

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: August 26, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 1843 (Mr. Graves)

**Proponent name, location:** Bayer CropScience  
1275 Pennsylvania Ave., NW Suite 810  
Washington, DC 20004

**Other bills on product (109<sup>th</sup> 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)):**

2-Ethylhexyl (4-chloro-2-methylphenoxy)acetate (CAS No. 29450-45-1) (provided for in subheading 2918.90.20).

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

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


MCPA, 2-ethylhexyl ester is a synthetic organic chemical used as a postemergence selective herbicide to control specific annual and perennial broadleaf weeds. It is used as a translocated herbicide on peas, cereals, grasslands, tree crops, and turf. Currently, there is no U.S. production of this product. This product is imported from the United Kingdom as a technical material and then formulated and packaged for sale.

There are other herbicides that compete with MCPA, 2-ethylhexyl ester in certain crop areas such as turf and cereals.

<sup>1</sup> Industry analyst preparing report: Ed Cappuccilli (202-205-3368); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [www.usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](http://www.usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm).

**Estimated effect on customs revenue:**

<b>HTS subheading: 2918.90.20</b>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty (AVE) <u>1/</u>	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
Customs revenue loss	\$195,000	\$195,000	\$195,000	\$195,000	\$195,000

1/ The AVE is the ad valorem equivalent of a specific or compound duty rate expressed as a percent, using the most recent import data available.

Source of estimated dutiable import data: Industry and Commission 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?
		(Yes/No)		
Bayer CropScience (Proponent) William Hensley 202-756-3781	06/09/2005	No	No	No
AtoFina Cerexagri Charles Kitchin Fax: 703-527-2092	06/21/2005	No	No	No
BASF Corp. Greg Theis Fax: 202-682-9459	06/21/2005	No	No	No
Crop Life America Lawrence Norton Fax: 202-463-0474	06/21/2005	No	No	No
Dow AgroScience Margaret Rogers Fax: 202-429-3467	06/21/2005	No	No	No
E.I. duPont Elaine Olsen Fax: 302-774-1398	06/21/2005	No	No	No
FMC Sidney McDaniel Fax:215-299-6954	06/21/2005	No	No	No
FMC Corp. Jerry Prout Fax: 202-956-5235	06/21/2005	No	No	No

Griffin Corp. James Whatley Fax: 800-248-5154	06/21/2005	No	No	No
Griffin Corp. Stephen Glennon Fax: 800-248-5154	06/21/2005	No	No	No
Syngenta Mike Blythe Fax: 336-632-6084	06/21/2005	No	No	No
Valent USA Robin Demouth Fax:925-256-2776	06/21/2005	No	No	No

**Technical comments:**<sup>3</sup>

The Commission suggests that the article description provided on page 1 of this report be used in the proposed new heading in order to provide the correct HTS subheading 2918.90.20.

The Commission also notes that HTS heading 9902.29.81 currently provides for a temporary duty reduction for this product and one other related product. Another bill, H.R. 3237, seeks to provide for a temporary duty suspension on the related product, with the overall effect of establishing two separate headings, one for each product. Since the HTS heading 9902.29.81 will not need to be renewed, the Commission suggests that language be included to strike heading 9902.29.81.

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<sup>3</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.

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1843

To suspend temporarily the duty on MCPA.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. GRAVES 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 MCPA.

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. MCPA.**

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:

“	9902.06.18	2-ethylhexyl (4-chloro-2-methylphenoxy)acetate (CAS No. 29450-45-1) (provided for in subheading 2918.90.25) .....	Free	No change	No change	On or before 12/31/2008	”.
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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 enactment of this Act.

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