

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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

[Date approved: October 6, 2008]²

Bill No. and sponsor: H.R. 5301 (Mr. Bill Pascrell, Jr. of New Jersey).

Proponent name,³ location: Bayer HealthCare LLC, Tarrytown, NY.

Other bills on product (110th Congress only): None.

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-Acetylsalicylic acid (Aspirin) (CAS No. 50-78-2) (provided for in subheading 2918.22.10).

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 the active ingredient in formulations of aspirin, a non-prescription, non-steroidal, anti-inflammatory analgesic that is generally used to reduce pain, fever, inflammation, and blood clotting. According to official U.S. Government statistics, the subject product is imported primarily from France, Spain, China, and Thailand.⁴

¹ Industry analyst preparing report: Elizabeth Nesbitt (202-205-3355); Tariff Affairs contact: David G. 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 three additional beneficiaries of this bill. USITC staff sent inquiries to the additional beneficiaries and received one response. That company submitted a written representation that it would benefit from this bill.

⁴ Imports of the subject product from Thailand are eligible for duty-free treatment under the Generalized System of Preferences.

Estimated effect on customs revenue:

HTS subheading: 2918.22.10					
	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	\$10,500,000	\$10,500,000	\$10,500,000	\$10,500,000	\$10,500,000
Customs revenue loss 1/ 2/	\$0	\$367,500	\$367,500	\$367,500	\$367,500

1/ There is an existing duty reduction under HTS heading 9902.12.11 that expires on December 31, 2009. Therefore, there will be no customs revenue loss related to this bill in 2009.

2/ The estimated annual 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 3 percent ad valorem, a reduction of 3.5 percentage points.

Source of estimated dutiable import data: Official U.S. Government statistics and Commission 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?
Bayer HealthCare LLC (Proponent) Karen Niedermeyer, karen.niedermeyer.b@bayer.com	05/31/2008	No	No	No
Archimica USA Andrew Zamoyski, az@azamoyski.com	06/01/2008	No	No	No
Abbott Laboratories Claude Burcky, pclaude.burcky@abbott.com	06/01/2008	No	No	No
BASF Gregory Thies, gregory.thies@basf.com	06/01/2008	No	No	No
Bristol-Myers Squibb David Warr, David.Warr@BMS.com	06/03/2008	No	No	No
CIBA Specialty Chemicals Michelle Forte, Michelle.forte@cibasc.com	06/01/2008	No	No	No
Clariant Corporation Andrew Zamoyski, az@azamoyski.com	06/01/2008	No	No	No
Dow Chemical Max Turnipseed, mctint@att.net	06/01/2008	No	No	No
DuPont Helen McMahan, Helen.C.McMahan@USA.dupont.com	06/01/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
Eli Lilly Desiree Filippone, Filippone_D@Lilly.com	06/03/2008	No	No	No
Gilead Sciences Government Affairs Department	06/03/2008	No	No	No
GlaxoSmithKline William Schuyler, William.J.Schuyler@gsk.com	06/03/2008	No	No	No
Lonza, Inc. Sheri Donno, Sheri.Donno@lonza.com	06/03/2008	No	No	No
Merck & Co. Thomas Bombelles, thomas_bombelles@merck.com	06/01/2008	No	No	No
Monsanto Michael Parrish, Michael.Parrish@monsanto.com	06/03/2008	No	No	No
Novartis Tracy Haller, tracy.haller@novartis.com	06/01/2008	No	No	No
Pfizer Anthony Barone, Anthony.Barone@pfizer.com	06/02/2008	No	No	No
Procter & Gamble Jim McCarthy, McCarthy.JR@pg.com	06/03/2008	No	No	No
Rhodia Dominick Cangiano, Dominick.Cangiano@us.rhodia.com	06/02/2008	No	No	No
Schering-Plough Rob Lively, robert.lively@spcorp.com	06/01/2008	No	No	No
Watson Pharmaceuticals Sara Swee, Sara.Swee@watson.com	06/03/2008	No	No	No

Technical comments:⁵

The Commission staff suggests that the word “Aspirin” be capitalized in the article description of HTS heading 9902.12.11, as shown in the article description on page 1 of this report.

⁵ 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
2^D SESSION

H. R. 5301

To extend the temporary suspension of duty on o-Acetylsalicylic acid.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2008

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

A BILL

To extend the temporary suspension of duty on o-
Acetylsalicylic acid.

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. O-ACETYLSALICYLIC ACID.**

4 (a) **IN GENERAL.**—Heading 9902.12.11 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 o-Acetylsalicylic acid) is amended by striking “12/31/
7 2009” and inserting “12/31/2011”.

8 (b) **EFFECTIVE DATE.**—The amendment made by
9 subsection (a) applies to goods entered, or withdrawn from

- 1 warehouse for consumption, on or after the 15th day after
- 2 the date of the enactment of this Act.

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