Subject: Docket 17–10, Comments on Proposed, NSA/NRA Regulations.
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Date: 1/29/2018 4:50 PM
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BEFORE THE FEDERAL MARITIME COMMISSION

Docket 17–10,

Comments on Proposed, NSA/NRA Regulations

Rachel E. Dickon,
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Washington, DC 20573–0001

email: secretary@fmc.gov

copy (1)

Office of Information and Regulatory Affairs,
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Ladies and Gentleman,

My name is Joseph T. Quinn. I am President of Sefco Export Management Company, Inc. and hold a FMC OTI ocean freight forwarders license (since 2007). I respectfully submit my comment on the Notice of Proposed Rulemaking as noted herein: [www.fmc.gov/assets/1/Documents/17-10_FR.pdf](http://www.fmc.gov/assets/1/Documents/17-10_FR.pdf)

**An OTI's Response**

On behalf of my shippers/beneficial cargo owners, I have worked with many NVO's over the years, productively and efficiently. These include but are not limited to, SSL Sea Shipping Line, ECU Line, STI Shipco, many others, in addition to many VOCC's (who, to be even-handed, similarly deserve greater regulatory relief). I am quite sympathetic to their need to ease regulatory costs and burdens. I obtain rates for described services from the NVOs on a transaction/case-by-case basis, and rarely if ever access published tariffs to decide which carrier to use.

Information on rates and services is more often accessible to OTI's and shippers free of charge via a NVO's website and confirmed by email, and not from some inaccessible tariff bureau.

These days the internet already gives shippers public access to rules (B/L terms and conditions, etc) free of charge. As they say, "practically anyone with an internet connect..." can see and access almost any piece of relevant information. Shippers already negotiate one-on-one on a broad range of service terms, that can go beyond filed tariffs.

I favor rates that can be modified **upon mutual agreement** at any time, are reconfirmed and **accepted at the time of booking**. That is efficient and quite sufficient, and is more in tune with market conditions and best business practices.

I agree that the NRA/NSA provisions are confusing and imperfect, unnecessary and burdensome. Indeed they are regulatory impediments to trade. Continuing the filing requirement does not provide any benefit, and is no longer necessary. In practically every business transaction, agreements are put in writing; contracts are "memorialized " and such formalities are a reality in any business.

Certainly, record keeping is critically important - particularly in any cross border international transaction. If there's some serious question about a shipment, CPB/DHS and any number of agencies will be all over it. These days, EEI's filed and are accessed online in a flash, accessible by any USG agency in need of such info. But quotes are no longer sent by telex or the mail, as in the '70's. Times, market conditions, rules and regulations evolve. Now its all rapidly negotiated and confirmed by email and accepted at time of booking. Agility and timeliness are what matters most. Injecting a government agency into the filing of tariffs, harks back to the day of more regulations rather than less. Less interference is better.

I support the earlier proposal and petition by the NCBFAA (in Docket P2-15) for elimination of 46 CFR part 531 in its entirety.

Further, I fully support the position outlined by the NYNJFF&BA (New York New Jersey Foreign Freight Forwarders and Brokers Association).

The currently proposed rule expands flexibility. All steps in this direction, moves policy and our economy toward a better place. If the proposed rule is issued, this will ease regulatory costs/burdens on the NVO's which in turn helps to
reduce costs to the beneficial cargo owners/shippers. When a bureaucratic requirement is time consuming and costly to the NVO, that diverted time/attention and added cost is certainly not to the benefit of the beneficial cargo owners/shipper.

Greater deregulation helps NVOCCs survive in a challenging marketplace and provide more responsive service. Formal written contracts should not need to be filed with a government agency. Its is a regulatory requirement with no real benefit. Being able to freely negotiate rates and service without regulatory obstacles would be useful.

Simplify an already complex matter.

The proposed changes would not reduce competition, and would indeed be beneficial to commerce.

To the matter under consideration, I favor:

(1) **ending requirement** for NSAs to be filed with the Commission  
(2) **permitting** NVOCCs and shippers to amend NRAs  
(3) **allowing** the act of booking cargo to be considered acceptance of a rate under the terms of an NRA.

**Public Comment by Shippers remains Important**

Today's deadline for comment (01/29/2018), should not preclude reaching out more vigorously to beneficial owners of cargo and shippers for their direct feedback.

I would hope that this matter could be examined by a wider range of stakeholders. Our manufacturers in particular. Even if received after today's deadline, further input from BCO/shippers and trade associations can still help better inform regulators and serve as a means of informal guidance for the Commission.

Once such membership organization that should have input is the NAM, National Association of Manufacturers. Their membership have been benefiting from thoughtful deregulation and today seems to be experiencing great expansion as a result. This is certainly good news. To this end, a copy of my comment is being copied/shared with same, for further consideration. I would encourage NAM, its leadership and its members to weigh in on the issue of deregulation, particularly as it relates to their exports and whether the continued elimination of burdensome regulatory requirements, as discussed above, can similarly better serve their interests. A healthier NVO community is good for all, shippers in particular. Perhaps they can poll their members, who are certainly BCO' and shippers. I am confident that the answer you will hear on the question of deregulation efforts is a resounding "yes" - it helps. Progress in terms of deregulation, helps the bottom line, helps increase jobs and economic opportunity. Shippers do not need the government to supervise our commercial arrangements.

Again, I would hope that stakeholders including BCO/shippers/manufacturers, would take the time to chime and to send in their own comment to the FMC on why it is good to support the proposed change. Its a change for the better.

I am grateful for the interest of the Commission, in seeking to make such positive changes and trust that good solutions
can be achieved.

Respectfully submitted,

Joseph Quinn

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Mr. Jay Timmons, President

this comment will be posted to: proexport.us