

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress ¹**

[Date approved: June 12, 2008]²

Bill No. and sponsor: H.R. 4909 (Mr. Nick Lampson of Texas).

Proponent name,³ location: Akzo Nobel Polymer Chemicals LLC, Chicago, IL.

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)):

Didecanoyl peroxide (CAS No. 762-12-9) (provided for in subheading 2915.90.50).

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 white, granular, aliphatic, organic peroxide that is used as an initiator for the polymerization and copolymerization of styrene, acrylonitrile, vinyl acetate, acrylates, and methacrylates. Organic peroxides are oxidizers that may become relatively unstable when stored above certain temperatures, or when contaminated or mixed with certain other chemicals. The product is imported from the Netherlands and Germany.

¹ Industry analyst preparing report: Ray Cantrell (202-205-3362); 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 one additional beneficiary of this bill. USITC staff sent an inquiry to the named beneficiary and received a response from the beneficiary. It submitted a written representation that it would not benefit from this bill.

Estimated effect on customs revenue:

HTS subheading: 2915.90.50					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	3.8%	3.8%	3.8%	3.8%	3.8%
Estimated value <i>dutiable</i> imports	\$200,000	\$300,000	\$400,000	\$500,000	\$600,000
Customs revenue loss	\$7,600	\$11,400	\$15,200	\$19,000	\$22,800

Source of estimated dutiable import data: Commission and 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)		
Akzo Nobel Polymer Chemicals LLC (Proponent) Robin Hall, 312-544-7187 Susan McColley, 202-639-7831	04/04/2008	No	No	No
American Chemistry Council Jean Vallianos, 713-741-5610	04/08/2008	No	No	No
Arkema, Inc. Charles Kitchen, 215-419-7615	04/07/2008	No	No	No
BASF Corporation Gregory Thies, gregory.thies@basf.com	04/09/2008	No	No	No
Bayer Corporation Karen Niedermeyer, 412-777-2058	04/09/2008	No	No	No
DuPont Helen McMahan, 302-992-2263	04/09/2008	No	No	No
Efficient Global Trade, Incorporated Henry Stobenau, 215-628-4919	04/08/2008	No	No	No
Evonik Industries Ron Birnbaum, 973-541-8391 Bill Clements, 440-326-2427 Ted Pettijohn, 281-298-0250	04/08/2008	No	No	No
ExxonMobil Chemical Company Russ Spiller, 281-834-5518	04/07/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
LANXESS Corporation Jamie Schaeffer, 412-809-3666	04/09/2008	No	No	No
OXEA Corporation Don Raff, 361-584-6568	04/09/2008	No	No	No
Occidental Chemical Corporation Mihir Patel, Mihir_I_Patel@oxy.com	04/07/2008	No	No	No
Pergan Marshall LLC Randy Kay, 903-934-7746	04/10/2008	No	No	No
Sigma-Aldrich Company Mark Eisold, 414-438-3850 Susan Haertling, 314-236-8735	04/04/2008	No	No	No
Solutia Incorporated Kassie D. Wooton, 314-674-3297	04/05/2008	No	No	No
Syrgis Performance Products Susan Jones, 870-572-3610	04/10/2008	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 HTS subheading reference.⁵

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.

⁵ USITC staff contact with Stephanie Joseph, National Import Specialist, New York, NY, April 9, 2008.

110TH CONGRESS
1ST SESSION

H. R. 4909

To suspend temporarily the duty on Didecanoyl Peroxide.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

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

A BILL

To suspend temporarily the duty on Didecanoyl Peroxide.

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. DIDECANOYL PEROXIDE.**

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

“	9902.____	Didecanoyl Peroxide (CAS No. 762-12-9) (provided for in subheading 2917.19.70) ..	Free	No change	No change	On or before 12/31/2011	”.
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8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) applies to articles entered, or withdrawn

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- 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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