

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: May 14, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4602 (Mr. Emanuel Cleaver of Missouri).

**Proponent name,<sup>3</sup> location:** Bayer CropScience, Research Triangle Park, NC.

**Other bills on product (110<sup>th</sup> Congress only):** H.R. 5010 (Mrs. Ellen Tauscher of California).

**Nature of bill:** Extension with modification of temporary duty reduction through December 31, 2011.

**Retroactive effect:** None.

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

(E)-1-(2-Chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine (Clothianidin) (CAS No. 210880-92-5) (provided for in subheading 2934.10.90).

**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 the active ingredient in a formulated, seed-applied insecticide that protects both seed and seedlings from the damaging effects of wireworms, cutworms, white grubs, seedcorn maggots, grape colaspis, flea beetles, southern corn leaf beetles, chinch bugs, southern green stinkbugs, aphids, thrips, and other insect pests through both systemic and contact activity. The product is imported from Germany.

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<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. 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/proponent did not identify any additional beneficiaries of this bill.

**Estimated effect on customs revenue:**

<b>HTS subheading: 2934.10.90</b>					
	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	\$7,684,000	\$7,684,000	\$7,684,000	\$7,684,000	\$7,684,000
Customs revenue loss 1/	\$414,936	\$499,460	\$499,460	\$499,460	\$499,460

1/ The estimated customs revenue loss for 2009 is based on the difference between the temporary rate of duty of 5.4 percent ad valorem that would apply under HTS heading 9902.10.84, which expires on December 31, 2009, and "Free" which is the temporary rate of duty that would apply under the bill, a reduction of 5.4 percentage points.

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?
			(Yes/No)	
Bayer CropScience (Proponent) William Hensley, 202-756-3781 Jean Reimers, 202-756-3779	02/18/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075	02/18/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	02/18/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	02/18/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	02/18/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467	02/18/2008	No	No	No
DuPont Helen McMahan, Fax: 302-355-2994 Elaine Olsen, Fax: 302-774-1398	02/18/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181	02/18/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Monsanto Corp. Michael Parris, Fax: 202-789-1867	02/18/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	02/18/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	02/18/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	02/18/2008	No	No	No

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

The Commission staff notes that the bill would change the existing temporary duty reduction for Clothianidin into a temporary duty suspension for such goods.

<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.

110TH CONGRESS  
1ST SESSION

# H. R. 4602

To extend the temporary suspension of duty on Clothianidin.

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

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

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## A BILL

To extend the temporary suspension of duty on Clothianidin.

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. CLOTHIANIDIN.**

4       (a) IN GENERAL.—Heading 9902.10.84 of the Har-  
5 monized Tariff Schedule of the United States is amend-  
6 ed—

7           (1) by striking “5.4%” and inserting “Free”;

8       and

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

11       (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) applies with respect to goods entered, or

- 1 withdrawn from warehouse for consumption, on or after
- 2 the 15th day after the date of the enactment of this Act.

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