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**For Immediate Release**

### **Demurrage Petition Moves Forward at the FMC**

**WASHINGTON, D.C.** – As was previously reported on December 7, 2016, the National Association of Customs Brokers & Forwarders Association of America, Inc. (NCBFAA) has joined with the Coalition for Fair Port Practices to submit a Petition for Rulemaking to the Federal Maritime Commission (FMC) raising concerns about the assessment of demurrage and detention by the carriers and marine terminal operators.

The Petition requests that free time should be extended to parties when a party is prevented from picking up cargo or returning equipment to a port due to port congestion or disruption beyond its control. Refusal to do so should be considered an unlawful, unreasonable practice.

On March 30, 2017, the Coalition filed a petition with the FMC for leave to provide supplemental comments, addressing concerns and contentions raised by the World Shipping Council, various marine terminal operators, carriers and ports. In short, these supplemental comments fell into three broad areas.

- First, the FMC has the legal authority to use broad discretion when interpreting what is a just and reasonable standard under the Shipping Act.
- Second, the petition noted that the FMC, at one time, did have specific demurrage rules that provided for the expansion of free time during periods of congestion.
- Third, the policy statement being sought by the Coalition was not a legislative rule and the formalities typically associated with rulemaking need not be followed in this case.

For the full supplemental comments, please click this [link](#).

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Headquartered in Washington, DC, the NCBFAA represents more than 1,000 member companies with 110,000 employees in international trade - the nation's leading freight forwarders, customs brokers, ocean transportation intermediaries (OTIs), NVOCCs and air cargo agents, serving more than 250,000 importers and exporters. Established in 1897 in New York, NCBFAA is the effective national voice of the industry. Through its various committees, counsel and representatives, the Association maintains a close watch over legislative and regulatory issues that affect its members. It keeps them informed of these and other related issues through its weekly Monday Morning eBriefing, and various meetings and conferences throughout the year.