

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 11, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5066 (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):** None.

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

**Retroactive effect:** None.

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

Mixtures of 4,4'-o-phenylenebis(3-thioallophanic acid), dimethyl ester (Thiophanate methyl) (CAS No. 23564-05-8) and application adjuvants (provided for in subheading 3808.92.15).

**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 synthetic organic formulated fungicide product that is used on field crops and turf ornamentals. The product is imported from Japan.

**Estimated effect on customs revenue:**

HTS subheading: <u>3808.92.15</u>					
	2009	2010	2011	2012	2013
<del>Col. 1-General rate of duty</del>					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000
Customs revenue loss 1/	\$0	\$97,500	\$97,500	\$97,500	\$97,500

1/ There is an existing duty suspension under HTS heading 9902.03.79 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

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

<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. 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 identified three additional beneficiaries of this bill. USITC staff sent inquiries to the named beneficiaries and received a response from one. It submitted a written representation that it would benefit from this bill.

**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 Phosphorous, Inc. (Proponent) Karen Davis, 610-644-2122	03/18/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075	03/18/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	03/18/2008	No	No	No
Bayer CropScience, LLP William Hensley, 202-756-3781 Jean Reimers, 202-756-3779	03/18/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	03/18/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	03/18/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467	03/18/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994 Elaine Olsen, Fax: 302-774-1398	03/18/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181	03/18/2008	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	03/18/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	03/18/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	03/18/2008	No	No	No
Valent USA Corp. Robin Demouth, Fax: 925-256-2776	03/18/2008	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  
2D SESSION

# H. R. 5066

To extend the temporary suspension of duty on mixtures of thiophanate methyl and application adjuvants.

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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 mixtures of thiophanate methyl 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 OF THIOPHANATE METHYL AND AP-**  
4 **PLICATION ADJUVANTS.**

5 (a) IN GENERAL.—Heading 9902.03.79 of the Har-  
6 monized Tariff Schedule of the United States (relating to  
7 mixtures of thiophanate methyl and application adjuvants)  
8 is amended by striking “12/31/2009” and inserting “12/  
9 31/2011”.

1       (b) **EFFECTIVE DATE.**—The amendment made by  
2 subsection (a) applies to goods entered, or withdrawn from  
3 warehouse for consumption, on or after the 15th day after  
4 the date of the enactment of this Act.

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