



February 19, 2021 Volume 2, Nr. 7

Everyone remembers the experience of the wildfires last summer and how scary things were here in California. In Texas, as the state and its citizens cope with the cold, frozen pipes, water damage, and loss of life, we hope for a speedy recovery for everyone affected by this winter storm. A number of resources have been set up for people out-of-state who want to help support local agencies feeding and providing shelter for affected residents. Check out [this handy list compiled by the Texas Tribune](#) for worthy suggestions.

AN IMPORTANT MESSAGE FROM THE FEDERAL MARITIME COMMISSION

Please see the note below from the Federal Maritime Commission regarding the efforts of the Foreign Trade Association on the issues of unreasonable demurrage and detention charged as a result of the congestion in the San Pedro Bay and all US ports.

If a member perceives a violation of 46 USC 41102(c):

41102(c) Practices in Handling Property.—A common carrier, marine terminal operator, or ocean transportation intermediary may not fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property.

And believes that a terminal or ocean carrier hasn't acted in a just and reasonable manner (specifically in the allocation of demurrage and detention) we encourage you to share these details and evidence to the Bureau of Enforcement by writing to BOE@fmc.gov.

We also include this to help our members anticipate congestion.

As expected both Long Beach and Los Angeles have separate reports and systems:

Port of Long Beach

Port of Los Angeles

Details below:

Fact Finding 29: Advice to the Trade

December 17, 2020

<https://www.fmc.gov/fact-finding-29-advice-to-the-trade/>

Commissioner Rebecca Dye is advising that shippers and truckers may contact the Federal Maritime Commission's Bureau of Enforcement (BoE) with allegations of ocean carriers and marine terminal operators employing practices or regulations in violation of 46 USC 41102(c) involving non-compliance with the Final Rule published earlier this year by the agency that addresses detention and demurrage.

Individuals with specific allegations of behavior that violates § 41102 (c) when considered in the context of guidance provided in the *Interpretive Rule on Demurrage and Detention Under the Shipping Act*, should submit their complaint and supporting evidence to the Bureau of Enforcement by writing:

BOE@FMC.Gov

In April of this year, the Commission published its interpretive rule providing guidance to industry on how the reasonableness of detention and demurrage regulations and procedures would be assessed. Since then, the agency has received feedback from shippers and other parties critical of the level of compliance carriers and MTOs have shown to the new rule.

Commissioner Dye issued today's advice to the trade as part of her ongoing work conducting Fact Finding 29, "International Ocean Transportation Supply Chain Engagement", which was launched in March 2020.

On November 19, 2020, the Commission voted unanimously to issue a Supplemental Order to Fact Finding 29, reinforcing the broad authority for Commissioner Dye's investigation. One of the three areas the Supplemental Order identifies for further examination is whether detention and demurrage practices of ocean carriers operating in an alliance and calling at the Port of Los Angeles, Port of Long Beach, or the Port of New York & New Jersey violate 46 USC 41102(c).

Links and stories of interest:

[Rahm Emanuel, Nicholas Burns Seen as Potential China Envoy](#)

Government Actions and Trade

[Iran Calls U.S. Move to Seize Oil Shipment an 'Act of Piracy'](#)

Washington filed a lawsuit earlier this month to seize the cargo, alleging that Iran sought to mask the origin of the oil by transferring it to several vessels before it ended up aboard the Liberian-flagged Achilles tanker destined for China.

Tariffs on Wine, Food from Europe to Stay for Now, U.S. Says

The Biden administration says it won't be ending tariffs on imported European wine, cheese and other food imports any time soon—to the dismay of industry groups who say the levies are hurting U.S. restaurants and consumers.

Forced Labor

Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307) prohibits the importation of merchandise mined, produced or manufactured, wholly or in part, in any foreign country by forced or indentured labor – including forced child labor. Such merchandise is subject to exclusion and/or seizure, and may lead to criminal investigation of the importer(s).

China Decoupling Would Cost U.S. Economy Billions

American companies would lose hundreds of billions of dollars if they slashed investment in China or the nations increased tariffs, the U.S. Chamber of Commerce said in a report highlighting the cost of a full decoupling of the world's largest economies.

CBP Finds Origin of Woodworking Clamps Based on Clamp Heads

The country of origin for pipe clamps and bar clamps depends on where the clamp heads that hold things in place are made, CBP said in a Sept. 11, 2020 ruling.

CIT Orders Commerce Redo of AD/CVD Circumvention Ruling on Hardwood Plywood

The Court of International Trade ordered the Commerce Department to reconsider its determination that certain hardwood plywood with outer veneers of radiata or agathis pine is circumventing antidumping and countervailing duties on hardwood plywood from China.



TRADE AND TRANSPORT ATTORNEYS

ROBERTS & KEHAGIARAS LLP
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FTA NEWS

Importing Gray Market Goods:

The rules are not black and white

What are gray market goods? Do they come from a black market? How are they similar / different from counterfeit goods? What do importers need to know to ensure that their branded goods are genuine and admissible? Please join in this valuable webinar to discuss the unique challenges associated with the importation of gray market goods.

March 5th, 1:00 - 2:00 PM PT

Members: \$25.00

Non-members: \$45.00

Sponsorship Available: \$200

REGISTER TODAY



FTA
Foreign Trade Association

Importing Gray Market Goods- The Rules are not Black and White

Ticket Prices
\$25 for membership and \$45 for non-members
\$200 Sponsorships Available

Date: March 5, 2021
Time: 1:00 p.m. - 2:00 p.m. PST
Location: Zoom Webinar

[Register Here](#)

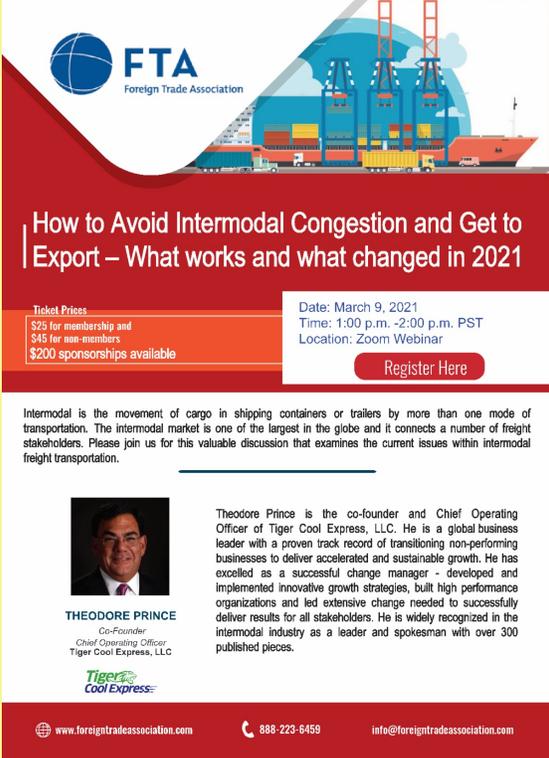
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Heather Litman is a Partner with Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt in Los Angeles, Ca. Ms. Litman has been practicing Customs law for over 20 years, and is admitted before the U.S. Court of International Trade, the Court of Appeals for the Federal Circuit, and the Supreme Court. Ms. Litman received her undergraduate degree from the University of California at Berkeley, graduated cum laude from Tulane University Law School, and is a licensed Customs Broker. Ms. Litman is a past Chair of the Los Angeles County Bar Association, Customs Law Committee, she is a board member of the American Association of Exporters and Importers, and she regularly speaks on issues concerning Customs law and international trade.

www.foreigntradeassociation.com | [888-223-6459](tel:888-223-6459) | info@foreigntradeassociation.com



FTA
Foreign Trade Association

How to Avoid Intermodal Congestion and Get to Export - What works and what changed in 2021

Ticket Prices
\$25 for membership and \$45 for non-members
\$200 sponsorships available

Date: March 9, 2021
Time: 1:00 p.m. - 2:00 p.m. PST
Location: Zoom Webinar

[Register Here](#)

Intermodal is the movement of cargo in shipping containers or trailers by more than one mode of transportation. The intermodal market is one of the largest in the globe and it connects a number of freight stakeholders. Please join us for this valuable discussion that examines the current issues within intermodal freight transportation.



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How to Avoid Intermodal Congestion and Get to Export – What works and what changed in 2021

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Environmental

With Oil Past Peak, Shell Sharpens 2050 Zero Emissions Goal

The Anglo-Dutch company is in the midst of its largest overhaul yet as it prepares to expand its renewables and low-carbon business in the face of growing investor pressure on the oil and gas sector to battle climate change.

Boeing Backs Trump's EPA Airplane Emissions Standards Amid Biden Review

Boeing Co on Tuesday backed the Environmental Protection Agency's (EPA) decision to finalize the first-ever standards regulating greenhouse gas emissions from airplanes issued under President Donald Trump in the final days of his administration.

Wallenius Wilhelmsen Unveils Plan for Wind-Powered RoRo to Debut in 2025

Wallenius Wilhelmsen has announced plans for a wind-powered pure car and truck carrier (PCTC) as the Norwegian and Swedish-based shipping company seeks to reduce carbon emissions from ocean shipping.

Ecospray Chooses relay to Revolutionize the Maritime Industry With Artificial Intelligence Powered Solutions

With the introduction of IMO regulations aimed at reducing sulphur oxide emissions - which came into force in January 2020 - the industry is facing a rising pressure to comply with more stringent environmental regulations, as well as the need of containing costs and improve efficiency in an increasingly competitive and unpredictable market.



Got a story idea?

The FTA wants to hear from you! Is there a topic or industry that we're not covering that you'd like to see more of? Drop us an email by clicking the button below with your suggestions.

**EMAIL YOUR STORY
IDEA**



FTA New Member Thank You!

The FTA would like to acknowledge our new members each week in our newsletter. We sincerely appreciate their support and participation. Your FTA leadership continues to focus on delivering value during this time of social distancing and know that as we move back to in-person events that the opportunities will only continue to expand.

Maritime

More Cargo Loss for Transpacific as Maersk Ship Loses Hundreds of Containers in Storm

Maersk confirms that the Maersk Eindhoven experienced an engine failure in severe weather off the coast of Japan on February 17, resulting in a number of containers being lost overboard. The ship was underway from Xiamen, China, to Los Angeles, California at the time.

Vaccinations Start for Dockworkers at Nation's Busiest Port Complex

About 800 longshoremen from the ports of Los Angeles and Long Beach on Friday got the first COVID-19 vaccinations for dockworkers at the United States' busiest seaport complex, which has been hard hit by pandemic-related workforce disruptions and surging imports.

Information Demand on Detention & Demurrage Practices to Be Issued

Commissioner Rebecca F. Dye will issue information demand orders to ocean carriers and marine terminal operators (MTOs) to determine if legal obligations related to detention and demurrage practices are being met.

A Rarity Among U.S. Ports, Seattle Still has Room for More Ships

The trade gateways in the U.S. Pacific Northwest that handle the flow of containers, cars and commodities are standing out for their calm relative to the congestion bedeviling ports from Los Angeles to Savannah, Georgia.

ITF Calls on Shipping Companies to Save Seafarers Stranded Off China

The International Transport Workers Federation (ITF) is calling on companies to step up efforts to help seafarers stranded on ships off China as Beijing continues to informally ban coal imports from Australia.

Maersk to Deploy First Zero-Carbon Container Ship by 2023

Evolving technology has allowed Maersk to fast track the deployment of its first methanol-fueled container vessel.

Melbourne Dock Workers Begin Walkout Actions to Protest Automation

The latest walkout action at Australia's automated terminal in Melbourne furthers test the port system marked by berth congestion amid surging import demand

U.S. Steps Up Heat on Container Carriers to Ease Port Congestion

U.S. regulators stepped up the heat on ocean shipping companies and the seaport terminals some of them operate, seeking to smooth the disrupted flow of containers that are swamping America's biggest ports and wreaking havoc on the nation's strained supply chains.

Video of the Week

Perseverance...perseveres and lands safely on Mars

After a nearly seven month journey, NASA successfully delivered their next generation rover Perseverance to the Martian surface yesterday for a decades-long exploratory mission. Along with the rover was a drone that will conduct overflights to gain terrain mapping for a crater and conduct experiments.



Logistics and Trade

Deep Freeze Snarls U.S. Markets from Grain to Beef

The deep freeze that has left almost five million Americans without power is snarling shipments of goods from corn to soybeans, shutting meat plants and curbing ethanol production.

UP Shuts Down Most of the Intermodal Network for Weather

Union Pacific Railroad is shutting down virtually all business across its intermodal network for 72 hours because of snow and ice in the Pacific Northwest, Midwest, and even as far south as Texas.

Logistics Failures Costing Business: U.S. Exporters

Logistical challenges throughout the supply chain from the interior of the country to the seaports are a severe limitation on U.S. exports, commodity shippers say, as total outbound U.S. shipments fell 8.1 percent last year from 2019.

Forager Launches Cross-Border Load Board

Cross-border carriers lack a load board analogous to the widely-used tools available to drivers on U.S. domestic moves, something the broker and technology provider Forager is attempting to address.

Global Supply Chain Week Days 6-8 preview: Maritime

While the theme of the final three days of FreightWaves' eight-day virtual summit is global maritime logistics, the scope truly will cover the world of shipping, from containers on the ocean to cargo in the air and the geopolitical issues that cloud worldwide trade.

Upcoming Events

February 23 - Virtual Event - Wit Orange County - Annual State of Trade Symposium – 9:00 – 12:00 PM PT - Join WITOC for its annual State of International Trade & Customs Symposium for importers, exporters, customs brokers, and other trade stakeholders. - Register [here](#).

February 23 - WEBINAR – LACBFFA - How Brokers Can Help Importers When Customs Asserts ADD/CVD Are Owed – 10:00 – 11:00 AM PT - This 1-hour program will provide brokers with pointers on how to guide their importer clients when Customs alleges ADD/CVD are owed on the shipment but the importer contends the goods are not subject to ADD/CVD - Register [here](#).

February 25 – Virtual Event- Cal Chamber – California - UK after Brexit Prospects for Partnership – In 2019, the UK was California's 12th largest export market with the state exporting more than \$5.2 billion in goods to the UK. Dr. Beech's insights into the nascent UK-US trade deal and the reasons for strong future co-operation will be of great interest to Californian business leaders and those invested in the Anglo-American relationship. - Register [here](#)

February 25 - March 3 - TPM Annual Conference and Trans-Pacific Container Shipping and Logistics Long Beach – TPM is the must attend conference for the Trans-Pacific and global container shipping and logistics community - Register [here](#).

March 5 - WEBINAR – Importing Gray Market Goods- The Rules are not Black and White - 1:00 - 2:00 PM PST – Please join in this valuable webinar to discuss the unique challenges associated with the importation of gray market goods Heather Litman, Partner at GDLSK LLP – Register [here](#)

March 9 - WEBINAR –How to Avoid Intermodal Congestion and Get to Export – What works and what changed in 2021 - 1:00 - 2:00 PM PST– Please join us for this valuable discussion alongside Theodore Prince, Co-Founder of Tiger Cool Express, LLC – Register [here](#)

March 28 – March 31 - 2021 ICPA SPRING CONFERENCE Grand Hyatt, San Antonio, Texas - Join us in San Antonio, TX for the ICPA Spring Conference. If you are involved in Import/Export Compliance or Operations, Supply Chain Compliance or Security, Internal Controls or Government Relations this is the conference for you – Register [here](#)

April 13 - April 15 – ICPA 2021 ITAR CONFERENCE –Springhill Suites by Marriott Fort Worth, TX - Join us in Fort Worth, TX for our ITAR Conference – Register [here](#)

May 2 - May 5 – 48th NCBFFA Annual Conference -Now in its 48th year,

the NCBFAA Annual Conference brings together more than 600 of the international trade industry's top representatives from around the United States – Register [here](#)

May 6 – Los Angeles Chamber of Commerce 95th Annual World Trade Week – 8:30 AM - 12:00 PM PST - This years program will feature a panel on "The Future of Transportation and Supply Chains," addressing chain infrastructure, transportation challenges, and innovative solutions to increase the region's global competitiveness as we recover from the pandemic– Register [here](#)

May 11 - May 13 – Virtual Event - TIA 2021Capital Ideas Conference -Meet virtually with top industry leaders and solutions providers and take advantage of over morning and afternoon live sessions with more than 12 hours sessions geared solely for 3PLs – Register [here](#)