

PERRY ELLIS
INTERNATIONAL

April 3, 2020

The Honorable Michael Khouri
Chairman
Federal Maritime Commission
800 North Capitol Street, N.W
Washington, D.C. 20573

Email: mkhouri@fmc.gov

Dear Chairman Khouri:

On behalf of Perry Ellis International, Inc. ("Perry Ellis"), and in light of the current crisis, I am writing urge the Federal Maritime Commission (FMC) to immediately finalize, as published, the FMC's Proposed Interpretive Rule addressing fair demurrage and detention practices at our nation's maritime gateways. Further, with the global supply chain disruption and massive loss of business resulting from the coronavirus, I urge the FMC to issue strong guidance stating that, based on the final interpretive rule, the current crisis constitutes a situation where detention and demurrage fees should be waived.

Perry Ellis is a leading designer, distributor and licensor of a broad line of high quality men's and women's apparel, accessories and fragrances. We have nearly 2500 employees in the retail sector who are currently being displaced by the uncertainties caused by the novel coronavirus, COVID-19. It is, therefore, an imperative for Perry Ellis to act in concert with other retailers to protect our industry, business and most of all, our employees.

Perry Ellis is facing unprecedented challenges throughout its supply chain because of the current crisis – from lockdowns in supplier countries and shipping issues to the shutdown of retail in the United States. As such, the imposition of detention and demurrage charges when equipment cannot be returned or containers cannot be picked up during the free period, for reasons beyond my company's control, especially in this time of crisis, is not only inherently unfair, but makes my company's products more expensive for consumers, at a time when they can least afford it.

Perry Ellis believes that the approach that the FMC has developed with the Proposed Interpretive Rule, which provides guidance for when a detention or demurrage charge can or cannot be fairly imposed, is the correct one.

Again, I urge the FMC to immediately adopt its proposed interpretive rule, as published. The FMC has created a strong rule, and it needs to be implemented now more than ever.

Thank you for your time and consideration in this matter.

Sincerely,



Tricia McDermott Thompkins
Executive Vice President, General Counsel & Secretary

CC: Commissioner Rebecca Dye
Commissioner Daniel Maffei
Commissioner Louis Sola
Commissioner Carl Bentzel