

Regulatory Status – 2023/24 Federal Regulations

(Items in red text indicate a change of status or new item)

October 4, 2024

Key Updates on IANA Policy Issues

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Denial of petition for rulemaking	09/24/24	Detention and Demurrage Practices <i>Keywords: Ports; Shipping Act</i>	<u>77787(89)</u>	FMC denies OCEMA petition for extension of demurrage and detention rule effective date.
Petition	06/10/24		<u>48865(89)</u>	OCEMA petitions FMC for extension of demurrage and detention rule effective date. Comments due 07/01/24.
Final rule; announcement of effective date	05/14/24		<u>41895(89)</u>	FMC announces demurrage and detention invoice requirements received OMB approval and will take effect on 05/28/24.
Final Rule; Correction	05/09/24		<u>39569(89)</u>	FMC issues correction to final rule clarifying which entities may be billed detention and demurrage charges.
Lawsuit	04/18/24		<u>Lawsuit</u>	World Shipping Council files petition with U.S. Court of Appeals for the District of Columbia Circuit requesting review of detention and demurrage billing rule.
Final Rule	02/23/24		<u>14330(89)</u>	FMC issues final rule amending regulations governing demurrage and detention billing requirements.
Update	03/23/23		<u>Update</u>	FMC seeks information to confirm ocean carriers' compliance with demurrage and detention regulations.
Final Rule	03/20/23		<u>16573(88)</u>	FMC issues final rule amending regulations for the collection and assessment of civil penalties to incorporate OSRA provisions, effective 04/19/23.

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notice of Proposed Rulemaking	10/07/22		<u>62341(87)</u>	FMC seeks comments on proposed changes to detention and demurrage billing requirements.
Update	08/23/24	IMCC Complaint for Violation of the Shipping Act of 1984, 46 U.S.C. § 41102(C) <i>Keywords: Shipping Act; Chassis; Trucks</i>	<u>Joint Status Report</u>	IMCC and ocean carriers file second joint status report resolving remaining issues.
Order	07/23/24		<u>Order</u>	FMC orders parties to develop second joint status report to resolve remaining issues.
Investigation	06/18/24		<u>Investigation</u>	FMC initiates investigation into whether OCEMA and its members are complying with cease and desist order.
Order	06/05/24		<u>Order</u>	FMC holds ocean carrier petition in abeyance until final ruling on remaining case matters is issued.
Update	03/25/24		<u>Joint Status Report</u>	IMCC and ocean carriers file joint status report proposing next steps.
Update	03/14/24		<u>Petition</u>	Ocean carriers petition FMC to vacate the initial decision and remand matters to the Administrative Law Judge.
Update	02/23/24		<u>Order</u>	FMC orders parties to develop joint status report to resolve remaining issues.
Decision	02/13/24		<u>Decision</u>	FMC affirms decision that OCEMA and 10 carriers violated the Shipping Act and orders respondents to cease and desist from unlawful practices.
Update	03/07/23		<u>Appeal</u>	OCEMA and 10 ocean carriers file appeal to reverse initial decision partially granting summary decision to IMCC.

Type	Date Posted	Title (As Published in the Federal Register)	Federal Register Page # (Vol. #)	Status
Decision	02/06/23		<u>Decision</u>	FMC serves initial decision partially granting summary decision to IMCC.
Notice of Filing of Complaint and Assignment	08/28/20		<u>53369(85)</u>	Intermodal Motor Carriers Conference files complaint with FMC against OCEMA and 10 ocean carriers seeking declaratory relief and order to cease and desist from violations of the Shipping Act, including denying motor carriers chassis choice and charging unreasonable rates.
Meeting	08/02/24	National Shipper Advisory Committee <i>Keywords: Shipping</i>	<u>63201(89)</u>	FMC announces next NSAC meeting on 08/19/24.
Final Rule	07/23/24	Definition of Unreasonable Refusal to Deal or Negotiate with Respect to Vessel Space Accommodations Provided by an Ocean Common Carrier [Docket No. 22-24] <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>59648(89)</u>	FMC issues final rule defining unreasonable refusal to deal or negotiate on vessel space accommodations made by an ocean common carrier, effective 09/23/24.
Supplemental notice of proposed rulemaking	06/14/23		<u>38789(88)</u>	FMC seeks comments on changes defining unreasonable refusal to deal or negotiate on vessel space accommodations made by an ocean common carrier.
Notice of Proposed Rulemaking	09/13/22		<u>57674(87)</u>	FMC seeks comments to define unreasonable refusal to deal or negotiate on vessel space accommodations made by an ocean common carrier.
Decision	07/05/24	TCW, Inc. vs. Evergreen Shipping Agency & Evergreen Line Joint Service Agreement <i>Keywords: Ports; Chassis</i>	<u>Decision</u>	U.S. Court of Appeals for the District of Columbia Circuit rules in favor of Evergreen on detention and per diem charges.
Update	06/24/21		<u>Brief</u>	Claimant TCW submits supplemental brief.
Update	05/26/21		<u>Brief</u>	Respondent Evergreen submits supplemental brief.
Order	04/26/21		<u>Order</u>	FMC issues order for supplemental briefing in case regarding equipment detention and per diem charges.

Type	Date Posted	Title (As Published in the Federal Register)	Federal Register Page # (Vol. #)	Status
Meeting	05/17/24	Sunshine Act Meeting <i>Keywords: Federal Maritime Commission</i>	<u>Update</u>	FMC announces public meeting on 05/29/24.
Request for Information	04/16/24	Initiative to Improve Ocean Cargo Velocity <i>Keywords: Federal Maritime Commission</i>	<u>26881(89)</u>	FMC requests comments on questions related to transparency, data accuracy, and cargo availability. Comments due 06/17/24.
Request for Information	08/16/23		<u>55697(88)</u>	FMC requests comments on questions related to maritime data accessibility and accuracy.
Report	04/21/23		<u>Update</u>	Commissioner Bentzel issues report with Maritime Transportation Data Initiative final recommendations.
Notice	11/15/21		<u>Notice</u>	FMC announces initiative to identify data constraints impeding the flow of ocean cargo and creating inefficiencies in the supply chain.
Meeting	01/12/24	FMC Announces Hearing on Shipping Conditions in the Red Sea <i>Keywords: Federal Maritime Commission; Supply Chains</i>	<u>Meeting</u>	FMC schedules informal hearing on 02/07/24 to examine how conditions in the Red Sea and Gulf of Aden are impacting commercial shipping and global supply chains.
Final Rule	01/02/24	Carrier Automated Tariffs 46 CFR Part 520 [Docket No. 21-03] RIN 3072-AC86 <i>Keywords: Shipping Act</i>	<u>25(89)</u>	FMC modifies its rules governing Carrier Automated Tariffs, effective 02/01/24.
Notice of Proposed Rulemaking	05/10/22		<u>27971(87)</u>	FMC proposes modifications to its rules governing Carrier Automated Tariffs.
Thirty-day notice; request for comments	11/09/23	[Docket No. FMC-2023-0013] Agency Information Collection Activities: 60-Day Public Comment Request <i>Keywords: Federal Maritime Commission</i>	<u>77320(88)</u>	FMC requests comments on the establishment of a web portal to collect complaints and investigation requests..
Sixty-day notice; request for comments	07/11/23		<u>44130(88)</u>	FMC requests comments on the establishment of a web portal to collect complaints and investigation requests.
Notice of Agreements Filed	08/30/23	South Atlantic Chassis Pool Agreement <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>59920(88)</u>	South Atlantic Chassis Pool proposes adding four new members to the agreement.

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notice of Agreements Filed	06/22/23		40824(88)	South Atlantic Chassis Pool proposes to extend initial agreement term from 7 to 10 years.
Notice of Agreements Filed	07/13/22		41718(87)	The Georgia Ports Authority, Jacksonville Port Authority, North Carolina State Ports Authority, CCM, and OCEMA file agreement to form South Atlantic Chassis Pool 3.0.
Notice of Availability	07/26/23	Addressing Supply Chain Bottlenecks: Practices of Ocean Carriers and Marine Terminal Operators on Empty Container Return, Early Return Date, and Container Pickup <i>Keywords: Ports</i>	Proposals	Commissioner Dye proposes reforms for container return, ERD, and container pickup practices at certain ports.
Notice of Request for Additional Information	07/05/23	World Shipping Council Agreement <i>Keywords: Federal Maritime Commission</i>	42941(88)	FMC requests additional information on amendment filed to World Shipping Council Agreement, preventing it from taking effect.
Notice of Agreements Filed	05/23/23		33146(88)	Amendment filed to World Shipping Council Agreement allowing members to set best practices for screening dangerous cargo.
Sixty-day notice; request for comments	05/24/23	[Docket No. FMC-2023-0012] Agency Information Collection Activities: 60-Day Public Comment Request <i>Keywords: Federal Maritime Commission</i>	33613(88)	FMC seeks comments on data collection on vessel-level tonnage and full and empty containers entering/leaving U.S. ports in international trade.
Update	10/03/22	Commission Contracts with National Academies for OSRA Mandated Chassis Study <i>Keywords: Federal Maritime Commission (FMC); Chassis</i>	Update	FMC announces contract with National Academies of Science to study chassis pools.
Report	03/30/22	Assessment of the People's Republic of China's Control of Container and Intermodal Chassis Manufacturing <i>Keywords: Chassis</i>	Report	Commissioner Bentzel issues findings from investigation into China's control of container and chassis manufacturing.