

July 1, 2024

Mr. David Eng
Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, D.C. 20573

RE: Coalition Opposition to Extension of Effective Date Petition (Docket No. FMC-2024-0010)

Dear Secretary Eng,

On behalf of the undersigned organization representing shippers, beneficial cargo owners, trucking companies and other supply chain stakeholders, we are writing in **strong opposition** to the petition filed by the Ocean Carrier Equipment Management Association to extend the effective date of the Detention and Demurrage Billing Requirements Final Rule (Final Rule). We urge the Commission to reject the petition.

Our groups and members strongly supported the Ocean Shipping Reform Act of 2022, which included the Detention and Demurrage Billing Requirements Rule as a key element. We supported this effort to bring clarity and transparency to detention and demurrage billing practices as a follow up to the Commission's Interpretive Rule.

It is important to note that the Rule is **already in effect**. The Commission provided a 90-day implementation timeline for the Rule to take effect on May 28, 2024. Providers who are impacted by this rule have already put their systems into place to ensure compliance with the Final Rule and other impacted stakeholders have adjusted their business practices. Any kind of delay now of a rule already in effect would cause significant challenges and potential chaos in the marketplace.

In addition, the clarification issued by the Commission to the Final Rule's preamble did not change the underlying Final Rule itself. Specifically, the requirements for which parties can be billed under the "properly issued invoices" rule was not affected.¹ This again does not warrant a need to retroactively delay a Final Rule that is already in place. Also, delaying the effective date of the Final Rule would be inconsistent with the intent of Congress who required this rule to be finalized expeditiously in OSRA22.²

We appreciate the work undertaken by the Commission in developing the Final Rule. The goal is to address long-standing issues we have all witnessed with Detention and Demurrage billing practices. The Final Rule seeks to bring clarity to the issue as well as improve fluidity at our nation's ports and terminals.

¹ 46 C.F.R. § 541.4.

² See, *The Ocean Shipping Reform Act of 2022*, Sec. 7(b), Pub. L. No. 117-146, 136 Stat. 1275 (June 16, 2022).

We urge the Commission to reject this petition for these basic principles. We look forward to working with the Commission on continued implementation and enforcement of the Final Rule.

Sincerely,

Accessories Council	Greenabl Shippers Association
Agricultural and Food Transporters Conference	Halloween & Costume Association (HCA)
Agricultural Retailers Association	Harbor Trucking Association
Agriculture Transportation Coalition - AgTC	Hardwood Federation
Alliance for Chemical Distribution	Home Fashion Products Association
American Apparel & Footwear Association (AAFA)	Intermodal Motor Carriers Conference
American Chemistry Council	International Association of Movers
American Coatings Association, Inc.	International Housewares Association
American Down and Feather Council	International Warehouse Logistics Association (IWLA)
American Home Furnishings Alliance	International Wood Products Association
American Lighting Association	Los Angeles Customs Brokers & Freight Forwarders Association
American Pyrotechnics Association	Meat Import Council of America
American Trucking Associations	Meat Institute
Association of Bi-State Motor Carriers	National Association of Wholesaler-Distributors
Association of Food Industries	National Fisheries Institute
Auto Care Association	National Industrial Transportation League (NITL)
California Trucking Association	National Marine Manufacturers Association
CAWA - Representing the Automotive Parts Industry	National Milk Producers Federation
Coalition of New England Companies for Trade	National Retail Federation
Columbia River Customs Brokers & Forwarders Association	North American Association of Food Equipment Manufacturers (NAFEM)
Consumer Technology Association	North American Home Furnishings Association
Council of Fashion Designers of America (CFDA)	Pacific Coast Council of Customs Brokers and Freight Forwarders Assns. Inc.
CPMA	Performance Racing Industry (PRI)
Customs Brokers & Forwarders Association of Northern California	Plumbing Manufacturers International
Customs Brokers & International Freight Forwarders Association of Washington State	Retail Industry Leaders Association
Fashion Accessories Shippers Association	San Diego Customs Brokers Association
Fashion Jewelry & Accessories Trade Association (FJATA)	Shippers Coalition
Gemini Shippers Association	Society of Chemical Manufacturers & Affiliates (SOCMA)
Global Cold Chain Alliance	Specialty Equipment Market Association (SEMA)
	Sports & Fitness Industry Association
	Toy Association
	Travel Goods Association (TGA)
	U.S. Dairy Export Council
	United States Fashion Industry Association