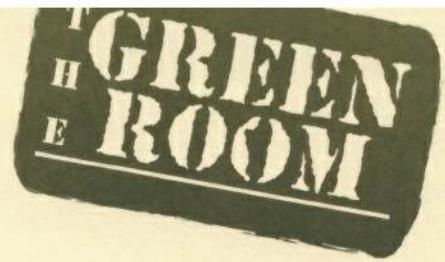


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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

2/21/2017

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 Green Room, Inc. 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 Green Room fully supports 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.

I am the COO of a 3rd party handling company. We process incoming containers for green coffee importers from all over the world. My company is the middle man for the handling and processing the container in a timely manner. Being the middle man puts us in an extremely awkward position when containers are held up at the port for several reasons. The foremost reason is that we are an FTZ and as such held to strict guidelines on how soon a container must be unloaded and returned to the port. Any delay and we are given less time to handle the container or even staff appropriately for it. If there are any delays at the port we are given almost no time at all to process the container. At times, we have been required to devan the container in less than 24 hours.

Our company has observed and experienced 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 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 our control. All too frequently 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

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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 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 our views.

Respectfully,

Daniel Ray

