

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: June 2, 2008]<sup>2</sup>

**Bill No. and sponsor:** HR 4635 (Mr. Sam Graves 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. 4592 (Mr. Emanuel Cleaver of Missouri).

**Nature of bill:** Temporary duty reduction through December 31, 2011.

**Retroactive effect:** None.

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

Mixtures containing methyl

4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carbonylsulfamoyl]-5-methylthiophene-3-carboxylate (Thiencarbazone-methyl) (CAS No. 317815-83-1), ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl) (CAS No. 163520-33-0) and (5-cyclopropyl-1,2-oxazol-4-yl)( $\alpha,\alpha,\alpha$ -trifluoro-2-mesyl-*p*-tolyl)methanone (Isoxaflutole) (CAS No. 141112-29-0) (provided for in subheading 3808.93.15).

**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 high efficacy postemergence corn herbicide for grass and broadleaf control. The product contains Isoxadifen, which by regulating the herbicidal effect on corn enhances the safety for corn crops. The subject product is imported from Germany.

<sup>1</sup> Industry analyst preparing report: Jack Greenblatt (202-205-3353); Tariff Affairs contact: David 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: 3808.93.15</b>					
	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	\$11,875,000	\$11,875,000	\$11,875,000	\$11,875,000	\$11,875,000
Customs revenue loss 1/	\$498,750	\$498,750	\$498,750	\$498,750	\$498,750

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 2.3 percent ad valorem, a reduction of 4.2 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)		
BayerCropScience (Proponent) Will Hensley, 202-756-3781	3/10/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	3/17/2008	No	No	No
BASF Corp. Gregory A. Thies, 202-904-2332	3/17/2008	No	No	No
CropLife America Lawrence Norton, Fax: 202-463-0474	3/17/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-383-0590	3/17/2008	No	No	No
Dupont Helen McMahan, Fax: 302-355-2994	3/17/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	3/17/2008	No	No	No
LANXESS Jamie Schaeffer, Fax: 412-809-3614	3/17/2008	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	3/17/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	3/17/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Valent USA Robin Demouth, Fax: 925-256-2776	3/17/2008	No	No	No

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

The Commission staff suggests that the article description on page 1 of this report be used in the proposed new heading in order to present the CAS registry numbers with their chemical names and to include an 8-digit HTS subheading reference. The staff notes that H.R. 4592 and H.R. 4635 cover the same product. H.R. 4592 would suspend the general rate of duty, whereas H.R. 4635 would reduce the general rate of duty. Only one bill should be enacted.

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<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. 4635

To suspend temporarily the duty on Product mixtures containing Thiencarbazone-methyl (Methyl 4-({[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]amino}sulfonyl)-5-methylthiophene-3-carboxylate) & Isoxadifen-ethyl (ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate) & Isoxaflutole(5-Cyclopropyl-4-(2-Methylsulfonyl-4-Trifluoromethylbenzoyl)Isoxazole)).

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

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

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## A BILL

To suspend temporarily the duty on Product mixtures containing Thiencarbazone-methyl (Methyl 4-({[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]amino}sulfonyl)-5-methylthiophene-3-carboxylate) & Isoxadifen-ethyl (ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate) & Isoxaflutole(5-Cyclopropyl-4-(2-Methylsulfonyl-4-Trifluoromethylbenzoyl)Isoxazole)).

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. PRODUCT MIXTURES CONTAINING  
 2 THIENCARBAZONE-METHYL (METHYL 4-((3-  
 3 METHOXY-4-METHYL-5-OXO-4,5-DIHYDRO-1H-  
 4 1,2,4-TRIAZOL-1-  
 5 YL)CARBONYL]AMINO}SULFONYL)-5-  
 6 METHYLTHIOPHENE-3-CARBOXYLATE) &  
 7 ISOXADIFEN-ETHYL (ETHYL 4,5-DIHYDRO-5,5-  
 8 DIPHENYL-1,2-OXAZOLE-3-CARBOXYLATE) &  
 9 ISOXAFLUTOLE(5-CYCLOSPROPYL-4-(2-  
 10 METHYLSULFONYL-4-  
 11 TRIFLUOROMETHYLBENZOYL)ISOXAZOLE)).

12 (a) IN GENERAL.—Subchapter II of chapter 99 of  
 13 the Harmonized Tariff Schedule of the United States is  
 14 amended by inserting in numerical sequence the following  
 15 new heading:

“	9902.____	Product mixtures containing Thiencarbazone-methyl (Methyl 4-((3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]amino}sulfonyl)-5-methylthiophene-3-carboxylate) & Isoxadifenethyl (ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate) & Isoxaflutole(5-Cyclopropyl-4-(2-Methylsulfonyl-4-Trifluoromethylbenzoyl)Isoxazole)) (CAS No. 317815-83-1, 163520-33-0, 141112-29-0) (provided for in subheading 3808.93.1500) .....	2.3%	No change	No change	On or before 12/31/2011	”.
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16 (b) EFFECTIVE DATE.—The amendment made by  
 17 subsection (a) applies to articles entered, or withdrawn

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

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