

December 8, 2017

Rachel Dickon, Assistant Secretary
Federal Maritime Commission
800 North Capitol St. NW, Room 1046
Washington, DC 20573-0001

RE: PETITION NO. P4-16, NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS, PETITION OF THE COALITION FOR FAIR PORT PRACTICES FOR RULEMAKING

On behalf of the U.S. apparel and footwear industry, I am writing in strong support of the December 7, 2016 Coalition for Fair Port Practices petition, and urge the Federal Maritime Commission (FMC) to adopt a rule with respect to the application of detention, demurrage, and per diem charges in extreme circumstances.

Representing more than 1,000 world famous name brands, the American Apparel & Footwear Association (AAFA) is the trusted public policy and political voice of the U.S. apparel and footwear industry, its management and shareholders, its nearly four million U.S. workers, and its contribution of \$384 billion in annual U.S. retail sales. 98 percent of all apparel and footwear sold in the United States is imported, with virtually all of those imports shipped through the nation's ports.

As beneficial cargo owners who work in an industry where lean inventories, quick turn, and on-time delivery are everything, we make every effort to remove our cargo from the ports as quickly as possible. However, as noted in the petition, there have been a significant number of extreme circumstances in the past five years that have prevented us, through no fault of our own, from retrieving our cargo in a timely manner.

Despite the fact that we, as beneficial cargo owners, have had no control over these extreme circumstances, our industry's cargo has been subject to demurrage, detention, and per diem charges. In many cases, these charges were arbitrary, non-transparent, and unreasonable.

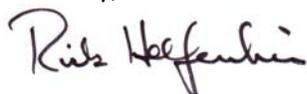
To prevent such situations from happening in the future, we believe the FMC can and should establish rules that would provide guidance for vessel ocean common carriers (VOCC) and marine terminal operators (MTO) on how demurrage, detention, and per diem charges should be applied in extreme circumstances.

To the question of whether the FMC has the authority to issue such a rule, we believe that the original petition, the comments, and the rebuttal comments submitted by the Commission for Fair Port Practices, of which the American Apparel & Footwear Association is a member, firmly establish that the FMC does have the authority to implement a rule on this issue.

Again, we urge the FMC to issue a rule on demurrage, detention, and per diem charges as soon as possible, so that all stakeholders clearly understand the rules before the next extreme situation arises.

Thank you for your time and consideration in this matter. Please contact Nate Herman of my staff at 202-853-9351 or nherman@aafaglobal.org if you have any questions or would like additional information.

Sincerely,



Rick Helfenbein
President and CEO, AAFA