



February 5, 2021 Volume 2, Nr. 5

As things are reaching a critical level of congestion in San Pedro Bay not seen since the lockouts of the early 2000s, PMA President James McKenna brought home the cost of the pandemic in a [speech to the Propeller Club of Northern California](#) earlier this week. McKenna shared that in the ILWU community there have been 13 longshoremen who have died from COVID-19 and there are currently 855 positive cases, half of them since the beginning of January.

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:

[U.S. Navy offload more than \\$211 million worth of cocaine, marijuana](#)

Government Actions and Trade

[CBP Year in Review: Agency Adapts to Secure and Facilitate Essential Trade and Travel amid Pandemic](#)

“Despite unprecedented challenges, CBP took great strides to further secure and facilitate lawful trade and travel in Fiscal Year 2020,” said Senior Official Performing the Duties of the Commissioner Troy Miller.

FMC Urges Biden Administration to Expedite Vaccinations for Nation’s Dockworkers

Coronavirus cases among UK dockworkers have soared in recent weeks. The letter was delivered as it was revealed that nearly 2,000 US dockworkers have tested positive for Covid-19.

CBP Gives Importers 60 Days to File PSCs Following AD/CV Glitch in ACE

Importers will need to review entries made between Oct. 5, 2019, and Oct. 28, 2020, that were supposed to include third-country antidumping and countervailing duty case numbers that couldn't be added due to a problem in ACE.

CBP Releases Feb. 3 Customs Bulletin

CBP has released its Feb. 3 Customs Bulletin (Vol. 55, No. 4). While it contains general notices and recent court decisions, no customs rulings are included.

CBP Agriculture Specialists Discover 11 Undeclared, Dead Reptiles at Brownsville Port of Entry

CBP officers and agriculture specialists discovered 11 plastic jars containing deceased reptiles. The driver did not declare and lacked requisite import paperwork for the reptiles from U.S. Fish and Wildlife Service.

CBP Louisville Intercepts \$5.2 Million of Designer Jewelry in Two Shipments

A shipper recently used a common technique in hopes of sneaking their fake jewelry past U.S. Customs and Border Protection (CBP) officers in Louisville. The shipper sent multiple packages of fake jewelry expecting some of the merchandise would make it through.

UK Applies to Join Trans-Pacific Trade Group

Formal request to be made Monday but critics claim ‘club of the medium-sized’ brings few benefits.



TRADE AND TRANSPORT ATTORNEYS

ROBERTS & KEHAGIARAS LLP
ATTORNEYS AND COUNSELORS AT LAW

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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!



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How to Report Intermodal Service – Suggestions for the STB

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

Date: February 18, 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.



THEODORE PRINCE
Co-Founder
Chief Operating Officer
Tiger Cool Express, LLC

Tiger Cool Express

Theodore Prince is the co-founder and Chief Operating Officer of Tiger Cool Express, LLC. He is a global business leader with a proven track record of transitioning non-performing businesses to deliver accelerated and sustainable growth. He has excelled as a successful change manager - developed and implemented innovative growth strategies, built high performance organizations and led extensive change needed to successfully deliver results for all stakeholders. He is widely recognized in the intermodal industry as a leader and spokesman with over 300 published pieces.

www.foreigntradeassociation.com 888-223-6459 info@foreigntradeassociation.com

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Environmental

U.S. Customs and Border Protection Expressly Applies Jones Act to Offshore Wind Projects in U.S. Waters

The ruling expressly found that the Jones Act applies to transportation of merchandise from a U.S. port to a location on the outer continental shelf for the purpose of the development and production of wind energy.

Exxon to Create 'Low Carbon' Business Unit as It Faces Activists

Exxon said Monday that the new business, dubbed "low carbon solutions," would invest \$3 billion through 2025 on lower-emission energy technologies,

primarily on carbon capture and storage projects, which gather carbon emissions from industrial processes or directly from the air and deposit them underground.

New Consultancy Advocates for Ammonia as an Alternative to LNG

In its debut research paper, New York-based Carbon Neutral Consulting highlights the large (and growing) number of high-profile projects to deploy ammonia as an energy storage medium for shipping.

Amazon's Electric Rivian Vans Will Start Making Deliveries in 16 Cities This Year

The vans, which are being designed and built by buzzy EV startup Rivian, are already making deliveries to customers in Los Angeles. Amazon plans to expand its testing to 15 more cities this year, as it continues to build towards a fleet of 10,000 vehicles by 2022.

Shipping Industry Takes New Step to Protect Marine Environments

Cleaning a ship's submerged parts from barnacles and other growths, while the ship is in the water, can transfer invasive species to local marine environments. To combat this problem, and to provide clarity and quality assurance to shipowners, ports and government authorities, BIMCO and the International Chamber of Shipping (ICS) have published the first industry standard on in-water cleaning of ships.



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.

Diego Reis Moreira

Maritime

FMC's Bentzel Urges Carriers to use PNW as Alternative to Congested LA-LB

FMC Commissioner Carl Bentzel said rerouting ships to the ports of Seattle and Tacoma could take up to six weeks, but he doesn't see a better alternative to easing Southern California port congestion.

Sugar High On Wall Street As White-Sugar Futures Climb On Container Shipping Worries

The container shortage "is resulting in a higher demand for the white contract structure," because the exchange uses a delivery method called break-bulk, which is cheaper, said Carlos Mera, an analyst at Rabobank International in London.

More Containers Lost in the Pacific as 41 Go Overboard from MSC Ship

The incident is at least the fifth container loss incident to be reported in the trans-pacific since November (One Aquila, One Apus, Ever Liberal*, Maersk Essen and now MSC Aries), the worst incident being the MV One Apus which lost nearly 2,000 containers overboard on November 30.

Eagle Bulk Ship Escapes Pirate Attack in Gulf of Guinea

The attack on the Rowayton Eagle marks the seventh offshore incident and third recorded offshore boarding so far this year.

CMA CGM's New Oakland Service Offers Southern California Alternative

In announcing its new Oakland service, the president of CMA CGM and APL in the United States says he does not expect congestion in Southern California to clear up until at least June.

U.S. Importers Still Dependent on China Sourcing in a Pinch

Under pressure from an unexpected second-half surge in demand, U.S. importers turned to core production sources in China as the urgency of not missing orders outweighed additional tariff and manufacturing costs.

Video of the Week

State of the Port: Challenges and Recoveries

Join Port of Long Beach Executive Director Mario Cordero, along with Long Beach Board of Harbor Commissioners President Frank Colonna and Long Beach Mayor Robert Garcia, in a look back at the unprecedented challenges that faced the Port in 2020, how the Port overcame those challenges to record its busiest year ever, and a look ahead at 2021, a year of recovery.



Logistics and Trade

Expanded Box Fleet Giving Scant Relief to Crimped Supply Chain

Hapag-Lloyd has found that stocking up on boxes cannot alone ease the severe equipment pressure that has built on the major trades out of Asia.

U.S. Truckers Suffering 'bid fatigue': Transplace

Fewer trucking companies are responding to shipper bids, as contract truckload pricing rises by high single-digit percentage rates, Transplace executives said Tuesday.

Shocks to Container System Rarely Lead to Improvements

The container shipping industry is in the midst of yet another predictable cycle in which supply chains are upended by unpredictable external forces, relationships between carriers and shippers are tested.

Girl Scouts Introduce Supply Chain Badge

Logistics pros know there's far more to the business than just highway transportation. To help round out the picture (and raise awareness of the profession), a group of industry leaders recently teamed up to design a program on the extended supply chain.

Upcoming Events

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 11 - Virtual Event – NCBFAA – Implementation of APHIS-Core ACE – 11:00 - 12:00 PM PST -Join the NCBFAA Regulatory Agencies Committee (RAC) , APHIS ACE Team Lead Richard Leshin, and a panelist of Presenters at this crucial juncture for two in-depth webinars to discuss what is required and how brokers can successfully manage the APHIS Message Set - 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 – Virtual Event – CBFANC Export Controls - 10:00 - 12:00 PM PST - We have an export oriented webinar on Export controls for freight forwarders and exporters; a program you will enjoy! - 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 – How to Report Intermodal Service – Suggestions for the STB - 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](#)

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**