

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: October 6, 2005]²

Bill No. and sponsor: H.R. 636 (Ms. Marcy Kaptur of Ohio).

Proponent name, location: Perstorp Polyols, Inc.
Toledo, Ohio

Other bills on product (109th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2008.

Retroactive effect: None.

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

Allyl pentaerythritol (CAS No. 91648-24-7) (provided for in subheading 2909.49.60).

Check one: Same as that in bill as introduced
 Different from that in bill as introduced (explain differences in the Technical comments section)

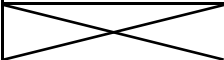
Product information, including uses/applications and source(s) of imports:

The product is an organic chemical used as a component in adhesives, sealants, personal care products and pharmaceuticals. It is imported from Sweden and Japan.

¹ Industry analyst preparing report: Larry Johnson (202-205-3351); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at www.usitc.gov/tata/hts/other/rel_doc/bill_reports/109c.htm.

Estimated effect on customs revenue:

HTS subheading: 2909.49.60					
	2004	2005	2006	2007	2008
Col. 1-General rate of duty (AVE)	5.5%	5.5%	5.5%	5.5%	5.5%
Estimated value <i>dutiable</i> imports	\$2,400,000	\$2,600,000	\$2,700,000	\$2,900,000	\$3,200,000
Customs revenue loss	\$132,000	\$143,000	\$148,500	\$159,500	\$176,000

Source of estimated dutiable import data: Industry estimates.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
Perstorp Polyols, Inc. (proponent) Ms. Evelyn M. Suarez (202) 293-8116	5/17/2005	No	No	No
Ms. Marcy Kaptur (sponsor) (202) 225-4146	5/17/2005	No	No	No
Avecia Limited (Crowell & Moring) Ms. Melissa Coyle (202) 624-2500	5/17/2005	No	No	No
Bayer Corporation Mr. Seth Tomei (412) 777-4197	5/17/2005	No	No	No
Eastman Chemical Co., President Kingsford, TN (FAX: 423-229-1673) Longview, TX (FAX: 903-237-5371)	5/17/2005	No	No	No
Rohm & Haas Company Mr. Henry P. Stoebenau (215) 628-4919	5/17/2005	No	No	No
Solutia Inc. Mr. Glen Ruskin (202) 822-1690	5/17/2005	No	No	No

Technical comments:³

The Commission also notes that there is an existing (but expired) heading 9902.32.15 which covers allyl pentaerythritol. The Commission suggests that the new duty suspension be enacted using this heading number. This could be accomplished by deleting heading 9902.32.15, and by using that heading number for the new duty suspension in this bill.⁴ The Commission recommends that the article description on Page 1 of this report be used in the proposed new heading in order to correct capitalization and to remove a replaced CAS number.

Also, the word “Free” in the special subcolumn should be deleted.

³ 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.

⁴ Specifically, line 6 of the bill should be amended to read “amended by striking heading 9902.32.15 and inserting in lieu thereof the following...”. In addition, the heading number used in the bill, 9902.07.01, should be deleted and replaced with 9902.32.15.

109TH CONGRESS
1ST SESSION

H. R. 636

To suspend temporarily the duty on Allyl Pentaerythritol (APE).

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Ms. KAPTUR introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the duty on Allyl Pentaerythritol
(APE).

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. ALLYL PENTAERYTHRITOL (APE).**

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:

“	9902.07.01	Allyl Pentaerythritol (CAS No. 1471-18-7 or 91648-24-7) (provided for in subheading 2909.49.60)	Free	Free	No change	On or before 12/31/2008	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies with respect to goods entered, or
3 withdrawn from warehouse for consumption, on or after
4 the 15th day after the date of the enactment of this Act.

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