

From: [Natalie Bomba](#)
To: [Secretary](#)
Subject: Docket 19-05, Demurrage and Detention Comments.
Date: Monday, September 23, 2019 10:26:18 AM
Attachments: [image001.png](#)
[image003.png](#)
[image002.png](#)
[image004.png](#)

Good morning,

I just was reading in the NCBFAA Monday Morning E-Briefing email about this docket regarding demurrage and detention charges. I work with a Customs Broker out of JFK, I frequently check the piers and CFS locations, and I am the one that makes the payments for these charges as needed.

One thing I noticed in reading the bullet points, in the first point it states “*•In order for carriers or marine terminal operators (MTOs) to commence the start of free time, the cargo must actually be available for a trucker to pick-up; if it isn't, the proposed rule would conclude that application of demurrage and/or detention prior to availability may be an unreasonable practice.*”

Then in the third bullet point it states, “*•The NPRM next addresses the issue of government inspections of cargo and the propriety of assessing demurrage and detention during those holds. While the NRPM does not go so far as to suggest that any assessment of demurrage or detention during these holds might be unreasonable, it does seek comments as to whether it was appropriate for the carriers and/or MTOs operators to escalate charges (i.e., impose penalty demurrage) in these situations.*”

If the start of free time starts when it is actually available for the trucker to pick up, then the various government inspections would not be an issue. In view of the fact that it is not essentially available to the trucker if it is on a hold for inspection. There are times the websites will show a Customs Hold, when it is on an inspection, but other times it shows a Customs Hold because there is no Customs Clearance on file. I think a clearer way of showing an inspection would be helpful and practical.

Thank you for taking time to read this.

Thank you and have a great day!

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