

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: March 24, 2008]²

Bill No. and sponsor: H.R. 4393 (Mr. Dan Burton of Indiana).

Proponent name,³ location: Dow AgroSciences, Indianapolis, IN.

Other bills on product (110th Congress only): None.

Nature of bill: Modification and extension of temporary duty reduction through December 31, 2011.

Retroactive effect: None.

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

Benzoic acid, 3-methoxy-2-methyl-2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide
(Methoxyfenozide) (CAS No. 161050-58-4) (provided for in subheading 2928.00.25).

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 an active ingredient in the production of a narrow spectrum insecticide. The product attacks selected lepidopterous insects, those whose larvae are caterpillars (e.g., moths). The product is imported from Italy.

¹ Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. 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.

Estimated effect on customs revenue:

HTS subheading: 2928.00.25					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty (AVE)	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$22,500,000	\$22,500,000	\$22,500,000	\$22,500,000	\$22,500,000
Customs revenue loss 1/ 2/	\$0	\$495,000	\$495,000	\$495,000	\$495,000

1/ The estimated customs revenue loss is based on a temporary reduction of the general rate of duty from 6.5 percent ad valorem to 4.3 percent ad valorem, a reduction of 2.2 percentage points.

2/ The estimated customs revenue loss for 2009 is based on the fact that this bill does not take effect until January 1, 2010.

Source of estimated dutiable import data: 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?
Dow AgroSciences (Proponent) Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467	01/18/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075	01/18/2008	No	No	No
Bayer CropScience William Hensley, 202-756-3781 Jean Reimer, 202-756-3779	01/18/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	01/18/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	01/18/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	01/18/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994 Elaine Olson, Fax: 302-774-1398	01/18/2008	No	No	No
FMC Corp Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181	01/18/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Monsanto Corp. Michael Parris, Fax: 202-789-1867	01/18/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	01/18/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	01/18/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	01/18/2008	No	No	No

Technical comments:⁴

The Commission staff suggests that the article description of heading 9902.32.93 be modified to insert the common name “Methoxyfenozide” in parentheses after the chemical name, as reflected on page 1 of this report.

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
1ST SESSION

H. R. 4393

To extend and modify the temporary suspension of duty on Methoxyfenozide.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2007

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

A BILL

To extend and modify the temporary suspension of duty on Methoxyfenozide.

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. METHOXYFENOZIDE.**

4 (a) IN GENERAL.—Heading 9902.32.93 of the Har-
5 monized Tariff Schedule of the United States is amend-
6 ed—

7 (1) by striking “1.0%” and inserting “4.3%”;
8 and

9 (2) by striking “12/31/2009” and inserting
10 “12/31/2011”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies with respect to goods entered, or
3 withdrawn from warehouse for consumption, on or after
4 January 1, 2010.

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