

November 4, 2019

Federal Maritime Commission
800 North Capitol Street NW
Washington, DC 20573-0001

Re: Docket 19-05, Demurrage & Detention Comments

Please pardon my lateness with the below comments as internal clearance was needed.

These are the struggles BOC's and carriers confront on a daily basis. Please take these into consideration as you move forward with your investigation and decisions.

One of the greatest challenges is understanding when cargo will be available within a reasonable amount of time to be able to plan for pick up, transport and unloading at final destination.

Cargo notice of availability provides no planning time. Advisement takes place immediately and the clock starts ticking. There is a very short window to pick up, especially on reefer cargo where free time extended is generally 2 days. If the carriers could advise even within a few days prior to vessel arrival that the cargo will be ready at a certain date for pickup it would allow for more efficient planning and appointment making instead of a constant scramble. This would also help to ease congestion at the ports.

The free time clock should not start till the next business day, not at the date/time it is deemed available. All free time should be defined as business days as not all ports allow pick up/return on weekends.

When there are issues that hold up release of cargo that are clearly on the carrier side (inaccurate freight holds, other clerical issues, not enough chassis or gensets), it is a monumental task to get releases with the carriers that often take days that result in free time being exhausted where a new battle ensues to get free time extended and a vicious circle commences as there was no negligence or delay on the part of the BOC.

Congestion at ports and unfair practices of turning drivers away lead to demurrage issues. Ports do not pass out void tickets and have no process to validate making an attempt to pick up only to be shut out causing the above issues.

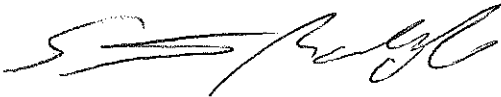
When cargo is put on hold by any gov't agency the free time clock should not begin until it is released. The clock should begin the next business day once released.

The long-established rule of terminals and carriers billing the truckers for demurrage and detention (per diem) is a hardship. These issues are not the trucker's fault, yet they are threatened with being locked out or are locked out from picking up cargo. The truckers have to lay out money they can ill afford to do which affects their cash flow.

These costs should be billed to the BOC on a credit term basis, not having our cargo held hostage for payment. Immediate payment is not something especially large companies can do in order to maintain proper audit compliance practices. BOC's are not contractually bound with the ports/terminals. All billing to the BOC should come from the carrier side.

Some steamship companies (MSC) have separate demurrage charges from the terminals. Demands for payment come from both sides which is an unfair practice to gain a revenue stream.

Sincerely,



Steven Balogh
Mondelēz Global LLC
Import Logistics Manager