | No |
| Monsanto Corp. Grant Erdel, Fax: 202-789-1867 | 05/20/2008 | No | No | No |
| Nufarm Limited Joel R. Junker, Fax: 206-621-8220 | 05/20/2008 | No | No | No |
| Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084 | 05/20/2008 | No | No | No |
| Valent USA Robin Demouth, Fax: 925-256-2776 | 05/20/2008 | No | No | No |

Technical comments:⁴

The Commission staff notes that H.R. 5007 and H.R. 5420 cover the same product. Only one bill should be enacted.

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
2^D SESSION

H. R. 5420

To extend the temporary suspension of duty on Resmethrin.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2008

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

A BILL

To extend the temporary suspension of duty on Resmethrin.

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. RESMETHRIN.**

4 (a) IN GENERAL.—Heading 9902.10.83 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 Resmethrin) is amended by striking “12/31/2009” and in-
7 serting “12/31/2011”.

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