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February 17, 2017
Ms. Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol Street N.W.
Washington, DC 20573-0001

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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

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

Dear Assistant Secretary Dickon:

Volcafe USA LLC 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. Volcafe USA LLC 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.

As a logistics manager, my team and I are responsible for all coordination of cargo from origin to destination. We handle green coffee beans from Asia, Africa, Central and South America into U.S. We often found ourselves in disagreement with steamship lines and terminals. We have also experienced many incidents where examinations left us little to no control over demurrage that incurred on our cargo. For example, we had cargo on an MSC vessel. Cargo was put on CET exam and sat for over 3 weeks waiting for examinations to be completed. Due to these timely exams, we not only had to pay outrageous exam fees but on top of that, we were slammed with a demurrage bill of over \$5000. We fought this with MSC which took 2 months to resolve and in the end, they agreed to split the demurrage costings with us but we were still left out of pocket over \$2000.00 for demurrage that we had no control over. This is just one example.

Our company is experiencing repeated incidents of severe congestion at container terminals in U.S. ports on both the West Coast and East Coast which have prevented us from picking up our cargo/returning empty containers in a timely and efficient way. We are paying "port congestion fees" on both coasts assessed by our draymen due to the extremely lengthy waiting time at the terminals. We are also being charged additional fees when chassis and empty containers are not returned at the correct locations. These charges are not recoverable and are all added expenses billed to the importer. They are making it difficult for us to operate on a day to day basis and could eventually force us to scale back our staff and volume.

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 our views.

Respectfully,
Volcafe USA LLC


Tammy Deininger
Logistics Manager

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