

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. 5414 (Mr. Bob Etheridge of North Carolina).

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

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)):

Phosphorus thiochloride (CAS No. 3982-91-0) (provided for in heading 2853.00.00).

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 raw material in a broad-spectrum soil insecticide that controls major corn soil insect pests, such as corn rootworm, cutworm, wireworm, and white grub. It can be used on field corn, sweet corn, popcorn, and corn grown for seed or silage. The product is imported from India,⁴ Italy, Germany, and the United Kingdom.

¹ Industry analyst preparing report: Jack Greenblatt (202-205-3353); 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 6 additional beneficiaries of this bill. USITC staff sent inquiries to the named beneficiaries and received no responses.

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

Estimated effect on customs revenue:

HTS heading: 2853.00.00					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	2.8%	2.8%	2.8%	2.8%	2.8%
Estimated value <i>dutiable</i> imports	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Customs revenue loss 1/	\$0	\$7,000	\$7,000	\$7,000	\$7,000

1/ There is an existing duty suspension under HTS heading 9902.10.75 that expires on December 31, 2009. Therefore, there will be no Customs revenue loss related to this bill for 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) Mike Gill, 202-508-8843	06/05/2008	No	No	No
Arkema Charles Kitchen, Fax: 215-419-7075	06/10/2008	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	06/10/2008	No	No	No
CropLife America Lawrence Norton, Fax: 202-463-0474	06/10/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-383-0590	06/10/2008	No	No	No
DuPont Sharee Lawler, 202-728-3664	06/10/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	06/10/2008	No	No	No
LANXESS Jamie Schaeffer, Fax: 412-809-3614	06/10/2008	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	06/10/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	06/10/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	06/10/2008	No	No	No

Technical comments:⁵

The Commission staff notes that there is an existing duty suspension for the subject product under HTS heading 9902.10.75 that expires on December 31, 2009. HTS heading 9902.10.75 should be used to extend the existing duty suspension.

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. 5414

To suspend temporarily the duty on Phosphorus Thiochloride.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2008

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

A BILL

To suspend temporarily the duty on Phosphorus
Thiochloride.

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. PHOSPHORUS THIOCHLORIDE.**

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:

“	9902.01.00	Phosphorus Thiochloride (CAS No. 3982-91-0) (pro- vided for in subheading 2853.00.00)	Free	No change	No change	On or before 12/31/2011	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

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