

Regulatory Status – 2023/24 Federal Regulations

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

October 18, 2024

Key Updates on IANA Policy Issues

- **NAS issues study and recommendations on chassis provisioning. ([More info](#)).**
- **FMC announces public meeting on 10/22/24. ([More info](#)).**
- **NRF requests review of PierPass Program at Ports of Long Beach and Los Angeles. ([More info](#)).**

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| Update | 10/16/24 | Commission Contracts with National Academies for OSRA Mandated Chassis Study <i>Keywords: Federal Maritime Commission (FMC); Chassis</i> | Report | NAS issues study and recommendations on chassis pools. |
| Update | 10/03/22 | | Update | FMC announces contract with National Academies of Science to study chassis pools. |
| Meeting | 10/15/24 | Sunshine Act Meeting <i>Keywords: Federal Maritime Commission</i> | 83014(89) | FMC announces public meeting on 10/22/24. |
| Meeting | 05/17/24 | | Update | FMC announces public meeting on 05/29/24. |
| Request for Review | 10/08/24 | Request for Oversight Review of PierPass Program <i>Keywords: Ports</i> | Letter | NRF requests review of PierPass Program at Ports of Long Beach and Los Angeles. |
| Denial of petition for rulemaking | 09/24/24 | Detention and Demurrage Practices <i>Keywords: Ports; Shipping Act</i> | 77787(89) | FMC denies OCEMA petition for extension of demurrage and detention rule effective date. |
| Petition | 06/10/24 | | 48865(89) | 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 | | 41895(89) | FMC announces demurrage and detention invoice requirements received OMB approval and will take effect on 05/28/24. |
| Final Rule; Correction | 05/09/24 | | 39569(89) | FMC issues correction to final rule clarifying which entities may be billed detention and demurrage charges. |

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| 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. |
| 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. |

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| 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. |
| 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. |

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| 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. |
| 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. |

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| 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. |
| Notice of Agreements Filed | 06/22/23 | | <u>40824(88)</u> | South Atlantic Chassis Pool proposes to extend initial agreement term from 7 to 10 years. |
| Notice of Agreements Filed | 07/13/22 | | <u>41718(87)</u> | 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> | <u>Proposals</u> | 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> | <u>42941(88)</u> | FMC requests additional information on amendment filed to World Shipping Council Agreement, preventing it from taking effect. |
| Notice of Agreements Filed | 05/23/23 | | <u>33146(88)</u> | 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 | <u>33613(88)</u> | FMC seeks comments on data collection on vessel-level tonnage and full and empty |

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| | | <i>Keywords: Federal Maritime Commission</i> | | containers entering/leaving U.S. ports in international trade. |
| Report | 03/30/22 | Assessment of the People's Republic of China's Control of Container and Intermodal Chassis Manufacturing <i>Keywords: Chassis</i> | <u>Report</u> | Commissioner Bentzel issues findings from investigation into China's control of container and chassis manufacturing. |