

September 14, 2022

Honorable William Cody  
Secretary  
Federal Maritime Commission  
800 North Capitol Street, N.W  
Washington, D.C. 20573

Dear Secretary Cody,

These comments regarding Federal Maritime Commission(FMC) Docket 22-19 are respectfully submitted by the International Fresh Produce Association (IFPA) and its respective members. IFPA is the largest and most diverse trade association representing the entire global produce and floral supply chains. Formed on January 1, 2022, out of the combination of legacy organizations, Produce Marketing Association (PMA) and United Fresh Produce Association, IFPA represents 3,000 member companies including growers, shippers, wholesalers, distributors, fresh-cut businesses, retailers, foodservice companies, and related subsidiaries. IFPA members have operations in all fifty states, Washington D.C. and Puerto Rico, and thirty-eight countries around the world.

The Ocean Shipping Reform Act (OSRA), signed into law by President Biden in June 2022 required the Federal Maritime Commission to seek public comment within 60 days of passage “regarding specific criteria—namely, (1) whether congestion of the carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system, (2) whether an emergency order under Section 18 would alleviate such an emergency situation, and (3) the appropriate scope of such an emergency order, if applicable.” As such, the International Fresh Produce Association and its members, submit the following comments.

The COVID-19 pandemic created a number of hardships for the fresh produce industry that rippled across the entire worldwide supply chain. In particular, the shipment of fresh, perishable goods was significantly impacted. The international supply chain which relies on the unencumbered ocean carrier industry to deliver imports to the United States, and exports to foreign markets. However, decreased demands caused by larger market forces impacted by the pandemic changed historic trends in the ocean carrier industry. The slow return to normal commerce has left both importers and exporters of goods of all kinds with uncertain shipping timelines, resulting in extended periods of carriers waiting at ports to be offloaded and loaded. This problem remains and must be rectified.

IFPA believes that an emergency order is appropriate, given the continued challenges caused by the COVID-19 pandemic and that such an order remain in place until there is further resolution of such challenges. IFPA believes that the OSRA could have gone further, but that the regulatory requirements included in the law enable the FMC to seek further redress for both importers and exporters of goods, particularly those shipping perishable produce goods. We would note that many of the challenges that have led to the current situation are trending in the right direction, but that systemic issues in the availability of vessels continues to cause delays in the shipment of cargo. It is our belief that the FMC should consider additional actions to address problems within the supply chain that lead to these chokepoints which can limit cargo shipment during emergency and non-emergency periods

IFPA believes that the scope of such an order should be as expansive as possible, and that the FMC should use all the mechanisms and powers afforded by the OSRA, and previously existing statutory and regulatory authorities to protect importers and exporters who rely on the ocean carrier industry for the transportation of goods. We believe that many of the challenges within the supply chain are foreseeable and that the FMC should do all it can to prepare for such challenges, just as industry should. The challenges that we face within the system are those unforeseen challenges, such as the COVID-19 pandemic, which cannot be accounted for in regular business models and that the emergency designation option should be utilized immediately when such instances occur to limit their long-term impact.

We appreciate the opportunity to submit these comments and look forward to the publication of a decision by the FMC in response to Docket 22-19.

Respectfully,

Rebeckah Adcock  
Vice President, U. S. Government Relations  
International Fresh Produce Association