

# Occidental International Foods, LLC

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February 22, 2017

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

Re: Petition No. P4-16

Dear Assistant Secretary Dickon:

I am writing in response to the Federal Maritime Commission (FMC) *Federal Register* notice published on 12/28/2016 concerning a petition for rulemaking from the Coalition for Fair Port Practices. In the *Federal Register* notice, "views or arguments" on this petition were invited and I wanted to respond. My company fully supports the rulemaking requested by the Coalition and we urge the FMC to begin a proceeding to consider this matter as soon as possible.

My name is Scott Hall, and I am the President of Occidental International Foods, LLC. We are importers and involved in ocean transportation and arranging for the movement of international ocean cargo.

In recent years, there have been a number of situations where the vessel operators or marine terminal operators have assessed demurrage or detention in situations where the importer or company incurring these charges is in no way whatsoever at fault or able to pickup the cargo from the port to avoid said charges. For example, port congestion resulting from bad weather, or from port labor issues or inadequate port infrastructure, have caused lengthy delays in moving the cargo and empty containers. Yet, ports and carriers have routinely assessed demurrage and/or detention charges to many importers despite the fact that the delays in moving the containers are normally beyond any control of the importers.

I believe that the Commission should consider adopting a policy or rule, as proposed by the Coalition, that makes it clear that it would be inappropriate for the carriers and MTOs to assess demurrage and/detention charges in situations where the delays are clearly beyond the control or fault of the OTIs and their customers.

I am not asking the Commission to add new regulations, since the Petition makes it clear that the assessment of demurrage and detention in situations where the delays are not attributable to the cargo interests is unlawful and violates the Shipping Act. The Commission should make it clear to the carriers and ports that they need to act more responsibly. By doing so, the Commission would both provide a needed incentive to those parties to work harder to increase the efficiency of their operations and

significantly reduce the amount of time spent or arguing or litigating about demurrage and detention charges.

I would urge the Commission to initiate a proceeding to consider this important issue. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott P. Hall", written in a cursive style.

Scott P. Hall

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