

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: July 29, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4785 (Mr. Thomas M. Reynolds of New York).

**Proponent name,<sup>3</sup> location:** FMC Corporation, Middleport, NY.

**Other bills on product (110<sup>th</sup> Congress only):** None.

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

**Retroactive effect:** None.

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

2-[(2-Chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone (Clomazone) (CAS No. 81777-89-1) (provided for in subheading 2934.99.15) and any formulations containing such compound (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:**

Clomazone is a synthetic organic chemical that is used as an herbicide on major field crops, including soybeans, rice and cotton. Clomazone is imported from China and formulated into herbicide application products that are used domestically and exported. According to the proponent, the duty suspension on the formulated products is intended to cover returned U.S. exports that are unsold in the current crop year in the export destination country, including Brazil, Mexico, France, and Germany.

<sup>1</sup> Industry analyst preparing report: Robert Randall (202-205-3366); 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>Total Estimated Revenue Loss for this Bill</b>					
	2009	2010	2011	2012	2013
Customs revenue loss	\$32,500	\$ 403,000	\$ 403,000	\$ 403,000	\$ 403,000

<b>HTS subheading: <u>2934.99.15</u></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	\$5,700,000	\$5,700,000	\$5,700,000	\$5,700,000	\$5,700,000
Customs revenue loss <u>1/</u>	\$0	\$370,500	\$370,500	\$370,500	\$370,500

1/ Under HTS heading 9902.24.21, there is an existing duty suspension for imports of clomazone, which is provided for in subheading 2934.99.15, that expires on December 31, 2009. Therefore, there will be no customs revenue loss in 2009 as a result of the enactment of a duty suspension for clomazone under this bill.

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

<b>HTS subheading: <u>3808.93.15</u></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	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Customs revenue loss	\$32,500	\$32,500	\$32,500	\$32,500	\$32,500

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)		
FMC Corporation (Proponent) Jerry Prout, 202-956-5209	5/15/2008	No	No	No
Arkema Inc. Charles A. Kitchen, Fax: 215-419-7075	5/15/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
BASF Corp. Greg Thies, Fax: 202-558-5101	5/15/2008	No	No	No
Bayer Crop Science William Hensley, Fax: 202-737-8909	5/15/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	5/15/2008	No	No	No
Dow Chemical Co. Lisa Schroeter, Fax: 202-429-3467 Max Turnipseed, Fax: 225-383-0590	5/15/2008	No	No	No
DuPont Helen McMahan, Fax: 302-355-2994	5/15/2008	No	No	No
Emerald Performance Materials Tom Dirmyer, Fax: 330-315-6480	5/15/2008	No	No	No
Gowan Company Cindy Baker, Fax: 928-373-1822 George L. Rolofson, Fax: 336-854-2772	5/15/2008	No	No	No
MG Group Matt Mattingley, Fax: 703-670-9313	5/15/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	5/15/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	5/15/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	5/15/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	5/15/2008	No	No	No

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

None.

<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. 4785

To suspend temporarily the duty on Clomazone.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18, 2007

Mr. REYNOLDS 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 Clomazone.

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. CLOMAZONE.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of  
5 the Harmonized Tariff Schedule of the United States is  
6 amended by striking heading 9902.24.21 (relating to  
7 Clomazone) and inserting in numerical sequence the fol-  
8 lowing new heading:

“	9902.____	2-[(2-Chlorophenyl)methyl]- 4,4-dimethyl-3- isoxazolidinone (Clomazone) (CAS No. 81777-89-1) (provided for in subheading 2934.99.15) and any formu- lations containing such com- pound (provided for in sub- heading 3808.93.15) .....	Free	No change	No change	On or before 12/31/2011	”.
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1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies to articles entered, or withdrawn  
3 from warehouse for consumption, on or after the 15th day  
4 after the date of the enactment of this Act.

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