

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: November 29, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2606 (Mr. Lee Terry of Nebraska).

**Proponent name, location:** Syngenta Crop Protection, Inc., Greensboro, NC.

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

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

**Retroactive effect:** None.

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

1*H*-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)- (fludioxinil) (CAS No. 131341-86-1)  
(provided for in subheading 2934.99.12)

**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 a synthetic organic fungicide used to make fungicides for foliar and seed disease control in a broad range of crops. The product is described as having a unique mode of action and is therefore particularly valuable as a resistance management tool. It is imported from Canada.

**Estimated effect on customs revenue:**

HTS subheading: <u>2934.99.12</u>					
	2005	2006	2007	2008	2009
<del>Col. 1-General rate of duty</del>					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$7,041,000	\$7,393,050	\$7,762,702	\$8,150,837	\$10,215,041
Customs revenue loss	\$457,665	\$480,548	\$504,576	\$529,804	\$663,978

Source of estimated dutiable import data: Industry estimates.

<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](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?
Syngenta Crop Protection, Inc. (Proponent) Mike Blythe, Fax: 336-632-6084	09/20/2005	No	No	No
Atofina Cerex Charles Kitchin, Fax: 703-527-2092	09/12/2005	No	No	No
BASF Corp. Greg Thies, Fax: 202-558-5101	09/12/2005	No	No	No
Bayer CropScience Mike Gill, 202-508-8843	09/12/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	09/12/2005	No	No	No
Dow Chemical/Dow Agro Science Lisa Schroeter, Fax: 202-429-3467	09/12/2005	No	No	No
DuPont Nancy Johnson, Fax: 202-728-3649	09/12/2005	No	No	No
FMC Corp. Jerry Prout, Fax: 202-956-5235	09/12/2005	No	No	No
LANXESS Corp. James Schaeffer, Fax: 412-809-3614	09/12/2005	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	09/12/2005	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	09/12/2005	No	No	No

**Technical comments:**<sup>3</sup>

The Commission suggests that the proposed article description be simplified to read as follows:

1*H*-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)- (fludioxinil) (CAS No. 131341-86-1)  
(provided for in subheading 2934.99.12)

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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.

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2606

To suspend temporarily the duty on Fludioxonil Technical.

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IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2005

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

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## A BILL

To suspend temporarily the duty on Fludioxonil Technical.

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. FLUDIOXONIL TECHNICAL.**

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:

“	9902.90.11	Fludioxonil Technical 1H-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)- (CAS No. 131341-86-1)(provided for in subheading 2934.99.12) ..	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 with respect to goods entered, or  
3 withdrawn from warehouse for consumption, on or after  
4 the 15th day after the date of the enactment of this Act.

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