

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: October 24, 2006]<sup>2</sup>

**Bill No. and sponsor:** S. 3142 (Mr. Saxby Chambliss of Georgia).

**Proponent name, location:** BASF Corporation, Sparks, GA.

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2009.

**Retroactive effect:** None.

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

Mixtures containing 50% of Methyl (E)-methoxyimino-[ $\alpha$ -(o-tolyloxy)-o-tolyl]acetate (Kresoxim methyl) (CAS No. 143390-89-0) (provided for in subheading 3808.20.50).

**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 synthetic organic surface systemic fungicide, containing 50 percent active ingredient. It is primarily used in the fruit and turf markets, and excels in the control of powdery mildew. The product is imported from Germany.

**Estimated effect on customs revenue:**

<b>HTS subheading: 3808.20.50</b>					
	2006	2007	2008	2009	2010
<del>Col. 1-General rate of duty</del>	5.0%	5.0%	5.0%	5.0%	5.0%
Estimated value <i>dutiable</i> imports	\$4,930,000	\$3,322,000	\$3,877,000	\$4,015,000	\$4,154,000
Customs revenue loss	\$246,500	\$166,100	\$193,850	\$200,750	\$207,700

Source of estimated dutiable import data: Industry estimates.

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

<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David Michels (202-205-3440).

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

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
BASF Corporation (Proponent) Greg Thies, Fax: 703-255-7142	06/12/2006	No	No	No
Arkema Inc. (Atofina) Charles Kitchin, Fax: 703-527-2002	06/12/2006	No	No	No
Bayer CropScience Mike Gill, 202-205-8843	06/12/2006	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	06/12/2006	No	No	No
Dow Chemical/Dow AgroScience Max Turnipseed, 225-338-0310	06/12/2006	No	No	No
DuPont Nancy Johnson, Fax: 202-728-3649	06/12/2006	No	No	No
FMC Corp Jerry Prout, Fax: 202-956-5235	06/12/2006	No	No	No
LANXESS Corp. Jamie B. Schaeffer, Fax: 412-809-3614	06/12/2006	No	No	No
Monsanto Corp. Michael Parris, Fax: 202-789-1867	06/12/2006	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	06/12/2006	No	No	No
Syngenta Mike Blythe, Fax: 336-632-6084	06/12/2006	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	06/12/2006	No	No	No

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

The Commission suggests that the article description on page 1 of this report be used in the proposed new heading in order to correct deficiencies 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.

109TH CONGRESS  
2D SESSION

# S. 3142

To suspend temporarily the duty on Mixtures containing 50% of Methyl (E)-methoxyimino-2(2-o-tolyloxymethyl) phenyl) acetate (Kresoxim methyl).

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

Mr. CHAMBLISS introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To suspend temporarily the duty on Mixtures containing 50% of Methyl (E)-methoxyimino-2(2-o-tolyloxymethyl) phenyl) acetate (Kresoxim methyl).

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. MIXTURES CONTAINING 50% OF METHYL (E)-**  
4 **METHOXYIMINO-2(2-O-TOLYLOXYMETHYL)**  
5 **PHENYL) ACETATE (KRESOXIM METHYL).**

6 (a) IN GENERAL.—Subchapter II of chapter 99 of  
7 the Harmonized Tariff Schedule of the United States is  
8 amended by inserting in numerical sequence the following  
9 new heading:

“	9902.38.49	Mixtures containing 50% of Methyl (E)-methoxyimino-2-(2-o-tolyloxymethyl) phenyl acetate (Kresoxim methyl) (CAS No. 143390-89-0) (provided for in sub-heading 3808.20.50). .....	Free	No change	No change	On or before 12/31/2009	”.
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1           (b) **EFFECTIVE DATE.**—The amendment made by  
 2 subsection (a) applies to goods entered, or withdrawn from  
 3 warehouse for consumption, on or after the 15th day after  
 4 the date of the enactment of this Act.

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