

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. 5333 (Mr. David E. Price of North Carolina).

Proponent name,³ location: Bayer CropScience, Research Triangle Park, NC.

Other bills on product (110th 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 2,6-dibromo-4-cyanophenyl octanoate and heptanoate (Bromoxynil octanoate and heptanoate) (CAS Nos. 1689-99-2 and 56634-95-8) (provided for in subheading 3808.93.15).

Check one: ___ Same as that in bill as introduced.
 X Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject synthetic organic chemical is a broadleaf herbicide that controls certain resistant weeds on cereal crops. The product is imported from Canada,⁴ although the origin of the active ingredient is the United Kingdom.

¹ Industry analyst preparing report: Eric Land (202-205-3349); 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 did not identify any additional beneficiaries of this bill.

⁴ Imports of the subject product from Canada may be eligible for duty-free access to the U.S. market under NAFTA.

Estimated effect on customs revenue:

HTS subheading: 3808.93.15					
	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	\$2,427,550	\$2,427,550	\$2,427,550	\$2,427,550	\$2,427,550
Customs revenue loss 1/	\$0	\$157,791	\$157,791	\$157,791	\$157,791

1/ There is an existing duty suspension under HTS heading 9902.10.57 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.

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)		
Bayer CropScience (Proponent) Will Hensley, William.hensley@bayercropscience.com Karen Niedermeyer, karen.niedermeyer.b@bayer.com	04/10/2008	No	No	No
Arkema Charles Kitchen, charles.kitchen@arkema.com	05/06/2008	No	No	No
BASF Gregory Thies, gregory.thies@basf.com	05/06/2008	No	No	No
CropLife America Lawrence H. Norton, LNorton@wcsr.com	05/06/2008	No	No	No
Dow AgroSciences, LLC Max Turnipseed, mctint@att.net	05/06/2008	No	No	No
DuPont Helen McMahan, Helen.C.McMahon@USA.dupont.com	05/06/2008	No	No	No
FMC Corp. Jerry Prout, jerry_prout@fmc.com	05/06/2008	No	No	No
LANXESS Corp. Jamie Schaeffer, jamie.schaeffer@lanxess.com	05/06/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Valent USA Robin Demouth, Robin.Demouth@valent.com	05/06/2008	No	No	No

Technical comments:⁵

The Commission staff recommends that the article description in HTS heading 9902.10.57 be modified as shown on page 1 of this report in order to clarify that the subject product is a mixture and to provide the common chemical names in parentheses.

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
2D SESSION

H. R. 5333

To extend the temporary suspension of duty on 2,6-dibromo-4-cyanophenyl octanoate/heptanoate.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2008

Mr. PRICE of North Carolina introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To extend the temporary suspension of duty on 2,6-dibromo-4-cyanophenyl octanoate/heptanoate.

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. 2,6-DIBROMO-4-CYANOPHENYL OCTANOATE/**
4 **HEPTANOATE.**

5 (a) IN GENERAL.—Heading 9902.10.57 of the Har-
6 monized Tariff Schedule of the United States (relating to
7 2,6-dibromo-4-cyanophenyl octanoate/heptanoate) is
8 amended by striking “12/31/2009” and inserting “12/31/
9 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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