

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: August 1, 2008]²

Bill No. and sponsor: H.R. 4843 (Mr. Thomas M. Reynolds of New York).

Proponent name,³ location: Arch Chemicals, Inc., Norwalk, CT.

Other bills on product (110th 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)):

Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline) (CAS No. 4299-07-4) and application adjuvants (provided for in subheadings 3808.92.50 or 3808.99.08).

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 synthetic organic chemical, butyl benzisothiazoline, is the active ingredient in two formulated mixtures that are used as biocides to control fungi and bacteria in natural rubber and plastics products made from a variety of polymers. One formulated biocidal product, Densil DG45, contains 40-50 % butyl benzisothiazoline along with application adjuvants (propylene glycol) and is classified under subheading 3808.92.50. The second formulated biocidal product, Vanquish 100, contains 90-100 % butyl benzisothiazoline along with application adjuvants and is classified under HTS subheading 3808.99.08. Both formulated butyl benzisothiazoline products are imported as such from the United Kingdom.

¹ Industry analyst preparing report: Robert Randall (202-205-3366); 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 did not identify any additional beneficiaries of this bill.

Estimated effect on customs revenue:

Total Estimated Revenue Loss for this Bill					
	2009	2010	2011	2012	2013
Customs revenue loss	\$90,125	\$90,125	\$90,125	\$90,125	\$90,125

HTS subheading: <u>3808.92.50</u>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	5.0%	5.0%	5.0%	5.0%	5.0%
Estimated value <i>dutiable</i> imports	\$275,000	\$275,000	\$275,000	\$275,000	\$275,000
Customs revenue loss	\$13,750	\$13,750	\$13,750	\$13,750	\$13,750

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

HTS subheading: <u>3808.99.08</u>					
	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	\$1,175,000	\$1,175,000	\$1,175,000	\$1,175,000	\$1,175,000
Customs revenue loss	\$76,375	\$76,375	\$76,375	\$76,375	\$76,375

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)		
Arch Chemicals, Inc. (Proponent) Chuck Barnett, cbarnett@alpinegroup.com	5/15/2008	No	No	No
Arkema Inc. Charles A. Kitchen, Fax: 215-419-7075	5/15/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	5/15/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Bayer CropScience 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	5/15/2008	No	No	No
Dow AgroScience Max Turnipseed, Fax: 225-383-0590	5/15/2008	No	No	No
DuPont Helen McMahon, 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
FMC Jerry Prout, Fax: 202-956-5235	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 U.S.A. Corp. Robin Demouth, Fax: 925-256-2776	5/15/2008	No	No	No

Technical comments:⁴

The Commission staff suggests that the article description on page 1 of this report be used in the proposed new heading in order to provide the correct spelling of the common chemical name.

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. 4843

To suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazline) and application adjuvants.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

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

A BILL

To suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazline) and application adjuvants.

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. MIXTURES CONTAINING N-BUTYL-1,2-BENZI-**
4 **SOTHIAZOLIN-3-ONE (BUTYL BENZISOTHIAZ-**
5 **LINE) AND APPLICATION ADJUVANTS.**

6 (a) IN GENERAL.—Subchapter II of chapter 99 of
7 the Harmonized Tariff Schedule of the United States is
8 amended by inserting in numerical sequence the following
9 new heading:

“	9902.____	Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline) (CAS No. 4299-07-4) and application adjuvants (provided for in subheadings 3808.92.50 or 3808.99.08) ..	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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