

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 110th Congress¹**

[Date approved: March 24, 2008]²

Bill No. and sponsor: H.R. 4395 (Mr. Dan Burton of Indiana).

Proponent name,³ location: Dow AgroSciences, Indianapolis, IN.

Other bills on product (110th Congress only): None.

Nature of bill: Modification and extension of temporary duty suspension through December 31, 2011.

Retroactive effect: None.

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

α,α,α -Trifluoro-2,6-dinitro-*p*-toluidine (Trifluralin) (CAS No. 1582-09-8) (provided for in subheading 2921.43.15).

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 the technical grade active ingredient for selective pre-emergent herbicides that are used to control weeds in soybean, cotton, turf, and other crops. It is imported from Italy.

¹ Industry analyst preparing report: Robert Randall (202-205-3366); Tariff Affairs contact: David Michels (202-205-3440).

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

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

Estimated effect on customs revenue:

HTS subheading: <u>2921.43.15</u>					
	2009	2010	2011	2012	2013
Col. 1-General rate of duty (AVE)	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000
Customs revenue loss 1/	\$416,000	\$1,040,000	\$1,040,000	\$1,040,000	\$1,040,000

1/ The estimated customs revenue loss for 2009 is based on the difference between the temporary rate of duty of 2.6 percent ad valorem that would apply under HTS heading 9902.05.33, which expires on December 31, 2009, and ‘free’, which is the temporary rate of duty that would apply under the bill, a reduction of 2.6 percentage points.

Source of estimated dutiable import data: Commission estimates based on official U.S. import statistics.

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)		
Dow AgroSciences (Proponent) Jacob Secor, 202-429-3495	1/14/2008	No	No	No
Arkema Inc. Charles Kitchen, Fax: 215-419-7075	2/12/2008	No	No	No
BASF Corp. Greg Thies, Fax: 703-255-7142	2/12/2008	No	No	No
Bayer Corp. William Hensley, Fax: 202-737-8909	2/12/2008	No	No	No
Chemtura Corp. Matt Mattingley, Fax: 202-463-8498	2/12/2008	No	No	No
CropLife America Isi Siddiqui, Fax: 202-463-0474	2/12/2008	No	No	No
DuPont Helen McMahon, Fax: 302-355-2994	2/12/2008	No	No	No
Emerald Performance Chemicals Tom Dirmyer, Fax: 330-315-6480	2/12/2008	No	No	No
FMC Jerry Prout, Fax: 202-956-5235	2/12/2008	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Monsanto Corp. Grant Erdel, Fax: 202-789-1867	2/12/2008	No	No	No
Nufarm Limited Joel R. Junker, Fax: 206-621-8220	2/12/2008	No	No	No
Syngenta Crop Protection, Inc. Mike Blythe, Fax: 336-632-6084	2/12/2008	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	2/12/2008	No	No	No

Technical comments:⁴

The Commission staff suggests that language be drafted to modify the article description for heading 9902.05.33 to insert the name “Trifluralin” in parentheses after the chemical name.

⁴ 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. 4395

To extend and modify the temporary suspension of duty on Trifluralin.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2007

Mr. BURTON of Indiana introduced the following bill; which was referred to
the Committee on Ways and Means

A BILL

To extend and modify the temporary suspension of duty
on Trifluralin.

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. TRIFLURALIN.**

4 (a) IN GENERAL.—Heading 9902.05.33 of the Har-
5 monized Tariff Schedule of the United States (relating to
6 Trifluralin) is amended—

7 (1) by striking “2.6%” and inserting “Free”;
8 and

9 (2) in the effective period column, by striking
10 the date contained therein and inserting “12/31/
11 2011”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) apply 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.

