



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)):

Switches designed for lighting control, activated by dual passive infrared sensors designed to detect the presence of any occupant within the coverage area, with lens masking for adjusting the field of view of the sensors (provided for in subheading 8536.50.90).

(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 subject products are occupancy sensor switches that provide hands-free control of lights in a specific lighting area. The subject occupancy sensor switches employ passive infrared technology to detect human or animal presence in a room or lighting area and to respond by turning lights on or off. The switch activates lights when heat or motion is sensed and deactivates lights when the room or lighting area is vacated or unoccupied. The switches may be mounted on walls, but if they are mounted on ceilings they may have a coverage area of up to 360 degrees. Some occupancy switches have manual override features or time delay capability and may have ambient light override functionality to prevent lights from turning on in daylight. Occupancy sensor switches are commonly used in both residential and commercial applications, including offices, restrooms, lounges, indoor garages, and classrooms. The principal U.S. import sources of occupancy sensor switches are Mexico, Japan, China, and Germany. Total U.S. imports of all products classified in subheading 8536.50.90 (a broader group than is covered by this bill) totaled \$1.82 billion in 2011.

IV. Estimated effect on customs revenue

Subject product HTS subheading(s)	8536.50.90				
Item	2013	2014	2015	2016	2017
Col.1-general rate of duty (%) or percentage point reduction	2.7	2.7	2.7	2.7	2.7
Estimated value of <i>dutiable</i> imports (\$)	11,000,000	11,000,000	11,000,000	11,000,000	11,000,000
Customs revenue loss (\$)	297,000	297,000	297,000	297,000	297,000

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

The article description has been edited slightly to avoid any suggestion that a "use" standard was being included.

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	Leviton Manufacturing Company (Interested entity) David Olave	202-730-4960	No	No	No
2	BJB Electronics Joseph Laufer	706-965-2526	No	No	No
3	Cooper Industries Terry Helz	713-209-8408	No	No	No
4	Coleman Cable, Inc. Gene Stang	847-672-2380	No	No	No
5	Eaton Corp Barry Doggett	216-523-4664	No	No	No
6	Emerson Electric Co. Lisa Jackson	202-662-8790	No	No	No
7	Ericson Manufacturing Jay Ericson	800-374-2766	No	No	No
8	General Electric Sandy Merber	202-637-4000	No	No	No
9	Hitachi America Carl Green	202-828-9272	No	No	No
10	Hubbell, Inc. Richard Davies	475-882-4000	No	No	No
11	JHL Industries Howie Lubin	818-882-2233 x 101	No	No	No
12	Legrand North America Hoyt Webb Jude Kravitz	877-295-3472	No	No	No
13	Lutron Electrical Corp. John Woodman	610-282-3800	Yes	Yes	Yes
14	National Electrical Manufacturers Association (NEMA) Kyle Pitsor Craig Updyke	703 841-3200	No	No	No
15	Panamax John Humphrey	707-283-5900	No	No	No
16	Patton Electronics Bobby Patton	301-975-1000 x1204	No	No	No
17	Philips Electronics Michelle DeMoor	202-962-8551	No	No	No

	#	Firm/organization and contact name	Telephone number	Claims same or competing product made in the United States	Submission attached	Opposition noted
	18	Schneider Square D Mary Chris Arnesen	847-925-3152	No	No	No
	19	Sensor Switch Ben Han	203-265-2842	Yes	Yes	Yes
	20	Siemens Energy and Automation, Inc. Kathy Gouge	888-454-4704 x 19333	No	No	No
	21	Technology Research Corp. Owen Farren	727-535-0572	No	No	No

Overview

- The Miscellaneous Tariff Bill suspends U.S. tariffs for imports into the U.S. manufacturing process that are not produced in the United States; duty suspensions proposed in the bill are subject to a nonpartisan vetting process to ensure that no domestic producers of the affected products exist.
- S2417 and HR 5133 provides a temporary suspension for switches designed for lighting control, activated by dual passive infrared sensors that detect the presence of any occupant of the coverage area, with lens masking for adjusting the field of view of the sensors (PIR sensors)
- Each individual MTB bill must cover a product where there is no domestic production or domestic opposition, cost the U.S. Treasury under \$500,000 per year, and be administrable by Customs and Border Protection upon entry of the merchandise.

Sensor Switch® An Acuity Brands Company

- Sensor Switch is an Acuity Brands company. Acuity Brands is a US corporation based in Atlanta, GA and manufactures energy efficient lighting and lighting controls. Acuity employs approximately 6,000 associates worldwide with net sales over \$2 billion. We operate US facilities in Georgia, Indiana, Ohio, California, Texas, Connecticut, Illinois, Pennsylvania, New Jersey, Minnesota, New York, Virginia and Colorado. We employ sales staff in all 50 states.
- Sensor Switch is a leading manufacturer in occupancy sensors for lighting control. Sensor Switch engineers and manufactures 100% of our PIR sensors domestically in Wallingford, CT. In addition, technical support and customer service are provided at this Wallingford facility. Significant and deliberate design time has been spent developing products that can be domestically manufactured while still being cost competitive in the market. Moreover, the Wallingford manufacturing facility maintains quality and efficiency that outpaces foreign production facilities for this type of product.
- Sensor Switch PIR sensors provide continuous coverage patterns for small motion detection, and its Passive Dual Technology (PIR / Microphonics™) can literally see and hear into areas with obstructions providing improved performance over standard passive infrared sensors. Our PIR sensors provide a quality that equals and exceeds imported products.
- Sensor Switch is one of the top 4 manufacturers of PIR sensors. These 4 manufacturers represent nearly 90% of the market for PIR sensors.
- For more information on Sensor Switch, visit www.sensorswitch.com. For more detailed information on Sensor Switch PIR sensors, visit <http://www.sensorswitch.com/OnlineCatalog.aspx>. All sensor products listed on this site are PIR sensors.

Implications of S 2417 and HR 5133

- The suspension of tariffs on PIR sensors will create an unfair international burden on Sensor Switch and Acuity Brands for the manufacture of PIR sensors.
- If the tariff suspension is passed, it will have a negative impact on Sensor Switch and the creation and retention of jobs in our US facilities.
- Based upon our review of previous ITC memorandum and market data on this issue, we believe the value of imported PIR sensors is much higher than estimated, which will result in lost tariff duty in excess of \$500,000 annually.

From: [Pekka Hakkarainen](#)
To: [Greenblatt, Jack](#)
Cc: [David, Andrew](#); [Schneider, Patrick](#)
Subject: RE: Requesting your company's input regarding trade legislation
Date: Friday, July 20, 2012 10:27:48 AM

Dear Mr. Greenblatt,

apologies for the delay in my reply, I was out of the office for several days and missed your call.

Lutron has no comments on the bills that you cite in your email below (HR 5113-28, 5179-85), as they concern chemicals which we do not use in our business.

I have previously indicated to Andy David our objection to HR 5484. The specification for an LED driver given in that Bill would benefit possibly only one manufacturer, and the product specified competes directly with other LED drivers that have a different specified temperature range.

In addition, I noticed in your list HR 5133 that would cover certain types of occupancy sensors (with masking features). Similar to the LED drivers, these occupancy sensors compete against very similar products for the same installations, and the Bill would give relief possibly only to one manufacturer for products with very specific features. Lutron objects to HR 5133 for that reason.

I did not find any other products that would be of concern to Lutron in the listing that you forwarded.

Sincerely,

Pekka Hakkarainen

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"I have never in my life learned anything from any man who agreed with me." - Dudley Field Malone (1882-1950), a New York City civil rights lawyer.

"Everything in moderation, including moderation." - Oscar Wilde (1854-1900), Irish writer and poet

"Only dead fish follow the stream" - Finnish proverb

112TH CONGRESS
2^D SESSION

H. R. 5133

To suspend temporarily the duty on certain occupancy sensors.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

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

A BILL

To suspend temporarily the duty on certain occupancy
sensors.

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. CERTAIN OCCUPANCY SENSORS.**

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	Switches designed for lighting control, activated by dual passive infrared sensors that detect the presence of any occupant of the coverage area, with lens masking for adjusting the field of view of the sensors (provided for in sub-heading 8536.50.90)	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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