



April 15, 2022

To Whom It May Concern,

MFC: Docket No. 22-04, Comments on Demurrage and Detention Billing Requirements ANPRM

About Pacific Trellis Fruit: we are recognized as a major Importer of containerized fresh fruit commodities representing hundreds of growers and suppliers globally into North America. Pacific Trellis Fruit (PTF) is submitting comments to the FMC identified by Docket No. 22-04 on behalf of ourselves and the hundreds of growers and shippers we represent as an Importer, Marketing Company, Grower, and Shipper of containerized fresh fruit from global sources into the United States. We are also represented by JKFresh, who support our business by managing all Regulatory Compliances for Commercial Entry into the United States.

These comments address why PTF believes VOCC, NVOCC, and MTO must be required to disclose specific information when billing Demurrage and Detention, also to revisit the general practice of the Demurrage and Detention application, all of which are billed post arrival and outside standard cost models.

1. JKFresh has shared their reply to Docket No. 22-04 and Pacific Trellis Fruit agrees with and are in full support of their responses.

Expanding on these specific points:

2. Demurrage and Detention invoices must disclose the specific's matched to the Agreement party terms and conditions – these are required to verify and validate the accuracy of the Agreement, services, and charges.
3. We believe the VOCC, NVOCC, and MTO's must be accountable to disclose: Regulatory (US Customs, USDA, CBP, FDA amongst others) resource capacity and planning as is needed to meet Import Requirements, as well detailed vessel schedule and container availability changes, all known delays affecting the availability of containers noting all which then are subject to Demurrage and Detention.

As outlined in the Proposed Rulemaking, the primary purpose and principle of Demurrage & Detention is basically designed to incentivize or expedite the overall circular shipping process; with exception to an Origin document issue or a Bank wire delay, the availability of container release is otherwise at the mercy of coordination between VOCC, NVOCC, and MTO's in coordination of meeting Regulatory Entry into Commerce requirements.

DULCINEA.COM

Los Angeles.
Fresno:
Holt Marine Terminal:

2301 E 7th Street, C200, Los Angeles, CA 90023
5108 E. Clinton Way Suite #108, Fresno, CA 93727
701 N. Broadway St Bldg. 18 – 2nd Floor, Gloucester City, NJ 08030

323-859-9600
559-255-5400
856-432-6306



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4. We are experiencing historic Demurrage & Detention charges and deterioration of perishable commodities which will result in catastrophic losses to all stakeholders, all due to reasons outside of the control of the parties that are being significantly financially penalized, the principles of Demurrage and Detention are basically nonexistent.
5. For what reason should Free Time not begin after full Regulatory release and container accessibility only then followed by Demurrage and Detention application? VOCC, NVOCC, and MTO's apply charges based on services required under Import Requirements but after a current Free Time period that does not support the real world working environment.

On behalf of Pacific Trellis Fruit and our global network of growers and suppliers we would like to Thank the Federal Maritime Commission for addressing this very important issue.

Respectfully yours,

Josh Leichter
CEO
Pacific Trellis Fruit

Tom Verbitski
Director of Operations & Quality Control
Pacific Trellis Fruit

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