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Subject: Docket 19-05, Demurrage and Detention Comments
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Greetings,

In response to the FMC seeking comments on interpretive rule for Demurrage/Detention we would like to provide the following:

1. Congestion at Terminals – far too often container availability is delayed due to slow throughput however the clock starts counting exposing the importer to demurrage charges. The related group of companies is subject to excessive charges through the strict policies related to free time at various terminals. The free time allowed is not always logically applied. As example if vessel arrives on Friday the opportunity to pick up full containers is only Monday which increases costs and lost opportunities with many non-work industries on the weekends. Our position would include that terminals do not count the weekends as part of the free time thus enabling the receivers and trucking communities to prepare for removal of containers.
2. Customs Hold at Terminals – This is not a factor that is controlled by any stakeholder as such this type of event should be exempt from time counting. Free time should not start on any container that requires customs inspection.
3. Container Quality – Lack of supervision and rotating old stock is increasing the risk of damage to cargo, public and operations. Carriers are keeping aging equipment in their pools affecting exporters/importers with additional costs in damage charges, increased risk at the terminals, roads etc..
4. Unplanned Terminal Closures – Terminal operations randomly removing shifts from the regular work hours due to lack of volume is impacting the flow of cargo and resulting in extra costs for all stakeholders. Potential impacts including extra costs for drayage, increased / lack of inventory, lost opportunities etc..

Kind Rgds
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