

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: August 23, 2005]<sup>2</sup>

**Bill No. and sponsor:** H. R. 1828 (Mr. Cardin)

**Proponent name, location:** FMC Corporation  
Corporate Headquarters  
Philadelphia, PA 19103

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

**Nature of bill:** Renewal of temporary duty provision through December 31, 2008.

**Retroactive effect:** None.

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

Heading 9902.01.57 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/2006" and inserting "12/31/2008."

**Check one:**     Same as that in bill as introduced  
                   Different from that in bill as introduced (explain differences in Technical comments section)

**Product information, including uses/applications and source(s) of imports:**

The product, a synthetic organic chemical used to produce zeta-cypermethrin, an insecticide applied to crops such as cotton and a variety of vegetables, is not produced in the United States. The chemical is imported from the United Kingdom. Although zeta-cypermethrin is considered competitive with lambda-cyhalothrin (Syngenta), the two products are reportedly not perfect substitutes.

<sup>1</sup> Industry analyst preparing report: Elizabeth Nesbitt (202-205-3355); Tariff Affairs contact: David Michels (202-205-3440).

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

**Estimated effect on customs revenue:**

<b>HTS subheading: 2926.90.43</b>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty (AVE) <sup>1/</sup>	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$5,280,000	\$5,280,000	\$5,280,000	\$5,280,000	\$5,280,000
Customs revenue loss	\$343,200	\$343,200	\$343,200	\$343,200	\$343,200

<sup>1/</sup> Revenue loss for 2005 and 2006 results from a current suspension of duty per heading 9902.01.57. Source of estimated dutiable import data: Industry estimates.

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

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
FMC Corporation (Proponent) Jerry Prout 202-956-5209	6/28/2005	No	No	No
AtoFina Cerexagri Charles Kitchin Fax: 703-527-2092	6/28/2005	No	No	No
Bayer CropScience Jean Reimers Fax: 202-628-6622	6/28/2005	No	No	No
BASF Corp. Greg Theis Fax: 202-558-5101	6/29/2005	No	No	No
Crop Life America Lawrence Norton Fax: 202-463-0474	6/28/2005	No	No	No
Dow AgroSciences Margaret Rogers Fax: 202-429-3467	6/28/2005	No	No	No
E. I. DuPont Elaine Olsen Fax: 302-892-7343	6/28/2005	No	No	No
Griffin Corp. James Whatley and Stephen Glennon Fax: 800-248-5154	6/28/2005	No	No	No

Syngenta Mike Blythe Fax: 336-632-6084	6/28/2005	No	No	No
Valent USA Robin Dermouth Fax: 925-256-2776	6/28/2005	No	No	No
Monsanto Corp. Linda Strachan Fax No: 202-789-1819	6/29/2005	No	No	No

**Technical comments:**<sup>3</sup> None.

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<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.



- 1 withdrawn from warehouse for consumption, on or after
- 2 the 15th day after the date of the enactment of this Act.

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