

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: July 3, 2008]<sup>2</sup>

**Bill No. and sponsor:** H.R. 4723 (Ms. Corrine Brown of Florida).

**Proponent name,<sup>3</sup> location:** FMC Corporation, Jacksonville, FL.

**Other bills on product (110<sup>th</sup> Congress only):** H.R. 5008 (Mrs. Ellen O. Tauscher of California).  
H.R. 5065 (Mr. Joe Sestak of Pennsylvania).

**Nature of bill:** Extension of temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

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

Cyano(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate  
(Cypermethrin) (CAS No. 52315-07-8) (provided for in subheading 2926.90.30).

**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 synthetic organic chemical is an agricultural insecticide that is used on major crops. It is imported principally from China and India.<sup>4</sup>

<sup>1</sup> Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David 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.

<sup>4</sup> India is a designated beneficiary of the Generalized System of Preferences (GSP), and HTS subheading 2926.90.30 is an eligible product category for purposes of the GSP program. However, India is ineligible for duty-free treatment under HTS subheading 2926.90.30. See General Note 4(d) of the HTS (2008).

**Estimated effect on customs revenue:**

<b>HTS subheading: 2926.90.30</b>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$7,500,000	\$7,500,000	\$7,500,000	\$7,500,000	\$7,500,000
Customs revenue loss 1/	\$0	\$487,500	\$487,500	\$487,500	\$487,500

1/ There is an existing duty suspension under HTS heading 9902.11.74 that expires December 31, 2009. Therefore, there will be no customs revenue loss related to this bill for 2009. Source of estimated dutiable import data: U.S. industry estimates.

**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)		
FMC Corporation (Proponent) Jerry Prout, 202-956-5209	4/20/2008	No	No	No
Arkema Inc. Charles Kitchen, Fax: 215-419-7075	4/25/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	4/25/2008	No	No	No
Bayer Corp. William Hensley, Fax: 202-737-8909	4/25/2008	No	No	No
Chemtura Corp. Matt Mattingley, Fax: 202-463-8498	4/25/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	4/25/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	4/25/2008	No	No	No
Emerald Performance Chemicals Tom Dirmyer, Fax: 330-315-6480	4/25/2008	No	No	No
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	4/25/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	4/25/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
			(Yes/No)	
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	4/25/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	4/25/2008	No	No	No

**Technical comments:**<sup>5</sup>

The Commission staff notes that H.R. 4723, H.R. 5008, and H.R. 5065 each would extend the temporary duty suspension that is provided for in HTS heading 9902.11.74. Only one bill should be enacted.

<sup>5</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  
1ST SESSION

# H. R. 4723

To extend the temporary suspension of duty on Cypermethrin.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2007

Ms. CORRINE BROWN of Florida introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To extend the temporary suspension of duty on  
Cypermethrin.

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. CYPERMETHRIN.**

4       (a) **IN GENERAL.**—Heading 9902.11.74 of the Har-  
5       monized Tariff Schedule of the United States (relating to  
6       Cypermethrin) is amended by striking “12/31/2009” and  
7       inserting “12/31/2011”.

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 the enactment of this Act.

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