



## February 12, 2021 Volume 2, Nr. 6

On behalf of the board and members of the Foreign Trade Association, we wish all our friends celebrating the Year of the Metal Ox a very Happy New Year.

### 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.*

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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](mailto: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](mailto: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:

[President Biden Delivers Remarks](#)

## Government Actions and Trade

### **CBP Officers at the Colombia-Solidarity Bridge Seize Narcotics Worth Over \$5.9 Million**

U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO) officers at the Laredo Port of Entry seized narcotics in two separate, unrelated incidents that totaled over \$5.9 million in street value.

## **Office of the U.S. Trade Representative Announces Key Staff**

### **Appointments**

The Office of the U.S. Trade Representative (USTR) today announced the appointment of key leaders who will help the Biden-Harris Administration build back a better economy.

## **Asia–Europe Demand Waning Ahead of Chinese New Year**

Volume growth accelerated during the traditional peak shipping season, with shipments rising 13 percent year over year in November, a strength that took the market by surprise.

## **"Tough" Isn't the China Question Biden Has to Answer on Trade**

The more clarifying question is whether Biden and his team will be intelligent in approaching a China that is the most significant strategic competitor the U.S. faces.

## **China Economy Overtaking the U.S. to Guide Biden's Trade Stance**

China is moving toward the top spot in global GDP rankings.

## **EU Awaits U.S. Trade Chief for Real Tariff Talks to Start**

The European Union has had positive, early contact with the Biden administration on trade, but will need to wait for a new U.S. trade representative to be in place for real talks to begin, the EU trade chief said on Monday.

## **De minimis Importers Tap CBP Pilots for Faster Clearance**

Through two pilot programs, US Customs Border and Patrol (CBP) is gathering additional information on potential high-risk shipments and also allowing for electronic document filing on international e-commerce shipments valued at \$800 or less.

## **CBP Agriculture Specialists Working at Area Ports Ensure Valentine's Day Flowers are Disease and Pest Free**

CBP strongly encourages the public to consult [the CBP website](#) before they import floral arrangements so they know which flowers are permissible and which are prohibited or restricted.

## **CBP Automation Budget Issues Limiting New Development**

CBP's planned addition of partner government agency data functionality for foreign-trade zones has moved to the "back burner," due to automation funding questions, said Jim Swanson, director of the Cargo and Security Controls Division, for Cargo and Conveyance.

# TRADE AND TRANSPORT ATTORNEYS



ROBERTS & KEHAGIARAS LLP  
ATTORNEYS AND COUNSELORS AT LAW

LEARN MORE

## FTA NEWS

### 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**

**FTA**  
Foreign Trade Association

### 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.

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888-223-6459

[info@foreigntradeassociation.com](mailto:info@foreigntradeassociation.com)

### How to Report Intermodal Service - Suggestions for the STB

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.

February 18, 1:00 - 2:00 PM PT

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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



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](http://www.foreigntradeassociation.com) 888-223-6459 [info@foreigntradeassociation.com](mailto:info@foreigntradeassociation.com)

## 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




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

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**HEATHER LITMAN**  
Partner  
GDL&K LLP

Heather Litman is a Partner with Grunfield, Desiderio, Labowitz, 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](http://www.foreigntradeassociation.com) 888-223-6459 [info@foreigntradeassociation.com](mailto:info@foreigntradeassociation.com)

## Environmental

### Proposed Change to Prop. 65 Warning Rules Will Increase Business Costs

WARNING: Everything in California May Cause Cancer.

### Green Hydrogen Plant in Saudi Arabia Aims to Amp Up Clean Power

Developers behind the world's largest planned green hydrogen project hope a



growing global thirst for emission-free fuels will pay dividends.

### **How to Transform Garbage into Greener Fuels**

Transforming garbage into clean fuel, however, was an alchemy confined to fiction, like the movie “Back to the Future.” Now, a handful of companies want to turn household trash into low-emissions fuels for planes, trains and trucks.

### **Shipping Decarbonisation Lacks Ambition and Urgency, NGOs Claim**

Representatives from the shipping industry, including cruise, and environmental NGOs exposed the gaps between their understandings of where the shipping industry currently stands on decarbonising and where it needs to get to at last week’s global maritime environmental congress (gmec), part of SMM Digital.

### **‘Tesla of the Seas’ – British Company Unveils Zero-Emission Ship Concept**

Windship Technology calls its design “The Tesla of the Seas,” featuring a 48-meter-tall triple-wing rigs which can be stowed on deck to help with navigation in height-restricted waterways.



### **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

### **How Shipping Containers End Up in the Ocean**

Hundreds of containers have fallen from container ships into ocean waters in recent months, in a flare-up of accidents that can destroy millions of dollars worth of goods, damage vessels and endanger lives and the environment.

### **U.S. Coast Guard to Enforce Mask Requirement on Commercial Vessels**

On January 21, President Biden issued Executive Order (13998), titled Promoting COVID-19 Safety in Domestic and International Travel, requiring masks to be worn on all “public maritime vessels, including ferries” in order to mitigate the risk of spreading COVID-19.

### **Shipping Companies Look at Sailing Away from Choked Southern California Gateways**

Dozens of ships are waiting offshore, disrupting supply chains and sending carriers and their customers looking for alternatives.

### **China Set to Unload Some Stranded Australian Coal Amid Ban**

China plans to allow some stranded Australian coal shipments to unload despite ongoing curbs on imports, a move aimed at showing goodwill to countries with seafarers stuck on the vessels, a person familiar with the situation said.

### **A Light Bulb Moment for Port and Terminal Development**

The long-term impact of the global pandemic, as well as growing environmental ambition in many sectors, have created even more discussion than usual about what the future of our industry may look like.

## Video of the Week

### **America's Place in the World**

Last week, President Biden's first visit of a Cabinet-level agency was to the State Department where he gave remarks on America's place in the world. During Biden's Senate career, he spent many years on the Foreign Relations Committee, so his awareness of issues affecting our defense, security and economy around the world is greater than most. In this 22 minute speech, he lays out for a global audience what will be different during his term.



## Logistics and Trade

### **Job Losses Constraining U.S. Freight Capacity as Demand Grows**

Deep job cuts in transportation and logistics last month seemed at odds with strong demand for freight services, as imports continue to surge through U.S. container ports and U.S. business activity expands.

### **Washington State Ports See Breakbulk Surge in 2020**

High-and-heavy cargoes an outlier in terms of growth at the Northwest Seaport Alliance (NWSA) ports of Seattle and Tacoma and the Port of Longview benefiting from a diversion of wind energy cargoes due to the COVID-19 pandemic.

### **Later Peak Season for Intermodal Several Years in the Making**

Holiday related freight is moving later in the year, with a rise in e-commerce playing a primary role in the change.

### **Mass Vaccination Sites Will Mean Scaling Up Logistics Coordination**

Large-scale, centralized vaccinations, part of the Biden administration's strategy to speed up the rate of inoculations, present logistical challenges different from those in dispersing doses to an array of clinics, hospitals and pharmacies.

### **Today's Logistics Report: Infrastructure's Fast Lane; Seeking Automotive Chips; Coal Biting Back**

President Biden warned that Beijing's advances in transportation are giving it an advantage over the U.S., as he pitched Congress on passing an economic recovery package that includes infrastructure improvements.



# Upcoming Events

**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 – 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 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](#)