



March 5, 2021 Volume 2, Nr. 9

Bipartisanship is hard to come by in Washington, DC, nowadays, but amazingly it appears there is an issue that both sides can rally around and that's the abysmal state of affairs in the world of maritime transportation and the negative impact it is having on American exports.

[This letter](#), signed by Senators from both sides of aisle from both inland and coastal states to the Commissioners of the FMC underscores the urgency of the issue and while no action they take will improve things overnight, the current state of affairs needs to be reversed - and quickly.

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., EU agree to suspend tariffs in Boeing-Airbus dispute](#)

U.S. DOJ Declined to Investigate Trump Transportation Secretary Chao After Criminal Referral Alleging Misuse of Office

The U.S. Justice Department declined to investigate or prosecute then-Transportation Secretary Elaine Chao after the inspector general's office referred allegations of potential misuse of office for review, a report made public on Wednesday said.

China Looks Inward as It Unveils World's Biggest Industrial Push

At government meetings starting Friday, China will unveil the outlines of what could be the largest industrial-policy effort by any country to date.

Law Enforcement Agencies Work Together to Stop Dangerous Human Smuggling Attempt

Laredo Sector Chief Patrol Agent Matthew Hudak stated, "This case highlights the outstanding level of teamwork and collaboration between law enforcement agencies in our area. Working together, we are better able to keep our communities and our country safer."

CBP Investigating 15 Quartz Importers Over AD/CV Duty Evasion Allegations

CBP is investigating possible antidumping and countervailing duty evasion by 15 separate quartz surface products importers, the agency said in a notice posted March 4. The allegations of evasion under the Enforce and Protect Act.

U.S. Suspends Tariffs on U.K. Goods in Airbus-Boeing Dispute

The U.S. will suspend retaliatory tariffs on U.K. products caught up in the longstanding dispute over illegal aid to Boeing Co. and Airbus SE in a boost for post-Brexit Britain's trade agenda.

Joint U.S.-UK Statement on Suspension of Large Civilian Aircraft Tariffs

"The United States will now suspend retaliatory tariffs in the Airbus dispute from March 4, 2021, for four months. This will allow time to focus on negotiating a balanced settlement to the disputes, and begin seriously addressing the challenges posed by new entrants to the civil aviation market from non-market economies, such as China."

Experts Don't Expect First Sale to Disappear for Chinese Products

The Court of International Trade's recent decision denying first sale valuation for cookware importer Meyer Corp. likely won't lead to the end of first sale treatment for goods originating from non-market economies, said customs lawyers in interviews.

TRADE AND TRANSPORT ATTORNEYS



ROBERTS & KEHAGIARAS LLP
ATTORNEYS AND COUNSELORS AT LAW

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FTA NEWS

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.


THEODORE PRINCE
Co-Founder
Chief Operating Officer
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How to Avoid Intermodal Congestion and Get to Export – What works and what changed in 2021

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.

March 9, 1:00 - 2:00 PM PT

Members: \$25.00

Non-members: \$45.00

Sponsorship Available: \$200.00

[REGISTER TODAY](#)

FDA 2021 and Beyond, It's Not Just About PPE

Hear FDA leadership share updates on food imports, the food safety modernization program, increased enforcement on shrimp and seafood and related challenges facing food importers and exporters. Please join us!

March 17th, 10:00 - 11:00 AM PT

Members: \$25.00

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FDA

SAVE THE DATE!

National and regional leader at FDA share updates on food imports, the food safety modernization program, increased enforcement on shrimp and seafood and related challenges facing food importers and exporters. Please join us!

SPEAKER



Dan Solla
Acting Assistant Commissioner
Office of Enforcement and Import Operations

www.foreigntradeassociation.com 888-223-5459 info@foreigntradeassociation.com

Environmental

What a Clean Future Means for Maritime

As the Biden Administration finds its stride in the first 100 days, we are starting to see movement on several of its key priorities. Chief among them: pivoting to a clean energy economy.

French Coffee and Wine Cargo Yacht Completes Atlantic Voyage

In a return to the age of the clipper, a French company is using a sailing boat to ply the trade routes that pre-dated steam power – and delivering wine and chocolate to environmentally conscious customers on either side of the Atlantic.

IMO Seen as Best Suited for Developing a Future Carbon Market for Shipping

The International Maritime Organization is expected to codify a transitional (i.e. 2030) energy efficiency pathway for commercial ships in an upcoming meeting in June of its Maritime Environmental Protection Committee (MEPC 76).

One Year on from EU Climate Law, Brussels Defends Emissions Plan

European Union plans to cut emissions at least 55% this decade are in line with science and globally agreed climate targets, the bloc's green policy chief said on Thursday, as lawmakers and member states continue to wrangle over the goal.

FedEx to Invest \$2 Billion in Bid for Carbon-Neutral Operations

The plan to eliminate carbon from package-and-delivery services by 2040 will include moving to an electric fleet.

**PHOTO CONTEST FOR NEW
FTA WEBSITE!**

The FTA is currently working on a



new website and we're looking for YOUR pictures. Submit your photos of previous educational, social and networking events or infrastructure - your best seaport, airport, warehouse or intermodal photos. Prizes will be offered and images used on the website will be watermarked with the photographer's name.

**SUBMIT YOUR
PHOTOS**



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.

**Ted Prince, Tiger Cool Express, LLC
Leslie Baird, Tiger Cool Express, LLC**

Maritime

U.S. West Coast Port Congestion Could Last Until Summer Peak Season

Ocean Network Express (ONE) CEO Jeremy Nixon and Hapag-Lloyd CEO Rolf Habben Jansen both warned of a "difficult" period leading up to the start of the traditional peak season.

Senators Support FMC Probe of Alleged U.S. Agricultural Export Denials

A group of 24 senators wrote to the U.S. Federal Maritime Commission (FMC) in support of its investigation into accusations carriers have been denying export bookings, thereby injuring the U.S. agricultural sector

Houston Containership Limit May Be Anti-Competitive: FMC Commissioners

The Texas legislation being questioned by two Federal Maritime Commissioners stemmed from concerns among non-container port users that the growing volume of containerships calling Houston are disrupting the ability of other vessels to transit in an efficient manner.

Statement of Commissioners Maffei and Bentzel: Urging Governors to Prioritize Maritime Worker Vaccinations

This week, Commissioners Maffei and Bentzel sent letters to the Governors of major port states urging them to prioritize the vaccination of the maritime workforce to protect the Nation's supply chain.

TPM21: Jensen says carriers will retain pricing power going forward

Industry analyst Lars Jensen says container carriers have finally figured out how to prevent the volatile pricing swings of past years through capacity management and right-sizing of vessels for various trade lanes.

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Video of the Week

Former US Senator Corker on logistics and supply chains

Two significant industry conferences wrapped up this week - JOC's Virtual TPM 2021 and FreightWaves' Global Supply Chain Week summit. Below, we share the keynote from one of the summit days - former Tennessee Senator Bob Corker sits down with FreightWaves CEO Craig Fuller to talk about government and global supply chains. This is an appropriate topic given the issuance of the Executive Order review of critical supply chains.



U.S. Service Industries Expand at Slowest Pace in Nine Months

Growth at U.S. service providers slowed to a nine-month low in February as companies grappled with logistical challenges and rising prices at the same time a stretch of severe winter weather gripped much of the nation.

U.S. West Coast Port Congestion Could Last Until Summer Peak Season

Major port and landside congestion at U.S. west coast ports could last until the summer peak season, according to ocean carriers attending the JOC's virtual TPM21 conference this week. Ocean Network Express (ONE) CEO Jeremy Nixon and Hapag-Lloyd CEO Rolf Habben Jansen both warned of a "difficult" period leading up to the start of the traditional peak season.

Procurement-Logistics Alignment Key to Navigating New Trans-Pacific

Too often procurement "activity" at a company is episodic and rarely strategic, and this is particularly true in the transportation category.

Return of Pre-Pandemic Demand to Further Stress Air Capacity

Heavily disrupted container shipping markets are forcing ocean shippers into the air cargo markets, with space shortages on vessels, port congestion, and difficulties in sourcing equipment for Asian exports heaping additional pressure on limited air freight capacity.

'Digitized' Truck Makers Reaching Deeper into Supply Chains: IBM

The digitization of truck manufacturing will directly benefit shippers by creating more capacity and making more capacity readily available, a study by IBM suggests.

Statement of Commissioners Maffei and Sola: Op-Ed, Supply Chain Dive

The word "unprecedented" has almost lost its meaning as a result of the COVID-19 pandemic, but yet, it is still the best way to describe conditions in the ocean container shipping industry. In the past year, we have seen a wild swing from a record-number of blank sailings (cancellations) in March 2020 to a post-peak season surge in volume that has reached almost unsustainable levels.

Upcoming Events

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 11 - WEBINAR – TIA Cargo Theft in 2021 – What Can You Do About It? - 12:00 - 1:00 PM PST –Discussion on what particular methods of cargo

crime are being seen most frequently as well as where it's happening the most. – Register [here](#)

March 17 - WEBINAR -FDA 2021 and Beyond, It's Not Just About PPE -

10:00 - 11:00 AM PT - Hear FDA leadership share updates on food imports,

the food safety modernization program, increased enforcement on shrimp and seafood and related challenges facing food importers and exporters. Please join us! - Register [here](#)

March 17 – WITOC – Global Thought Leader – 7:00 AM – 8:00 PM PST– This event hosts the three women diplomats serving at U.S. Missions in Saudi Arabia, Kuwait and Qatar. Join us to hear about their experiences in these roles – Register [here](#)

March 23 – Avalon Knowledge Webinar: Cyber Hackers Are Working Hard! Is Your Policy Working for You? - 1:00 p.m.-2:00 p.m. CDT - Cyber Crimes are at an all time high. Make sure you understand what your cyber liability insurance covers - not all policies are the same! - Register [here](#)

March 24 – CBIFFAWS - NWSA/CBP Webinar – 9:00 AM – 10:00 PST- The Area Port of Seattle of U.S Customs and Border Protection and the Northwest Seaport Alliance invite you to an outreach event with local CBP leadership and officers who will provide updates and field your questions – Register [here](#)

March 24 – CalAsian Annual Legislative Summit – 9:00 AM – 1:00 PM PST - While we discussed the implications of the extreme pivots small businesses had to make last year, we will turn toward the future in this year's discussions – Register [here](#)

March 24 - LACBFFA APHIS CORE Webinar – 11:00 AM – 12:00 PM PT- This workshop provides an overview on how to prepare for the mandatory APHIS Core filing date – Register [here](#)

March 24 – LACBFFA How to Prepare for a RASA, a Focused Assessment & Other CBP Audits From the Perspective of a Former CBP Auditor & Audit Supervisor – 10:00 AM – 12:00 PM PST – Register [here](#)

March 25 – WITLA – Celebrating International Women's Day with Women in International Trade – 2:00 PM – 3:30 PM PST - WIT-LA is thrilled to present three successful business executives who will be sharing their experience and expertise in overcoming challenges as well as some useful tips for other business executives – 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 year's 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 2021 Capital 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](#)