



Ms. Rachel E. Dickon, Secretary
800 North Capitol Street N.W. Suite 1046
Washington, DC 20573-0001

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**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 19-05

DEMURRAGE AND DETENTION COMMENTS

I am James S. Shapiro, co-owner of Thunderbolt Global Logistics, LLC based in Baltimore, MD. We are an International Freight Forwarder/Customs broker and we deal with ocean containers at practically every seaport in the United States.

I want to thank the FMC for addressing the issue of demurrage and detention at United States. The lack of consistency at all ports in the United States needs to be addressed. The key point of cargo availability should be the centerpiece of actions the FMC should take. We believe that the free time clock at U.S. ports should commence when the following criteria are met.

- Fully discharged from vessel to the terminal
- Container is assigned a location inside the terminal and in an open area of the terminal.
- An appointment to pick up the cargo is available when required.
- There are no government holds

The lack of an available chassis should not be considered a requirement of availability unless the steamship line is supplying the chassis as part of their contract of carriage.

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The notice of availability should be sent to the consignee and any notify party listed on the master carrier's ocean bill of lading by e-mail. The master bill of lading must include an e-mail address of the consignee and notify party or parties so the e-mail notification can be sent. If there is a government hold then the free time clock should stop immediately until that hold is lifted. Once the container is available the demurrage clock would start again. A container would be considered unavailable if there is any type of U.S. Government hold. If there is a government hold demurrage should be waived. Container detention is a different matter as we feel that a steamship line can charge a reasonable amount of money for the lack of use of the container while under government hold. The amount would be the same for all carriers in all ports at an agreed amount approved by the FMC. There should be a cap on the amount of detention that a carrier can charge if a shipment is under government hold.

We feel that the ocean carriers use detention charges as a profit center. There should be a formula for detention charges that can be applied across the board by all carriers at all ports. Any demurrage or detention invoice should list the number of days free and demurrage/detention cost per day. There should be a dispute resolution process between the ocean carrier, terminal operator and cargo owner.

We hope that further discussion will lead to a better process for assessing demurrage and detention based on when cargo is considered fully available for pick up by the trucking company.

Sincerely,
James S. Shapiro - Director

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