



February 27, 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:

The Airforwarders Association 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. The Airforwarders Association 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. We urge the FMC to begin a formal rulemaking on this matter as soon as possible.

The Airforwarders Association (AfA) represents more than 360 member companies dedicated to moving cargo throughout the supply chain. The association's members range from small businesses with fewer than 20 employees to large companies employing more than 1,000 people and business models varying from domestic to worldwide freight forwarding operations. In short, they are the travel agents for freight shipments, moving cargo in the timeliest and most cost-efficient manner whether it is carried on aircraft, truck, rail or ship.

Our members have experienced repeated incidents of severe congestion at container terminals in U.S. ports on both the West Coast and East Coast which have prevented them from picking up their customers' cargo and returning empty containers.

Whether those incidents involved weather, labor contract negotiations, the arrival of very large ships or other disruptions, the port delays were beyond their control and the control of the importers, exporters or draymen. All too frequently forwarders, 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, the forwarding industry 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.

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 the views of the Airforwarders Association.

Respectfully,

A handwritten signature in blue ink, appearing to read "B.L. Fried".

Brandon L. Fried
Executive Director

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