



February 28, 2017

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

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

Dear Assistant Secretary Dickon:

On behalf of the member companies of the American Apparel & Footwear Association (AAFA), we appreciate this opportunity 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. AAFA strongly supports the petition's request that the FMC establish a policy governing reasonable demurrage and detention practices for cargo moving through our nation's seaports. We urge the FMC to begin a formal rulemaking on this matter as soon as possible.

AAFA is the national trade association representing apparel, footwear, and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,000 world famous name brands drawn from throughout the supply chain, AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its four million U.S. workers, and its contribution of \$361 billion in annual U.S. retail sales.

Our member companies have repeatedly relayed to us their experiences of severe congestion and delays at container terminals in U.S. ports for which they have been forced to bear the costs of demurrage and detention for incidents largely out of their control. These incidents may have been due to any number of reasons—weather, labor contract negotiations, arrival of other larger vessels, or other port disruptions—yet they, as the shippers, were charged penalties without being at fault. The 2016 Hanjin Shipping bankruptcy emphasizes the reality that our members, the shippers, are at the mercy of ports, terminals, and ocean carriers when it comes to detention and demurrage charges, which ultimately stresses the need for consistency in the imposition of demurrage and detention charges.

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The policy statement proposed by the petition would help to stop this unfair practice. The FMC has the authority to ensure that demurrage and detention practices are fair and reasonable. We believe the FMC needs to use this authority to address this problem. Without action, American business and American competitiveness will ultimately bear the cost.

As the next step, we urge you to grant the petition and open a rulemaking to ensure that U.S. imports and exports are not burdened with unfair demurrage and detention charges. Thank you for your time and consideration in this matter. Please contact Nate Herman of my staff at [nherman@aafaglobal.org](mailto:nherman@aafaglobal.org) or 202.853.9351 if you have any questions or would like additional information.

Sincerely,

A handwritten signature in black ink that reads "Rick Helfenbein". The signature is written in a cursive, slightly slanted style.

Rick Helfenbein  
President & CEO