

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: May 14, 2008]²

Bill No. and sponsor: H.R. 4552 (Mr. Jason Altmire of Pennsylvania).

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

Other bills on product (110th Congress only): H.R. 4405 (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-Phenylphenol (CAS No. 90-43-7) (provided for in subheading 2907.19.80).

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 general purpose antimicrobial product that is used in industrial applications for post-forest fire regrowth and management. As a mature product, it has safe, well established applications and extensive toxicological and environmental backup data available. It is imported from Germany.

Estimated effect on customs revenue:

HTS subheading: 2907.19.80					
 	2009	2010	2011	2012	2013
Col. 1-General rate of duty	5.5%	5.5%	5.5%	5.5%	5.5%
Estimated value <i>dutiable</i> imports	\$5,980,000	\$6,228,000	\$6,976,000	\$6,576,000	\$6,676,000
Customs revenue loss 1/	\$0	\$342,540	\$383,680	\$361,680	\$367,180

1/ There is an existing duty suspension under HTS heading 9902.29.25 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill for 2009.

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

¹ Industry analyst preparing report: L. Johnson (202-205-3351); 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 two additional beneficiaries of this bill. USITC staff sent inquiries to the named beneficiaries and received responses from two. Two submitted a written representation that they would benefit from this bill.

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)	
Dow AgroSciences (Proponent) Jacob Secor, 202-429-3495	1/14/2008	No	No	No
Arkema Inc. Charles Kitchen, Fax: 215-419-7075	2/12/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	2/12/2008	No	No	No
Bayer Corp. William Hensley, Fax: 202-737-8909	2/12/2008	No	No	No
Chemtura Corp. Matt Mattingley, Fax: 202-463-8498	2/12/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	2/12/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	2/12/2008	No	No	No
Emerald Performance Chemicals Tom Dirmyer, Fax: 330-315-6480	2/12/2008	No	No	No
FMC Jerry Prout, Fax: 202-956-5235	2/12/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	2/12/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	2/12/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	2/12/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	2/12/2008	No	No	No

Technical comments:⁴

The Commission staff notes that H.R. 4405 and H.R. 4552 each extend the duty suspension in 9902.29.25. 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
1ST SESSION

H. R. 4552

To extend the suspension of duty on Ortho-Phenylphenol.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

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

A BILL

To extend the suspension of duty on Ortho-Phenylphenol.

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. ORTHO-PHENYLPHENOL.**

4 (a) IN GENERAL.—Heading 9902.29.25 of the Har-
5 monized Tariff Schedule of the United States is amended
6 by striking “12/31/2009” and inserting “12/31/2011”.

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