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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION



February 1, 2017

Ms. Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol Street N.W.
Washington, DC 20573-0001

ORIGINAL

RE: Petition of the Coalition for Fair Port Practices for Rulemaking [Petition No. P4-16]

Dear Assistant Secretary Dickon:

The National Association of Egg Farmers (NAEF), representing egg farmers as well as further egg processors producing egg products is pleased to respond to the Federal Maritime Commission (FMC) *Federal Register* notice published on December 28, 2016 concerning a petition for rulemaking from the Coalition for Fair Port Practices. NAEF fully support/s the policy statement requested by the Coalition which would help bring about more reasonable demurrage and detention practices for cargo moving through our nation's seaports. NAEF urges the FMC to begin a formal rulemaking on this matter as soon as possible.

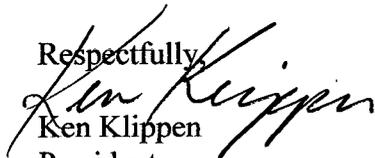
I am the President of NAEF representing farmers producing more than 10 billion eggs annually (1.24 billion pounds of shell eggs). Exports to Asian countries is an important market for egg products utilizing port facilities for ocean-borne vessels. Our members exporting egg products experienced incidents of severe congestion at container terminals in U.S. ports on the West Coast. Whether those incidents involved weather, labor contract negotiations, the arrival of very large ships or other disruptions, the port delays were beyond the control of exporters of egg products. All too frequently shippers and truckers are being charged demurrage and detention penalties for late pickup or return of containers when it is not their fault. If the terminal is closed during normal working hours, or if a container is unavailable for pickup during the free time period due to congestion or other disruption at the port, carriers and terminals should not assess demurrage. The same is true for detention charges when attempts to return an empty container are frustrated. These are real costs that hurt American businesses and American competitiveness.

The Coalition for Fair Port Practices has proposed a policy statement that would help to stop this unfair practice. The FMC has the authority to ensure that demurrage and detention practices are fair and reasonable and it needs to act to address this problem.

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The FMC has taken important steps to examine port congestion issues challenging carriers, shippers, terminals and intermediaries. As the next step, we urge you to grant the petition and open a rulemaking on the Coalition's policy statement to ensure that US imports and exports are not burdened with unfair demurrage and detention charges. Thank you for considering our views.

Respectfully,



Ken Klippen

President

National Association of Egg Farmers

www.eggfarmers.org