

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: August 28, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 5419 (Mr. Bob Etheridge of North Carolina).

**Proponent name,<sup>3</sup> location:** Bayer CropScience, Research Triangle Park, NC.

**Other bills on product (110<sup>th</sup> 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)):**

Mixtures containing 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine (Imidacloprid) (CAS No. 138261-41-3) and (9Z)-9-tricosene (Muscalure) (CAS No. 27519-02-4) (provided for in subheading 3808.91.25).

**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 product is an insecticide that is used to control house flies. The product is imported from France and the Netherlands.

**Estimated effect on customs revenue:**

HTS subheading: <u>3808.91.25</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	\$2,526,329	\$2,526,329	\$2,526,329	\$2,526,329	\$2,526,329
Customs revenue loss	\$164,211	\$164,211	\$164,211	\$164,211	\$164,211

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 did not identify any additional beneficiaries of 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)	
Bayer CropScience (Proponent) William Hensley, 202-756-3781 Jean Reimers, 202-756-3779	04/18/2008	No	No	No
Arkema Inc. (Atofina) Charles Kitchen, Fax: 216-419-7075	04/18/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	04/18/2008	No	No	No
Chemtura Corporation Matt Mattingley, Fax: 202-463-8498	04/18/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	04/18/2008	No	No	No
Dow AgroSciences Max Turnipseed, Fax: 225-338-0310 Lisa Schroeter, Fax: 202-429-3467	04/18/2008	No	No	No
DuPont Helen McMahan, Fax: 302-355-2994 Elaine Olsen, Fax: 302-774-1398	04/18/2008	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235 Steve Ziehm, 202-872-8181	04/18/2008	No	No	No
Monsanto Corp. Michael Parris, Fax: 202-789-1867	04/18/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	04/18/2008	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, Fax: 336-632-6084	04/18/2008	No	No	No
Valent USA Corp. Robin Demouth, Fax: 925-256-2776	04/18/2008	No	No	No

**Technical comments:<sup>4</sup>**

The Commission staff recommends that the article description on page 1 of this report be used in the proposed new heading in order to present the CAS number with the chemical name and to include the common chemical name in parentheses.

<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. 5419

To suspend temporarily the duty on product mixtures containing Imidacloprid:  
1-(6-Chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylidene amine Z9:  
(9Z)-9-Tricosene.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2008

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

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## A BILL

To suspend temporarily the duty on product mixtures con-  
taining Imidacloprid: 1-(6-Chloro-3-pyridinyl)methyl-N-  
nitroimidazolidin-2-ylidene amine Z9: (9Z)-9-Tricosene.

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. PRODUCT MIXTURES CONTAINING**  
4 **IMIDACLOPRID: 1-(6-CHLORO-3-**  
5 **PYRIDINYL)METHYL-N-NITROIMIDAZOLIDIN-**  
6 **2-YLIDENEAMINE Z9: (9Z)-9-TRICOSENE.**

7 (a) IN GENERAL.—Subchapter II of chapter 99 of  
8 the Harmonized Tariff Schedule of the United States is

1 amended by inserting in numerical sequence the following  
 2 new heading:

“	9902.01.00	Product mixtures containing Imidacloprid: 1-(6-Chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylideneamine Z9: (9Z)-9-Tricosene (CAS No. Imidacloprid: 138261-41-3, Z9: 27519-02-4) (provided for in subheading 3808.91.25) .....	Free	No change	No change	On or before 12/31/2011	”.
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3 (b) EFFECTIVE DATE.—The amendment made by  
 4 subsection (a) applies to goods entered, or withdrawn from  
 5 warehouse for consumption, on or after the 15th day after  
 6 the date of the enactment of this Act.

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