

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress ¹**

[Date approved: October 11, 2005]²

Bill No. and sponsor: H. R. 2556 (Mr. Paul Ryan of Wisconsin).

Proponent name, location: S.C. Johnson and Sons, Inc., Racine, WI

Other bills on product (109th Congress only): None.

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

Retroactive effect: None.

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

Electric air freshener devices each containing a warmer unit designed to plug into an electrical outlet and providing two built-in electrical outlets, such devices each containing a fan to diffuse an adjustable amount of heated, scented oil into the air (provided for in subheading 8516.79.00).

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 air freshener contains an electrical warmer unit that can be plugged into an electrical outlet and employs a delivery system consisting of a fan that diffuses an adjustable amount of heated, scented oil throughout a room. The subject product contains two built-in electrical outlets for other devices with two-prong electrical plugs, such as a night light. To operate the unit, the cap from the disposable scented oil fragrance cartridge must be unscrewed and inserted into the electrical warmer. The fragrance is conducted by a wick to a heating element. The country of origin for this patented product is Italy. Air freshener devices with one built-in electrical outlet would not be covered. Other air freshener devices have been developed to emit small “puffs” of fragrance into the air at varying intervals; these devices also would not be covered by the bill but would be covered by H.R. 2557, 109th Congress.

¹ Industry analyst preparing report: Ruben Mata (202-205-3403); Tariff Affairs contact: Jan Summers (202-205-2605).

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

Estimated effect on customs revenue:

HTS subheading: 8516.79.00					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty	2.7%	2.7%	2.7%	2.7%	2.7%
Estimated value <i>dutiable</i> imports	\$16,000,000	\$9,250,000	\$6,975,000	\$5,350,000	\$4,000,000
Customs revenue loss	\$432,000	\$249,750	\$188,325	\$144,450	\$108,000

Source of estimated dutiable import data: Commission staff and 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)		
SC Johnson and Sons, Inc. (proponent) Mr. Paul Rosenthal, 202-342-8485	8/8/2005	No	No	No
Blyth Inc. Mr. Steve Kosmalski, 847-295-5801 Mr. Rob Harrington, 630-845-6025	8/23/2005 8/26/2005	No	Yes	Yes (unless amended)
Consumer Specialty Products Association Mr. Robert Kiefer, 202-833-7308	8/19/2005 8/25/2005	No	No	No
Cosmetic, Toiletry and Fragrance Association Mr. Mike Thompson, 202-331-1770	8/19/2005 8/29/2005	No	No	No
Dial Corp. Mr. Mark Theodore, 310-284-5640	8/24/2005	No	No	No
K Mart Corp. Mr. Levon Boyagian, 202-484-4884 Mr. Ben Wallerstein, 202-484-4884	8/19/2005 8/29/2005 8/30/2005	No	No	No
Proctor and Gamble Ms. Caroline Brem, 202-342-8485	8/8/2005	No	No	No

Target Corp. Mr. Levon Boyagian, 202-484-4884 Mr. Ben Wallerstein, 202-484-4884	8/19/2005 8/29/2005 8/30/2005	No	No	No
Wal-Mart Inc. Ms. Angela Marshall Hoffman, 202-737-6049	8/19/2005 8/29/2005	No	No	No
Yankee Candle Co. Mr. Jim Perley, 800-839-6038 Kpacior@yankeecandle.com	8/19/2005 8/24/2005	No	No	No

Technical comments:³

It is suggested that the article description be worded as shown on page one in order to describe the subject goods more clearly and completely; also, the criterion “into the air” would seem to be easier to interpret and administer than the original “throughout the room” with respect to the diffuser.

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. 2556

To suspend temporarily the duty on air freshener electric devices with warmer units.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2005

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

A BILL

To suspend temporarily the duty on air freshener electric devices with warmer units.

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. AIR FRESHENER ELECTRIC DEVICES WITH**
4 **WARMER UNITS.**

5 (a) IN GENERAL.—Subchapter II of chapter 99 of
6 the Harmonized Tariff Schedule of the United States is
7 amended by inserting in numerical sequence the following:

“	9902.98.09	Air freshener electric devices that contain a warmer unit that plugs into an electrical outlet, diffuse an adjustable amount of heated, scented oil throughout a room, and provide two additional built-in electrical outlets for other devices (provided for in sub-heading 8516.79.00)	Free	No Change	No Change	On or Before 12/31/2008	”.
---	------------	--	------	-----------	-----------	----------------------------	----

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.

○