

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. 5063 (Mr. Joe Sestak of Pennsylvania).

**Proponent name,<sup>3</sup> location:** United Phosphorus, Inc., King of Prussia, PA.

**Other bills on product (110<sup>th</sup> Congress only):** H.R. 5006 (Mrs. Ellen O. Tauscher of California).

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

**Retroactive effect:** None.

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

O,S-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560-19-1) (provided for in subheading 2930.90.43).

**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, commonly known as acephate, is a member of the organophosphate class of insecticides. The product is imported from Japan and India.<sup>4</sup>

<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.

<sup>4</sup> India is a designated beneficiary of the Generalized System of Preferences (GSP), and HTS subheading 2930.90.43 is an eligible product category for purposes of the GSP program. However, India is ineligible for duty-free treatment under HTS subheading 2930.90.43. See General Note 4(d) of the HTS (2008).

**Estimated effect on customs revenue:**

<b>HTS subheading: 2930.90.43</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	\$18,230,000	\$18,230,000	\$18,230,000	\$18,230,000	\$18,230,000
Customs revenue loss 1/ 2/	\$0	\$856,810	\$856,810	\$856,810	\$856,810

1/ There is an existing duty reduction under HTS heading 9902.25.68 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

2/ The estimated customs revenue loss for 2010-2013 is based on a temporary reduction of the general rate of duty from 6.5 percent ad valorem to 1.8 percent ad valorem, a reduction of 4.7 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)	
United Phosphorus, Inc. (Proponent) Jerry C. Hill, jhill@mwe.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
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 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

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
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

**Technical comments:<sup>5</sup>**

The Commission staff notes that H.R. 5006 and H.R. 5063 each extend the temporary duty reduction that is provided for in HTS heading 9902.25.68. Only one bill should be enacted.

<sup>5</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  
2D SESSION

# H. R. 5063

To extend the temporary suspension of duty on Acephate.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2008

Mr. SESTAK 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 Acephate.

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. ACEPHATE.**

4 (a) IN GENERAL.—Heading 9902.25.68 of the Har-  
5 monized Tariff Schedule of the United States (relating to  
6 Acephate) is amended by striking “12/31/2009” and in-  
7 serting “12/31/2011”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) applies to goods entered, or withdrawn from  
10 warehouse for consumption, on or after the 15th day after  
11 the date of the enactment of this Act.