



MEMORANDUM ON PROPOSED TARIFF LEGISLATION of the 112th Congress

Date approved

I. Background

Bill number:

Sponsor name:

Sponsor state:

Interested entity:

Name

City

State

Other bills on product (112th Congress only):

Nature of bill:

Expiration date:

Current or previous chapter 99 heading:

Retroactive date:

CAS number (if applicable):

Industry analyst:

Telephone:

Tariff Affairs contact:

Telephone:

Note:

1. Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.
2. In regard to the country(ies) of origin listed in section III, this report focuses on dutiable imports and does not take into account any tariff preference programs or special rates of duty.

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

Mixtures containing (RS)- α -cyano-4-fluoro-3-phenoxybenzyl (1RS,3RS;1RS,3SR)-2-(2,2-dichlorovinyl)-2,2-dimethylcyclopropanecarboxylate (β -cyfluthrin) (CAS No. 68359-37-5), including application adjuvants (provided for in 3808.91.25)

(If enacted, the tariff relief provided for in this bill would be available to any entity that imports the product that is covered by the bill.)

Description above compared with bill as introduced:

- Same
- Different (see Technical Comments section)

III. Other product information, including uses/applications and source(s) of imports

The products are formulated insecticide mixtures containing the active ingredient Beta-cyfluthrin; the mixtures are used on many crops including corn, soybeans, cotton, wheat, citrus, tree nuts, vegetables and the like. These formulations are effective in the control of several different types of pests, including budworms, bollworms, and weevils. The active ingredient is sourced principally from India to domestic manufacturing sites. Certain subject active ingredient is formulated through a U.S. Foreign Trade Zone mechanism.

There is an existing temporary duty suspension for Beta-cyfluthrin, the active ingredient of the product covered by this bill, as articulated in heading 9902.02.54: β -Cyfluthrin (CAS No. 68359-37-5) (provided for in subheading 2926.90.30).

IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	3808.91.25				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty (%) or percentage point reduction	6.5	6.5	6.5	6.5	6.5
Estimated value of <i>dutiable</i> imports (\$)	8,000,000	8,500,000	9,000,000	9,500,000	9,500,000
Customs revenue loss (\$)	520,000	552,500	585,000	617,500	617,500

Note: Customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ. Regarding the HTS subheading listed in the article description of the bill, the Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only U.S. Customs and Border Protection is authorized to issue a binding ruling on this matter. The Commission believes that Customs should be consulted prior to enactment of the bill.

Dutiable imports were based on (more than one may apply):

- Official statistics of the U.S. Department of Commerce
- Provided by industry sources
- Industry information
- Commission estimates

Duty reduction notes:

- This bill is not a duty reduction
- This bill is a temporary duty reduction. Rates are shown below.

Col.1-general duty rate (%) Temporary rate (%) Percentage point reduction (%)

V. Technical comments

Commission staff recommends the use of the corrected article description given above.

VI. Continuation

VII. Contacts with domestic firms/organizations

#	Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
1	Bayer CropScience (Interested entity) Jean Reimers	202-756-3779	No	No	No
2	3M Greg Walters	202-414-3008	No	No	No
3	Albaugh Stuart Feldstein	515-964-9444	No	No	No
4	Arkema David Kunz	202-263-3491	No	No	No
5	Ashland Frank Fusiak	973-628-4123	No	No	No
6	BASF Richard J. Salamone	973-895-8316	No	No	No
7	Bayer Steve Johnsen	412-777-5616	No	No	No
8	Celanese Samuel Ramirez	972-443-4689	No	No	No
9	Chemtura Elizabeth J. Thomasino	203-573-2644	No	No	No
10	Clariant Andrew Zamoyski	202-415-9159	No	No	No
11	ColorChem Steven Printz	770-993-5500, x18	No	No	No
12	CropLife America Beau Greenwood	202-872-3871	No	No	No
13	Crowell & Moring, LLP Mike Gill	202-508-8843	No	No	No
14	DSM Sheetal Bhadekar	973-257-8323	No	No	No
15	Dixie Chemical Mal Johnson	281-291-2659	No	No	No
16	Dow Chemical Co. Lisa Schroeter	202-429-3407	No	No	No
17	Drexel Chemical Stanley Bernard	901-774-4370	No	No	No
18	DuPont Elaine M. Olsen	302-992-2263	No	No	No

#	Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
19	DyStar L.P. Megan Malone	202-344-4621	No	No	No
20	Eastman Greg Riddle	212-835-1620	No	No	No
21	Efficient Global Trade Henry P. Stobenau	215-628-4919	No	No	No
22	Emerald Performance Materials Thomas Dirmyer	330-916-6706	No	No	No
23	Evonik Russell Mait	804-452-5711	No	No	No
24	ExxonMobil Chemical Co. Chad Haughton	281-834-5516	No	No	No
25	FMC Jerry Prout	202-956-5209	No	No	No
26	Fanwood Chemical V. M. (Jim) DeLisi	908-322-8440	No	No	No
27	GE Digital Energy John McNie	727-867-4632	No	No	No
28	Hexion Specialty Chemicals Paul W. Langemeier	832-366-2385	No	No	No
29	Honeywell Art Simonetti	202-662-2671	No	No	No
30	International Business-Government Counsellors (IBC) Steve Ziehm	202-872-8181	No	No	No
31	Kemira Rajesh Sharma	678-819-4577	No	No	No
32	LANXESS Jamie B. Schaeffer	412-809-3666	No	No	No
33	Lonza Joe Robinson	201-316-9364	No	No	No
34	Lubrizol Joe Eskra	440-347-5955	No	No	No
35	MIRWEC Film Kyle Massey	812-331-7194	No	No	No
36	Monsanto James K. Travis	202-383-2864	No	No	No
37	Nation Ford Chemical Jay Dickson	803-548-3210, x15	No	No	No

38	Nufarm Americas Joel Junker	206-621-7878	No	No	No
39	PPG Industries Bill Ries	412-434-1717	No	No	No
40	Procter & Gamble Matt Mattingley	202-841-5601	No	No	No
41	Purolite Gary Thundercliffe	484-384 2708	No	No	No
42	Rhodia Jackie Guscott	609-860-3379	No	No	No
43	Royce Associates, ALP Terry Scheirer	201-438-5200	No	No	No
44	SABIC Innovative Plastics Danielle Cannata	202-621-2548	No	No	No
45	SOCMA Robert E. Branand, Esq.	202-345-2717	No	No	No
46	Sensient Technologies Ken Goldacker	314-658-7363	No	No	No
47	Sigma Aldrich Jared Fenton	314-286-8326	No	No	No
48	Solutia Kassie Wooton	314-674-3297	No	No	No
49	Solvay Andrew K. Jones	856-251-3412	No	No	No
50	Symrise Elizabeth Scharlat	908-429-6821	No	No	No
51	Syngenta Mike Blythe	336-632-2824	No	No	No
52	TOPAS Advanced Polymers Timothy Kneale	859-746-6447	No	No	No
53	Toray Plastics (America) Paul Knowmeyer	401-578-9369	No	No	No
54	United Color Manufacturing Tom Nowakowski	215-860-2165	No	No	No
55	Valent Robin Demouth	925-256-2758	No	No	No
56	Zeon Chemicals L.P. David F. Olave	202-730-1960	No	No	No

112TH CONGRESS
2D SESSION

H. R. 4657

To suspend temporarily the duty on mixtures containing β -cyfluthrin.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2012

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

A BILL

To suspend temporarily the duty on mixtures containing
 β -cyfluthrin.

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 β -CYFLUTHRIN.**

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:

“	9902.01.00	Mixtures containing (RS)- a-cyano-4-fluro-3- phenoxybenzyl (1RS,3RS;1RS,3SR)-2- (2,2-dichlorovinyl)-2,2- dimethylcyclopropanecarbo- xylate (β -cyfluthrin) (CAS 68359-37-5), including application adjuvants pro- vided for in 3808.91.25	Free	No change	No change	On or before 12/31/2015	”.
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1 (b) **EFFECTIVE DATE.**—The amendment made by
2 subsection (a) applies to articles entered, or withdrawn
3 from warehouse for consumption, on or after the 15th day
4 after the date of the enactment of this Act.

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