

SECTION VI

PRODUCTS OF THE CHEMICAL OR ALLIED INDUSTRIES (Chapter 28-38)

1. Chemical Reaction Origin Rule

Any good of Chapters 28 through 38, except a good of heading 3823, that is the product of a chemical reaction shall be considered to be an originating good if the chemical reaction occurred in the United States of America or Australia. Notwithstanding any of the line-by-line rules, the "chemical reaction" rule may be applied to any good classified in the above chapters.

Note: For purposes of this section, a "chemical reaction" is a process (including a biochemical process) which results in a molecule with a new structure by breaking intramolecular bonds and by forming new intramolecular bonds, or by altering the spatial arrangement of the molecule.

The following are not considered to be chemical reactions for the purposes of determining whether a product is an originating good:

- (a) dissolving in water or other solvents;
- (b) the elimination of solvents including solvent water; or
- (c) the addition or elimination of water of crystallization.

Notwithstanding any of the line-by-line rules, the "chemical reaction" rule may be applied to any good classified in the above chapters.

2. Purification Origin Rule

For the purposes of Chapters 28 through 35 and Chapter 38, purification is considered to be origin conferring provided that one of the following criteria is satisfied:

- a) purification of a good resulting in the elimination of 80 percent of the content of existing impurities; or
- b) the reduction or elimination of impurities resulting in a good suitable for one or more of the following applications:
 - (i) pharmaceutical, medicinal, cosmetic, veterinary, or food grade substances;
 - (ii) chemical products and reagents for analytical, diagnostic or laboratory uses;
 - (iii) elements and components for use in micro-elements;
 - (iv) specialized optical uses;
 - (v) non toxic uses for health and safety;
 - (vi) biotechnical use;
 - (vii) carriers used in a separation process; or
 - (viii) nuclear grade uses.

3. Mixtures and Blends Origin Rule

For the purposes of Chapters 30 and 31, heading 3302, subheading 3502.20, headings 3506 through 3507 and heading 3707, the deliberate and proportionally controlled mixing or blending (including dispersing) of materials to conform to predetermined specifications which results in the production of a good having physical or chemical characteristics which are relevant to the purposes or uses of the good and are different from the input materials is considered to be origin conferring.

4. Change in Particle Size Origin Rule

For the purposes of Chapters 30 and 31: a) the deliberate and controlled reduction in particle size of a good, other than by merely crushing (or pressing) resulting in a good having a defined particle size, defined particle size distribution or defined surface area, which are relevant to the purposes of the resulting good and have different physical or chemical characteristics from the input materials is considered to be origin conferring; or b) the deliberate and controlled modification in particle size of a good, other than by merely pressing, resulting in a good having a defined particle size, defined particle size distribution or defined surface area, which are relevant to the purposes of the resulting good and have different physical or chemical characteristics from the input materials is considered to be origin conferring.

5. Standards Materials Origin Rule

For the purposes of Chapters 28 through 32, Chapter 35 and Chapter 38, the production of standards materials is considered to be origin conferring. For the purposes of this rule "standards materials"(including standard solutions) are preparations suitable for analytical, calibrating or referencing uses having precise degrees of purity or proportions which are certified by the manufacturer.

6. Isomer Separation Origin Rule

For the purposes of Chapters 28 through 32 and Chapter 35, the isolation or separation of isomers from mixtures of isomers is to be considered origin conferring.

7. Separation Prohibition

A non-originating material/component will not be deemed to have satisfied all applicable requirements of these rules by reason of a change from one classification to another merely as the result of the separation of one or more individual materials or components from a man-made mixture unless the isolated material/component, itself, also underwent a chemical reaction.

Source:

[U.S. Australia FTA](#)

[5A-Annex-8-9 \(Product-Specific Rules of Origin\)](#)