

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: October 12, 2005]²

Bill No. and sponsor: H.R. 2026 (Mrs. Ellen O. Tauscher of California).

Proponent name, location: Valent U.S.A. Corp., Walnut Creek, CA

Other bills on product (109th Congress only): H.R. 2246, H.R. 2028.

Nature of bill: Temporary duty suspension through December 31, 2008.

Retroactive effect: None.

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

[1RS-[1 α (S*),3 β]]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate (Bioallethrin) (CAS No. 584-79-2) (provided for in subheading 2916.20.50)

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, commonly known as Bioallethrin, is a pyrethroid insecticide. The proponent imports Bioallethrin from France and India. There are no other known importers.

Estimated effect on customs revenue:

HTS subheading: <u>2916.20.50</u>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty					
Col. 1-General rate of duty	3.7%	3.7%	3.7%	3.7%	3.7%
Estimated value <i>dutiable</i> imports	\$1,750,000	\$1,750,000	\$1,750,000	\$1,750,000	\$1,750,000
Customs revenue loss	\$64,750	\$64,750	\$64,750	\$64,750	\$64,750

Source of estimated dutiable import data: Industry estimates.

¹ Industry analyst preparing report: Jeff Clark (202-205-3318); Tariff Affairs contact: David Michels (202-205-3440).

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

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)		
Valent U.S.A. Corp. (Proponent) Robin Demouth, 925-256-2758 Jed D'Ercole, 202-835-0740	8/11/2005 8/12/2005 8/15/2005	No	No	No
BASF Corp. Tom Coleman, 202-289-3900	8/12/2005	No	No	No
Bayer Corp. Karen Niedermeyer, 412-777-2058	8/12/2005	No	No	No
E. I. du Pont de Nemours and Company Elaine Olsen, 302-992-2263	8/12/2005	No	No	No
Monsanto Corp. Linda Strachan, 202-383-2849	8/12/2005	No	No	No
Syngenta Crop Protection Mike Blythe, 336-632-6000	8/12/2005	No	No	No

Technical comments:³

H.R. 2026 is very similar to H.R. 2028 and H.R. 2246. The article description of H.R. 2246, as modified, allows for either product described in H.R. 2028 or H.R. 2026 to be imported. H.R. 2246 would be easier to administer for U.S. Customs purposes. If H.R. 2246 is enacted, neither H.R. 2026 nor H.R. 2028 would be necessary.

If H.R. 2026 is to be enacted, the Commission suggests that the article description on page 1 be used because it contains the common chemical name for this optical isomer.

³ 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.

109TH CONGRESS
1ST SESSION

H. R. 2026

To suspend temporarily the duty on Bioallethrin.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mrs. TAUSCHER introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the duty on Bioallethrin.

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. BIOALLETHRIN.**

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:

“	9902.06.11	[1RS-[1 α (S*),3 β]-2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl 2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (CAS No. 584-79-2) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2008	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies 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.

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