

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. 1846 (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)):**

2,6-Dibromo-4-cyanophenyl octanoate/heptanoate (CAS Nos.1689-99-2 and 56634-95-8) (provided for in subheading 3808.30.15).

**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:**

Bromoxynil MEO is a mixture of two synthetic organic chemicals used as a selective contact herbicide with limited systemic activity for postemergence control of annual broadleaf weeds. It is used on certain vegetables, cereals, forage grasses, and turf. There is no U.S. production of this product. This product is imported from the United Kingdom as the mixture and then formulated and packaged for sale.

There are other herbicides that compete with Bromoxynil MEO in certain crop areas such as cereals and turf.

<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: 3808.30.15</b>					
<del> </del>	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	\$406,000	\$406,000	\$406,000	\$406,000	\$406,000
Customs revenue loss	\$26,390	\$26,390	\$26,390	\$26,390	\$26,390

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 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 notes that HTS heading 9902.38.04 currently provides a temporary duty suspension for these products with application adjuvants. The Commission suggests that the new duty suspension be enacted using this heading number. This should be accomplished by deleting heading 9902.38.04 and by using that heading number for the new duty suspension in this bill.<sup>4</sup> The article description provided on page 1 of this report should be used, which uses an initial capital letter in the chemical name.

<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.

<sup>4</sup> Specifically, line 6 of the bill should be amended to read "...amended by striking heading 9902.38.04 and inserting in lieu thereof the following ...". In addition, the heading number 9902.06.15 should be deleted and replaced with 9902.38.04.

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

# H. R. 1846

To suspend temporarily the duty on Bromoxynil MEO.

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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 Bromoxynil MEO.

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. BROMOXYNIL MEO.**

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:

“	9902.06.15	2,6-dibromo-4-cyanophenyl octanoate/heptanoate (CAS Nos. 1689-99-2 and 56634-95-8) (provided for in subheading 3808.30.15) ..	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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