

November 29, 2017

Ms. Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol Street N.W., Room 1046
Washington, DC 20573-0001

Re: Petition No. P4-16 – Response to Notice of Public Hearing

Dear Assistant Secretary Dickon:

My name is Richard J. Roche and I am Vice President of International Transportation at Mohawk Global Logistics which is an ocean transportation intermediary (License No. 003952NF) engaged in the business of arranging for the movement of international ocean cargo for our various shipper/receiver clients. I also serve as NVOCC Sub-Committee Chairman at NCBFAA. As such, I am familiar with demurrage & detention practices and complaints from both first-hand knowledge, and on national scale through our Association. I have previously corresponded with the Commission on this topic several times including comments specific to this petition. I would most respectfully request your including me to testify at the announced hearing in January as a representative of both Mohawk and NCBFAA.

I am prepared to discuss the normal practices that NVOCC's go through to deliver or retrieve containers to/from ocean ports, and how weather, labor, port infrastructure and volume can play a role in interrupting the process. I am also prepared to offer specific examples of the problems inherent in the existing system, where the shipping public is subject to VOCC and MTO unconstrained demurrage/detention practices and consequences on US importers and exporters in terms of unforeseen delay and cost attributed to problems encountered that are completely outside of their control. Finally, I would add possible remedies that are measurable and achievable through clear definition of when demurrage or detention does apply, and what triggers would extend existing free-time so demurrage and detention would not be applied unfairly.

I look forward to your response.

Sincerely,



Richard J. Roche
Vice President of International Transportation
Mohawk Global Logistics