



February 24, 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:

I'm writing in response to the December 28 Federal Register notice regarding a petition for rulemaking from the Coalition for Fair Port Practices. I support the policy statement requested by the Coalition to ensure demurrage and detention charges are fairly assessed when delays are outside the control of the shipper. I ask the FMC to begin a formal rulemaking on this matter as soon as possible.

I'm the Global Container Freight Lead for the Americas at Cargill, Incorporated. I'm responsible for the export of about 70,000 containers and 1500 import containers each year. Cargill is a major exporter of Cotton, Beef, and numerous food ingredients, animal feed ingredients, and industrial products. We ship through every major US port and work with every major steamship line and numerous minor lines.

Cargill has experienced several incidents of severe congestion at container terminals in U.S. ports on both the West Coast and East Coast that have prevented us from entering the terminals to interchange our containers. We've been charged demurrage and detention fees for late return of containers even though we were not at fault. If the terminal is closed during normal working hours, or if a container is unavailable due to congestion or other disruption at the port, carriers and terminals should not assess detention or demurrage. The same is true for detention charges when attempts to return an empty container are frustrated. These fees 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.

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 my views.

Respectfully,

Duncan McGrath  
Cargill, Incorporated