

Regulatory Status – 2021/22 Federal Regulations

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

November 23, 2022

Key Updates on IANA Policy Issues

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notice of Proposed Rulemaking	10/07/22	Fact Finding No. 29 International Ocean Transportation Supply Chain Engagement <i>Keywords: Ports; Shipping Act</i>	<u>62341(87)</u>	FMC seeks comments on proposed changes to detention and demurrage billing requirements. Comments due 12/13/22.
Update	06/08/22		<u>Update</u>	FMC implements three initiatives recommended in FF29 final report.
Final Report	05/31/22		<u>Update</u>	Commissioner Dye provides final report detailing the investigation’s findings and 12 additional recommendations.
Notice of Availability	03/09/22		<u>13292(87)</u>	FMC issues notice of three available policy statements addressing representative complaints, attorney fees, and retaliation.
Advanced Notice of Proposed Rulemaking	02/15/22		<u>8506 (87)</u>	FMC is seeking industry views on whether it should regulate the demurrage and detention billing practices of common carriers and marine terminal operators.
Policy Statements	12/28/21		<u>Statements</u>	FMC issues three pieces of guidance to shippers and others bringing private party complaints.
Update	08/04/21		<u>Notice</u>	FMC launches expedited inquiry into ocean carriers’ implementation of certain surcharges.
Final rule	04/23/21		<u>21651(86)</u>	FMC issues final rule to permanently allow the filing of original service contracts up to 30 days after their effective date. The final rule is effective 06/02/21.

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Update	03/31/20		<u>19146(85)</u>	FMC initiates Fact Finding No. 29 to address COVID-19 supply chain challenges and authorizes the formation of one or more Supply Chain Innovation Teams.
Update	10/03/22	Commission Contracts with National Academies for OSRA Mandated Chassis Study <i>Keywords: Federal Maritime Commission (FMC); Chassis</i>	<u>Update</u>	FMC announces contract with National Academies of Science to study chassis pools.
Meeting	09/16/22	Sunshine Act Meeting <i>Keywords: Federal Maritime Commission</i>	<u>56950(87)</u>	FMC announces meeting on 09/21/22 to discuss the maritime transportation data initiative and provide a staff briefing on the Ocean Shipping Reform Act.
Meeting	07/19/22		<u>43036(87)</u>	FMC announces NSAC meeting on 08/10/22 in Houston.
Meeting	07/18/22		<u>42725(87)</u>	FMC announces meeting on 07/27/22 to provide a staff briefing on the Ocean Shipping Reform Act.
Update	05/19/21		<u>Update</u>	FMC votes to establish a National Shipper Advisory Committee.
Notice of Proposed Rulemaking	09/13/22	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>57674(87)</u>	FMC seeks comments to define unreasonable refusal to deal or negotiate on vessel space accommodations made by an ocean common carrier.
Notice of Request for Additional Information	08/17/22	South Atlantic Chassis Pool Agreement <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>50624(87)</u>	FMC requests additional information about South Atlantic Chassis Pool 3.0, preventing the agreement from taking effect. Comments due 09/01/22.
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, an

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				interoperable chassis pool under a single provider model.
Request for Information	08/11/22	Request for Information OSRA 2022 - Section 18 <i>Keywords: Federal Maritime Commission, Ports</i>	<u>Notice</u>	FMC seeks comments on whether supply chain congestion caused an emergency in the ocean transportation supply system and, if so, whether an emergency order would alleviate the situation. Comments due 09/14/22.
Notice and Request for Comments	08/02/22	Agency Information Collection Activities: 60-Day Public Comment Request <i>Keywords: Federal Maritime Commission; Data</i>	<u>48182(87)</u>	FMC seeks comments on new data collection concerning containerized vessel imports and exports, comments due 10/07/22.
Settlement	06/08/22	HAPAG-LLOYD, A.G. AND HAPAG-LLOYD (AMERICA) LLC. POSSIBLE VIOLATIONS OF 46 U.S.C. § 41102(C) [Docket 21-09] <i>Keywords: Federal Maritime Commission; Shipping Act</i>	<u>Update</u>	FMC approves settlement agreement requiring Hapag-Lloyd to pay a \$2 million civil penalty.
Meeting	05/25/22	Initiative to Improve Ocean Cargo Velocity <i>Keywords: Federal Maritime Commission</i>	<u>Notice</u>	FMC hosts Maritime Transportation Data Initiative Summit to review draft 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.
Notice of Proposed Rulemaking	05/10/22	Carrier Automated Tariffs 46 CFR Part 520 [Docket No. 21-03] RIN 3072-AC86 <i>Keywords: Shipping Act</i>	<u>27971(87)</u>	FMC proposes modifications to its rules governing Carrier Automated Tariffs.
Update	05/05/22	New Monitoring Requirements Give FMC More Insight into Alliance Carrier Operations <i>Keywords: Federal Maritime Commission</i>	<u>Update</u>	FMC requires three global ocean carrier alliances to provide enhanced pricing and capacity information.

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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.
Notice	03/21/22	Petition of the Coalition for Fair Port Practices for Rulemaking [Petition No. P4-16] <i>Keywords: Ports; Shipping Act</i>	<u>Notice</u>	FMC VOCC Audit Team expands scope to analyze how ocean carriers are serving U.S. exporters.
Notice	10/15/21		<u>Notice</u>	FMC VOCC Audit Team encourages ocean carriers to adopt three common best practices related to detention and demurrage.
Notice	07/20/21		<u>Notice</u>	FMC establishes Ocean Carrier Audit Program.
Final Rule	05/18/20		<u>29638(85)</u>	FMC finalizes interpretive rule providing guidance on how the reasonableness of demurrage and detention practices are assessed.
Final Report	12/07/18		<u>Final Report</u>	FMC publishes final report on its fact finding mission relating to detention, demurrage, and free time charges.
Update	12/13/21	FEDERAL MARITIME COMMISSION [Docket No. 21-11] OJ Commerce, LLC, Complainant v. Hamburg Südamerikanische Dampfschiffahrts-Gesellschaft A/S & Co KG and Hamburg Sud North America, Inc., Respondents	<u>Complaint</u>	OJ Commerce files complaint against Hamburg Germany and Hamburg NA alleging violation of the Shipping Act.
Update	12/07/21	IMCC Complaint for Violation of the Shipping Act of 1984, 46 U.S.C. § 41102(C) <i>Keywords: Shipping Act; Chassis; Trucks</i>	<u>Order</u>	FMC issues fourth amended scheduling order.
Update	07/28/21		<u>Update</u>	FMC extends deadline for issuance of an initial decision from 08/24/21 to 02/24/22 and extends deadline for final decision from 03/10/22 to 09/12/22.

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Update	02/18/21		<u>Update</u>	OCEMA and 10 ocean carriers file replies to IMCC's complaint.
Order Denying Motion to Dismiss	11/18/20		<u>Order</u>	FMC administrative law judge denies respondents' motion to dismiss, directs respondents to submit formal reply to IMCC's complaint by 12/08/20.
Update	9/18/20		<u>Update</u>	OCEMA and 10 ocean carriers file motion with FMC to dismiss IMCC complaint alleging ongoing violations of the Shipping Act.
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.
Update	06/24/21	TCW, Inc. vs. Evergreen Shipping Agency & Evergreen Line Joint Service Agreement <i>Keywords: Ports; Chassis</i>	<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.