

**Regulatory Status – 2021/22 Federal Regulations**

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

October 22, 2021

**Key Updates on IANA Policy Issues**

- **FMC VOCC Audit Team encourages ocean carriers to adopt three common best practices related to detention and demurrage. ([More info.](#))**

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notice	10/15/21	Petition of the Coalition for Fair Port Practices for Rulemaking [Petition No. P4-16] <i>Keywords: Ports; Shipping Act</i>	<a href="#">Notice</a>	FMC VOCC Audit Team encourages ocean carriers to adopt three common best practices related to detention and demurrage.
Notice	07/20/21		<a href="#">Notice</a>	FMC establishes Ocean Carrier Audit Program.
Final Rule	05/18/20		<a href="#">29638(85)</a>	FMC finalizes interpretive rule providing guidance on how the reasonableness of demurrage and detention practices are assessed.
Update	03/16/20		<a href="#">Letter</a>	A coalition of 67 trade associations calls on FMC to implement interpretive rule on the reasonableness of demurrage and detention practices as a result of COVID-19 concerns.
Notice of proposed rulemaking	09/13/19		<a href="#">48850(84)</a>	FMC proposes interpretative rule providing guidance on how the reasonableness of demurrage and detention practices are assessed.
Final Recommendations	09/06/19		<a href="#">Announcement</a>	FMC adopts recommendations to address issues relating to detention, demurrage, and free time charges—including a proposal to publish an interpretive rule.

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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.
Petition for Rulemaking	12/07/16		<u>Petition</u>	The Coalition for Fair Port Practices submits a petition for rulemaking to the FMC for the purpose of preventing marine terminals and container lines from charging demurrage and detention fees when port conditions prevent timely pick up of cargo or return of equipment.
Meeting	10/13/21	Sunshine Act Meeting <i>Keywords: Federal Maritime Commission</i>	<u>56949(86)</u>	FMC announces first meeting of the National Shipper Advisory Committee on 10/27/21.
Meeting	10/08/21		<u>56268(86)</u>	FMC announces public meeting on 10/13/21 to provide a National Shipper Advisory Committee update.
Update	09/09/21		<u>Update</u>	FMC announces members of the National Shipper Advisory Committee.
Update	06/07/21		<u>Update</u>	FMC announces it is seeking applications for the National Shipper Advisory Committee. Applications due 06/30/21.
Update	05/19/21		<u>Update</u>	FMC votes to establish a National Shipper Advisory Committee.
Notice	05/11/21		<u>Notice</u>	FMC announces public meeting on 05/19/21 to consider implementation of the National Shipper Advisory Committee and Federal Advisory Committee Act and to hold a staff briefing on options to update and publish FMC organizational information and delegations of authority.

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Update	09/27/21	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 grants IMCC's motion to compel discovery and denies its request for sanctions.
Update	09/23/21		<u>Order</u>	FMC issues third amended scheduling order.
Update	09/16/21		<u>Update</u>	IMCC files response to Respondents' motion for amendment of scheduling order.
Update	09/15/21		<u>Update</u>	Respondents MSC, ZIM, COSCO, and Wan Hai submit joint request for extension of time to complete document production.
Update	09/15/21		<u>Update</u>	Respondents MSC, ZIM, COSCO, and Wan Hai submit filing in opposition to IMCC's motion to compel and file corresponding cross motion to amend discovery schedule.
Update	09/08/21		<u>Update</u>	Respondents MSC, ZIM, COSCO, and Wan Hai filed a response to IMCC's motion to compel.
Update	09/07/21		<u>Update</u>	IMCC files motion to compel discovery and request for sanctions.
Update	08/31/21		<u>Order</u>	CMA produces requested documents, IMCC motion to compel discovery is therefore dismissed as moot.
Update	08/20/21		<u>Update</u>	IMCC files motion to compel discovery from respondent CMA.
Update	08/16/21		<u>Order</u>	FMC issues 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	06/09/21		<u>Order</u>	FMC issues order entering stipulation and second amended order of confidentiality.
Update	06/09/21		<u>Update</u>	FMC accepts amended schedule as proposed.
Update	06/03/21		<u>Update</u>	Parties file joint request for entry of a Second Amended Order of Confidentiality.
Update	06/01/21		<u>Order</u>	FMC rules IMCC's motion to compel discovery is granted in part and denied in part.
Update	05/24/21		<u>Motion</u>	IMCC files motion for leave to reply to IEPs' counterstatements.
Update	05/21/21		<u>Update</u>	IEPs submit opposition and counterstatements to motion to compel discovery.
Update	05/14/21		<u>Update</u>	IMCC files motion to compel discovery to require IEPs provide certain documents.
Update	03/16/21		<u>Update</u>	FMC issues order extending deadline for scope of discovery disputes to 4/16/21.
Update	03/01/21		<u>Update</u>	FMC issues scheduling order agreed upon by the parties.
Update	02/18/21		<u>Update</u>	OCEMA and 10 ocean carriers file replies to IMCC's complaint.
Order Denying Motion for Leave to File Interlocutory Appeal	01/29/21		<u>Order</u>	FMC administrative law judge denies respondents' motion for leave to file interlocutory appeal, directs respondents to submit reply to IMCC's complaint by 02/18/21.

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Memorandum of Law and Reply to Respondent' Motion	12/18/20		<u>Update</u>	IMCC files memorandum of law and reply to respondents' motion for leave and appeal of order denying motion to dismiss.
Order Granting Extension	12/07/20		<u>Order</u>	FMC administrative law judge grants OCEMA and 10 ocean carriers extended time to file an answer to IMCC's claims.
Memorandum of Law in Support of Respondents' Motion for Leave to Appeal	12/07/20		<u>Update</u>	In response to FMC's rejection to dismiss IMCC's case, OCEMA and 10 ocean carriers motioned for leave to appeal portions of the order pertaining to subject matter jurisdiction and failure to join necessary parties
Update	12/03/20		<u>Update</u>	OCEMA and 10 ocean carriers request deadline extension of 12/22/20 to submit formal reply to IMCC's complaint, pending interlocutory appeal.
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	10/13/20		<u>Update</u>	OCEMA and 10 ocean carriers file response to IMCC opposition brief.
Update	10/05/20		<u>Update</u>	IMCC files opposition brief in response to motion to dismiss its complaint against OCEMA and 10 ocean carriers.
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.

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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	08/04/21	Fact Finding No. 29 International Ocean Transportation Supply Chain Engagement <i>Keywords: Ports; Shipping Act</i>	<u>Notice</u>	FMC launches expedited inquiry into ocean carriers' implementation of certain surcharges.
Update	07/28/21		<u>Recommendations</u>	Commissioner Dye provides interim recommendations in FF29 investigation.
Update	07/21/21		<u>Notice</u>	FMC announces meeting on 07/28/21 to discuss interim recommendations of FF29 investigation.
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.
Update	03/08/21		<u>Letter</u>	House Transportation and Infrastructure Committee leaders send letter to FMC Commissioner requesting information about ocean carriers' compliance with the Shipping Act.
Update	02/17/21		<u>Order</u>	FMC issues information demand orders to ocean carriers and MTOs requesting information on detention and demurrage practices.
Notice of proposed rulemaking	01/19/21		<u>5106(86)</u>	FMC seeks to permanently permit the filing of original service contracts up to 30 days after their effective date. Comments due 03/04/21.

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Update	12/17/20		<u>Update</u>	Commissioner Dye advises shippers and truckers may submit allegations of detention and demurrage regulation violations to FMC's Bureau of Enforcement.
Update	12/15/20		<u>Letter</u>	Commissioners Bentzel and Maffei send letter to World Shipping Council addressing reported violations of common carrier obligations regarding export services.
Supplemental Order	11/19/20		<u>Order</u>	FMC expands Fact Finding 29 authority to investigate ocean carrier alliances calling on the Ports of Long Beach, Los Angeles, and New York/New Jersey to determine if they employ practices related to detention and demurrage, container return, and container availability in violation of the Shipping Act.
Order Granting Extension of Exemption	10/07/20		<u>63274(85)</u>	FMC extends relief from service contract requirements, now effective until 06/01/21.
Update	08/04/20		<u>Update</u>	Fact Finding 29 Phase Two issues recommendations to the Port Authority of New York & New Jersey. FF29 now proceeds to Phase Three of investigation at the Port of New Orleans.
Update	07/16/20		<u>Update</u>	Fact Finding 29 enters Phase Two of its regional investigation into COVID-19 disruptions, focusing on the Port Authority of New York & New Jersey.
Update	06/17/20		<u>Update</u>	Fact Finding 29 team addresses operational disruptions at San Pedro Bay ports, announcing the investigation will continue through regional stakeholder engagement.

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Update	05/14/20		<u>Update</u>	Fact Finding 29 team identifies additional methods to improve cargo movement and prioritize containers with essential supplies related to COVID-19.
Update	04/27/20		<u>Update</u>	Based on initial Fact Finding 29 stakeholder recommendations, FMC grants relief from certain service contract requirements allowing parties to file up to 30 days after contract's start date, effective 04/27/20 until 12/31/20
Update	04/06/20		<u>Update</u>	FMC announces Supply Chain Innovation Teams will begin Fact Finding No. 29 investigation to identify relief measures for freight delivery systems.
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.
Notice of agreements filed	07/14/21	Agreement Between the City of Los Angeles, the City of Long Beach, Portcheck, LLC, and Marine Terminal Operators <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>37156(86)</u>	FMC issued a notice of agreements filed between the city of Los Angeles, the city of Long Beach, PortCheck LLC, and marine terminal operators.
Update	07/08/21	South Atlantic Chassis Pool Agreement <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>Letter of Intent</u>	The Ports of Savannah, Jacksonville, and Wilmington and OCEMA sign letter of intent to remain in the South Atlantic Chassis Pool through 2028.
Notice of Agreements Filed	01/17/20		<u>3045(85)</u>	The Georgia Ports Authority, South Carolina Ports Authority, and OCEMA file amendment adding Jacksonville Port Authority and North Carolina State Ports Authority as parties in the South Atlantic Chassis Pool and modifying Article 7 voting procedures, effective 02/24/20, pending FMC approval.



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Notice of Agreements Filed	11/08/06		<u>66528(71)</u>	The Georgia Ports Authority, South Carolina State Ports Authority, and OCEMA file an agreement with FMC to create an interoperable chassis pool.
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	06/02/21		<u>Briefs</u>	Several stakeholders file briefs in support of Respondents.
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. Respondents' briefs due 05/26/21 and Claimant's briefs due 06/25/21.
Notice of agreements filed	06/08/21	Port of Los Angeles Data Delivery Agreement <i>Keywords: Ports</i>	<u>30461(86)</u>	FMC issues notice of agreement filed between the City of Los Angeles, PierPass, and tenants of the Port of Los Angeles.
Advance notice of proposed rulemaking	04/08/21	Carrier Automated Tariffs 46 CFR Part 520 [Docket No. 21-03] RIN 3072-AC86 <i>Keywords: Shipping Act</i>	<u>18240(86)</u>	FMC issues advanced notice of proposed rulemaking to assess the reasonableness and public accessibility of common carrier tariffs. Comments are due 06/07/21.
Order	11/25/20	Global Alliances' Information Monitoring Report Requirements <i>Keywords: Ports; Shipping Act</i>	<u>Order</u>	FMC requires carrier alliances 2M, THE, and OCEAN to submit data reports (currently filed quarterly) on a monthly basis.
Update	11/16/20	World Shipping Council Agreement <i>Keywords: Ports; Shipping Act</i>	<u>Update</u>	FMC votes to allow World Shipping Council Agreement to take effect.
Notice of Agreements Filed	10/0720		<u>63274(85)</u>	FMC announces filing of World Shipping Council Agreement allowing parties to coordinate on competition or antitrust laws, cargo and supply chain fluidity, and intermodal transportation services. Effective 11/15/20, if approved by FMC.

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Notice and request for comments	11/06/20	[Docket No. 18-11] Licensing, Financial Responsibility Requirements, and General Duties for Ocean Transportation Intermediaries <i>Keywords: Federal Maritime Commission (FMC)</i>	<u><a href="#">71075(85)</a></u>	FMC proposes changes to its information collection for OTI licensing, financial responsibility requirements, and general duties. Comments due 12/07/20.
Notice and request for comments	07/14/20		<u><a href="#">42400(85)</a></u>	FMC proposes revisions to its information collection for OTI licensing, financial responsibility requirements, and general duties. Comments due 09/14/20.
Final Rule	11/15/19		<u><a href="#">62464(84)</a></u>	FMC issues final rule amending regulations governing the licensing, financial responsibility requirements, and general duties for OTIs. The final rule is effective 12/16/19.
Notice of proposed rulemaking	12/17/18		<u><a href="#">64502(83)</a></u>	FMC proposes administrative changes to rules governing the licensing, financial responsibility requirements, and general duties for Ocean Transportation Intermediaries (OTIs).
Notice of Agreements Filed	11/04/20	Foundation Carrier Agreement <i>Keywords: Ports; Shipping Act</i>	<u><a href="#">70150(85)</a></u>	FMC announces filing of Foundation Carrier Agreement. Effective 12/13/20, if approved by FMC.
Notice of Inquiry	10/14/20	Vessel-Operating Common Carrier Definition and Application of the Term "Merchant" in Bills of Lading <i>Keywords: Ports; Shipping Act</i>	<u><a href="#">65042(85)</a></u>	FMC seeks comments on VOCC billing practices related to third parties. Comments due 11/06/20.
Final Rule	06/25/20	[Petition No. P3-18] Petition of the World Shipping Council for an Exemption From Certain Provisions of the Shipping Act of 1984, as Amended, and for a Rulemaking Proceeding; Notice of Filing and Request for Comments <i>Keywords: Federal Maritime Commission (FMC)</i>	<u><a href="#">38086(85)</a></u>	FMC issues final rule amending its Service Contract regulations to eliminate requirement that ocean carriers publish essential terms for each service contract, effective 06/25/20.
Notice of proposed rulemaking	02/14/20		<u><a href="#">8527(85)</a></u>	FMC proposes amendments to Service Contract regulations implementing the essential terms publication exemption granted in WSC's petition. Comments due 04/14/2020.

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Order	12/20/19		<u>Order</u>	FMC issued an order in accordance with its 9/26/19 vote on WSC's petition. A proposed rule will be made available for comment in 2020.
Update	09/26/19		<u>Announcement</u>	FMC approves WSC petition in part, exempting ocean carriers from publishing essential terms of service contracts. It denied the petition's request seeking exemption from service contract filing requirements.
Order	05/19/20	Waiver of Certain Filing Requirements Due to Covid19; Order [Docket No. 20-07] <i>Keywords: Ports; Shipping Act</i>	<u>29945(85)</u>	FMC waives paper filing and service by mail requirements for submission of documents, signatures, or complaints.
Update	05/01/20	Commissioners Bentzel and Sola Urge Congressional Leaders to Address Port Terminal Needs During COVID-19 Crisis <i>Keywords; Ports; Shipping Act</i>	<u>Update</u>	FMC Commissioners write letter requesting Congress address operational issues and revenue shortfalls impacting the maritime industry.
Final Rule	04/27/20	Procedures for Exemption From Service Contract Regulatory Requirements <i>Keywords; Ports; Shipping Act</i>	<u>23227(85)</u>	FMC revises its regulatory procedures to grant exemption from service contract requirements without providing notice or opportunity for hearing, effective 04/27/20.
Final rule	02/20/20	[Docket No.19-06] Regulatory Amendments Implementing the Frank LoBiondo Coast Guard Authorization Act of 2018 <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>9676(85)</u>	FMC publishes final rule adopting regulatory revisions based on the Frank LoBiondo Coast Guard Authorization Act of 2018. The final rule is effective 02/20/20.
Notice of proposed rulemaking	10/09/19		<u>54087(84)</u>	FMC proposes regulatory revisions to implement the Frank LoBiondo Coast Guard Authorization Act of 2018. Comments due 11/08/19.
Final Rule	01/31/20	[Docket No. 19-04] Hearing Procedures Governing the Denial, Revocation, or Suspension of an OTI License <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>5579(85)</u>	FMC issues final rule amending hearing procedures for OTI license denial, revocation, and suspension. The final rule is effective 03/02/20.

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Notice of proposed rulemaking	09/03/19		<a href="#">45934(84)</a>	FMC seeks comments on proposed changes to hearing procedures for OTI license denial, revocation, and suspension.
Final rule	01/13/20	Inflation Adjustment of Civil Monetary Penalties <i>Keywords: Federal Maritime Commission (FMC)</i>	<a href="#">1760(85)</a>	FMC issues final rule adjusting its civil monetary penalties to account for inflation. The final rule is effective 01/15/20.
Notice	01/10/20	Sunshine Act Meeting <i>Keywords: Federal Maritime Commission (FMC)</i>	<a href="#">1313(85)</a>	FMC announces a public meeting to discuss OTI licensing procedures and regulatory changes to implement the Frank LoBiondo Coast Guard Authorization Act of 2018. The meeting will take place on 01/15/20.
Final notice of submission for OMB review	01/09/20	Agency Information Collection Activities: Submission for OMB Review; Comment Request <i>Keywords: Federal Maritime Commission (FMC)</i>	<a href="#">1156(85)</a>	FMC requests OMB approval to continue its current collection requirements for ocean carrier and MTO agreements subject to the Shipping Act of 1984.
Notice and request for comments	05/31/19		<a href="#">25275(84)</a>	FMC seeks comments on the reinstatement of information collection for filed agreements between ocean carriers and MTOs. Comments due 07/31/19.
Final notice of submission for OMB review	09/24/19	Agency Information Collection Activities: 60-Day Public Comment Request <i>Keywords: Federal Maritime Commission (FMC)</i>	<a href="#">50036(84)</a>	FMC submits proposed changes to OTI licensing requirements information collection for OMB approval.
Notice and request for comments	02/06/19		<a href="#">2225(84)</a>	FMC seeks an extension of its ability to collect information to aid them in determining the qualifications of OTI license applicants.
Notice	01/12/18	FMC Establishes Regulatory Reform Task Force <i>Keywords: Federal Maritime Commission (FMC); Shipping Act</i>	<a href="#">Notice</a>	FMC releases the Regulatory Reform Task Force's "Plan for Regulatory Reform of Existing FMC Rules."
Update	12/07/17	International Ocean Transportation Supply Chain Engagement <i>Keywords: Federal Maritime Commission (FMC), Ports</i>	<a href="#">Report</a>	FMC releases final report on the Supply Chain Innovation Teams.