



January 29, 2021 Volume 2, Nr. 4

Last weekend, the FTA Board of Directors held our annual retreat where we talked about the year ahead. It was a wonderful several hours of planning for content, strategy, and *cautious optimism* for when we can begin transitioning from virtual to in-person gatherings once again. This year's leadership team is excited to pursue an aggressive calendar and agenda for our membership.

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:

[Section of Highway 1 in Big Sur falls into the ocean \(video\)](#)

Government Actions and Trade

China Urges Biden to Learn From Trump Admin's 'Wrong Policies'

China warned President Joe Biden not to follow the same adversarial path that the Trump administration took on China policies, urging the new administration

to help strengthen bilateral relations in an “objective and rational manner.”

U.S.-China Relations at the Chinese Communist Party’s Centennial

Livestream: *Thursday, January 28, 2021*

FDA Puts All Hand Sanitizers From Mexico on Import Alert

Prompted by a sharp increase in hand sanitizers from Mexico that purport to contain ethanol but tested positive for methanol contamination, Import Alert 62-08 is the first one issued countrywide on any category of drug product, FDA said.

Section 301 Suit Names USTR, Not Lighthizer, as Defendant

Wacom Technology, an importer of digital pen displays for creative artists, alleged like thousands of others that the Office of the U.S. Trade Representative overstepped its authority when it imposed the Lists 3 and 4A tariffs on Chinese imports, and seeks to have the tariffs vacated and the money refunded.

Chip Industry Group Urges Biden Admin to Review Export Controls on China

A semiconductor industry group on Monday called for a review of the Trump administration’s export control policy, and urged the incoming U.S. Commerce Secretary to work with allies when curbing sales of U.S. technology to China for national security.

Commenters on Platform Liability for Counterfeits Argue for More Legislation

Trade groups representing intellectual property rights holders are telling the U.S. Patent and Trademark Office that secondary trademark infringement liability has not been effective in getting e-commerce platforms to police themselves.

Commerce Delays, Reopens Comments on Aluminum Licensing Rule

The Commerce Department will put new aluminum import licensing regulations on hold and seek more comments on the program, it said in a notice released Jan. 25. “This delay in effective date is necessary to allow the incoming Administration time to review the Final Rule and consider any additional comments before implementation,” Commerce said. Comments on the final rule are now due Feb. 26. “Parties are invited to comment on all aspects of the Final Rule and” the Aluminum Import Monitoring and Analysis System, it said.

Biden Administration’s ‘Buy American’ Executive Order Reiterates Support of the Jones Act

Notably for the domestic maritime industry, the Executive Order explicitly reiterates President Biden’s strong support of the Jones Act, the 100-year-old law that requires goods shipped between U.S. ports to be transported on ships that are built, owned, and operated by United States citizens or permanent residents.

U.S. Tries to Seize Oil Shipment It Says Came From Iran

The Achilleas’ Greek owner, Capital Ship Management Corp., alerted U.S. authorities to the possibility it had unknowingly taken on Iranian crude, after initially believing it came from Iraq, said the people. The vessel is fully loaded and can carry more than 2 million barrels, according to shipping documents.

U.S. and UK Conclude Arrangement to Strengthen End-to-End Supply Chain Security

“This arrangement will take U.S.-UK cooperation on supply chain security to the next level,” said William A. Ferrara, Executive Assistant Commissioner of the U.S. Customs and Border Protection Office of Field Operations. “Mutual recognition of the U.S. and UK authorized economic operator programs will mitigate risks, improve information sharing, and eliminate red tape for our partners in the trade community.”

CBP Officers Intercept More Than \$550K of Fake Designer Apparel

CBP officers in Minneapolis seized two shipments arriving from Laos. Due to various inconsistencies, poor quality, and incorrect packaging, an Import Specialist inspected the items and deemed they were in violation of CBP trademark and copyright codes.



TRADE AND TRANSPORT ATTORNEYS

ROBERTS & KEHAGIARAS LLP
ATTORNEYS AND COUNSELORS AT LAW

[LEARN MORE](#)

FTA NEWS



11 WEEK EXAM PREP COURSE
Monday evenings 6:00 PM - 9:00 PM
Starts: Jan. 25, 2021
Ends: Apr. 12, 2021
*Schedule is based on tentative test date of April 28, 2021. Flyer will be updated once CBP confirms the exam date.

Credits:
20 CCS provided by NCBFAA

Cost:
Member Price: \$445
Non Member Price: \$550
Partner Price: \$500

Note: Note: Course materials are not included in the registration fee.

Location: Virtual classes will be held for now.



6216 E. Pacific Coast Hwy #407
Long Beach, CA 90803
P: 888-223-6459

REGISTER NOW

**FOREIGN TRADE ASSOCIATION PRESENTS
Customs Brokers License Examination Course**

This comprehensive course to prepare for the upcoming Customs Broker License Exam provides detailed review in areas such as:

- Customs Broker Regulations
- Entry Requirements
- Valuation of Imports
- Harmonized Tariff Classification
- Free Trade Agreements and Other Duty-Free Exemptions
- Fines and Penalties
- Various other topics typically covered on the exam
- Exam-Taking Techniques

In addition to being well-prepared for the exam, the course will also assist in developing a better understanding of critical areas of Customs Compliance even for people not planning on taking the brokers exam. The knowledge you receive will assist in enhancing skills for career advancement. If you already possess a broker's license, this is an excellent review course. Certified Customs Specialists completing the course will receive 20 CCS credits from the NCBFAA.

The course is recommended for individuals with some experience in customs brokerage or import operations. If in doubt about your level of experience, please call the instructor, Erik Smithweiss, at 213-624-1970.

INSTRUCTORS:
Erik Smithweiss & Tony Piscitelli

Erik Smithweiss is a partner with Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt. Erik has over 20 years experience in the field of customs law and procedure and has taught customs broker exam preparation courses for over ten years.

Tony Piscitelli is the owner of TP CBP Importing Compliance, which offers consulting and training services. Tony was a Compliance Specialist with Expeditors International for 11 years as well as a 32-year career with U.S. Customs and Border Protection in NY and Los Angeles. Tony has taught customs broker exam preparation courses for over 6 years.

Course Material
CBP hasn't confirmed the reference materials and an amended flyer will be issued when CBP publishes the exam notice listing the required HTS and 19 CFR, which the students will be required to purchase.

FTA Custom Brokers Exam Course

The course is recommended for individuals with some experience in customs brokerage or import operations. If in doubt about your level of experience, please call the instructor, Erik Smithweiss, at 213-624-1970. Note: Course materials are not included in the registration fee.

Members: \$445.00
Non-members: \$550.00
Partner Price: \$500.00

REGISTER TODAY

Protecting Your Assets In The International Supply Chain

When was the last time you looked at your cargo exposures and reviewed your policy and procedures to make sure you have the coverage you need. We will be reviewing some of the issues in more detail.

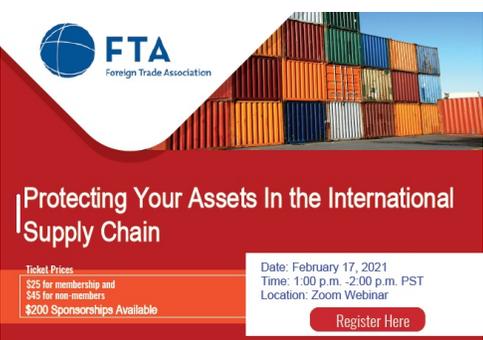
February 17, 1:00 - 2:00 PM PT

Members: \$25.00

Non-members: \$45.00

Sponsorship Available: \$200

REGISTER TODAY



Protecting Your Assets In the International Supply Chain

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

Date: February 17, 2021
Time: 1:00 p.m. - 2:00 p.m. PST
Location: Zoom Webinar

[Register Here](#)

Fires, Blank Sailings, Force Majeure, General Average Congested Ports, Mega Vessels..... are you sure your cargo is covered? It's a new world with new exposures. When was the last time you looked at your cargo exposures and reviewed your policy and procedures to make sure you have the coverage you need. We will be reviewing some of the issues in more detail. Please join us!



PATRICE LAFAYETTE
Director of Sales
Western Division
Roanoke Trade



KEITH SANCHEZ
Founding Partner
Avalon Risk Management, Inc.

www.foreigntradassociation.com

888-223-6459

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Environmental

La Niña Roars, Unleashing Fire, Drought and Floods Worldwide

The weather pattern La Nina is impacting the world. Here's how it's causing severe droughts, floods and fires that were already exacerbated by global warming.

BP Drastically Cuts Oil Exploration

"The world does have a carbon budget. It is finite and it is running out fast and we need a rapid transition to net zero. Society has got to deliver on the Paris goals.", CEO Bernard Looney

Goldman Sachs Says Biden's First Steps Are Bullish for Oil

A focus on fiscal spending, a probable lack of urgency in lifting sanctions on Iran and restrictions on the North American energy industry all combine to support oil prices, analysts including Damien Courvalin and Jeff Currie wrote in a note dated Jan. 21.

Permitting for Big U.S. Offshore Wind Farm Will Resume 'Very, Very Soon' - Avangrid CEO

Biden has pledged to boost development of renewable energy as part of a sweeping plan to fight climate change and create jobs and offshore wind proponents expect the nascent U.S. industry to experience dramatic growth.

U.S. to 'Make Good' on Climate Finance Pledges, Kerry Tells Leaders

Biden's government "also intends to make significant investments in climate action" both domestically and abroad, Kerry told the virtual Climate Adaptation Summit, hosted by the Netherlands.

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.

Gina Glover, Herbalife

Maritime

Carriers Announce Asia-Europe Blankings for Chinese New Year

Ocean carriers are to cancel several headhaul sailings to North Europe around the Chinese New Year holiday next month. It is a blow for beleaguered shippers that have managed, at great expense, to secure space on sailings that will not happen.

Anchored Containerships Off Los Angeles/Long Beach Flee Winter Storm

Winds gusting to 55 knots (63 mph) and 17-foot (5.2-meter) waves forced 17 loaded container vessels to depart their anchorages for safety out at sea, the Marine Exchange of Southern California said in a note late Monday. Another 14 carriers remained anchored outside the adjacent ports of Los Angeles and Long Beach, it said.

New 'Marine Highway' Service Connects Houston, Everglades with Puerto Rico

National Shipping of America (NSA) made its inaugural call to Port Everglades last week after the U.S. Maritime Administration (MARAD) designated the

South Florida port as part of the country's so-called Marine Highway system on Jan. 8.

Trans-Pacific Dysfunction Can Seed Carrier-Shipper Collaboration

Shippers can complain, but pricing power — at least for now — has shifted away from shippers due to carrier consolidation and growing capacity discipline seen most dramatically in the swift spring withdrawals following the onset of the COVID-19 pandemic.

Hong Kong Hopes to Lure Bigger Ships, More Cargo from Increased Bridge Limit

Without easing the air draft limits under the Tsing Ma bridge, ships calling at Hong Kong and the western Shenzhen ports face a lengthy transit south of Hong Kong through Chinese waters.

Video of the Week

Don't expect a China policy shift, predicts former diplomat

Appearing on CNBC, former Permanent Secretary of Singapore's Ministry of Foreign Affairs and career diplomat Kishore Mahbubani laid out what the incoming Biden Administration should do to manage China's trading relationship, not just with the US, but worldwide.



Logistics and Trade

Pandemic Aftershocks Overwhelm Global Supply Lines

One year after the coronavirus pandemic first disrupted global supply chains by closing Chinese factories, fresh shipping headaches are delaying U.S. farm exports, crimping domestic manufacturing and threatening higher prices for American consumers.

Record Asia–Europe Container Rates Squeeze Lower-value Cargoes

Importers of higher-value cargo from Asia have been better able to withstand higher spot rates, forcing some shippers of lower-value cargo out of the market completely.

Tiberius Platform Aids COVID-19 Logistics, Delivery

Incorporating information from a multitude of sources including the U.S. Census, Vaccine Tracking System and commercial logistics companies, Tiberius provides visibility of each effort within Operation Warp Speed — from manufacturing and allocation of vaccine to granular planning of vaccine administration sites to the provider level.

Russian Hack of U.S. Agencies Exposed Supply Chain Weaknesses

U.S. officials and cybersecurity experts have sounded the alarm for years about a problem that has caused havoc, including billions of dollars in financial losses, while also defying easy solutions from the government and private sector.

Frozen Fish Pileup in China Ripples Across Global Supply Chain

Hundreds of containers are being held up in Dalian, a major port for seafood imports, as local authorities test the fish for the coronavirus before allowing them to clear customs, according to several freight forwarders, consultants and shipping companies.

Upcoming Events

February 4 - Virtual Event – Port of Long Beach - State of the Port to Recap a Historic 2020 – 9:00 AM PST - This virtual address will feature Long Beach Mayor Robert Garcia, Port of Long Beach Executive Director Mario Cordero and Long Beach Harbor Commission President Frank Colonna – Register [here](#).

February 10 - Virtual Event – CBFANC – Annual State of the Port – 12:00 PM PST - Join us in welcoming S.F. new CBP Area Port Director Bruce Murley. Get in the know on DC policies and the know-how on FMC's policing on unfair ocean practices. The Coast Guard will provide a behind-the-scenes-view of the daily challenges of keeping our port and waterways safe. Register [here](#).

February 17 - WEBINAR – L.A. Chamber - Navigating a Changing Global Trade Landscape : What Lies Ahead in 2021 – 9:30 AM PST - The Global Initiatives Council is pleased to present an expert in-depth panel discussion to explore the potential strategies and shifts in transatlantic trade relations, U.S.-China trade relations, and WTO reform and the implications on our region – Register [here](#).

February 17 - WEBINAR – LACBFFA - Common Broker Compliance Errors and What To Do About Them – 10:00 AM PST - This program will review a wide range of regulatory issues that Brokers face in 2021 – Register [here](#).

February 17 - WEBINAR – Protecting Your Assets In The International Supply Chain - 1:00 - 2:00 PM PST - When was the last time you looked at

your cargo exposures and reviewed your policy and procedures to make sure you have the coverage you need. We will be reviewing some of the issues in more detail. - Register [here](#).

February 18 - WEBINAR – Reviewing the State of Intermodal Transport - 1:00 - 2:00 PM PST – Please join us for this valuable discussion alongside Theodore Prince, Co-Founder of Tiger Cool Express, LLC - **Details to follow soon**

February 23 - Virtual Event - Wit Orange County - Annual State of Trade Symposium – 9:00 – 12:00 PM PT - Join WITOC for it's 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 - 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 us for this valuable discussion alongside Heather Litman, Partner at GDLSK LLP - **Details to follow soon**