



December 12, 2022

The Honorable Daniel Maffei  
Chairman  
Federal Maritime Commission  
800 North Capitol Street, NW  
Washington, DC 20573

**RE: Docket No. FMC-2022-0066, Demurrage and Detention Billing Requirements Notice of Proposed Rulemaking (NPRM), RIN 3072-AC90**

Dear Chairman Maffei:

The International Housewares Association (IHA) appreciates the opportunity for comments to the FMC's NPRM on Demurrage and Detention Billing Requirements. IHA supported the Ocean Shipping Reform Act of 2022 (OSRA) and is pleased the FMC's website lists steps to implement the law. A very important step is this proposed rule to bring clarity, structure, and punctuality to the demurrage and detention billing practices of vessel operating common carriers (VOCCs), non-vessel-operating common carriers (NVOCCs), and marine terminal operators (MTOs).

IHA is the 84-year old voice of the housewares industry and currently represents about 1,300 member companies of which 900 are U.S.-based manufacturers/marketers of household goods. The not-for-profit, full-service association sponsors the world's premier exposition of products for the home, The Inspired Home Show, IHA's Global Home + Housewares Market (TheInspiredHomeShow.com), which is held annually and can draw 50,000 attendees.

Most IHA member companies are small businesses of which many are importers of goods manufactured overseas, particularly in China. Thus, IHA offers its members shipping assistance and is attuned to ocean freight and logistics issues such as container costs impacting importers and the retail community.

Container costs drove IHA's support for OSRA because it reforms demurrage and detention by placing greater emphasis on carrier due diligence (more responsibility on the front end) before submitting invoices. Though definitions of demurrage and detention seem clear (fees charged when full containers are under the control of the carrier and haven't been picked up, and fees charged when the shipper or its designee is still using containers beyond the last free day), systemic problems resulting in unreasonable charges have existed for years. The pandemic exacerbated these problems leading to OSRA, which is essentially a "Shippers Bill of Rights," and this FMC rulemaking is crucial to restoring a balance between shippers and carriers.

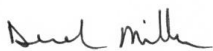
IHA supports the direction and specifics of this proposed rule. As explained by the FMC, if this rule is adopted, VOCCs, NVOCCs, and MTOs will all be required to issue bills for demurrage or detention only to parties that they have contractual relationships with; be clear regarding the nature of the charges; and issue invoices within 30 days after the charges stop accruing; and provide 30 days to dispute the charges with clear information about how the charges should be disputed. The FMC is proposing four actions in this NPRM, all of which are positive reforms:

1. Adopting the list of minimum information that common carriers must include in demurrage or detention invoices as mandated in OSRA.
2. Adding to the list additional information that must be included (this would include more detailed identifying, timing, rate, and dispute resolution information).
3. Further defining prohibited practices by clarifying which parties may be billed for demurrage or detention charges.
4. Establishing billing practices that billing parties must follow when invoicing for demurrage or detention charges.

IHA also agrees with the proposal that a properly issued invoice should only be issued to the person that has contracted with the billing party for the carriage of goods or space to store cargo and the billed party should be responsible for payment of any incurred demurrage or detention charge. Per the FMC's interest "in receiving comments on whether it would be appropriate to include the consignee named on the bill of lading as another party who may receive a demurrage or detention notice," IHA believes this is a good idea, ensuring that only the person with the most knowledge about the shipment and who is in the best position to understand and dispute the charge receives a demurrage or detention notice.

We appreciate your consideration of IHA's comments on this important proposed rule for shippers. If you have questions or require additional information, please contact Sean Daly, Vice President, Member & Buyer Relations, at [sdaly@housewares.org](mailto:sdaly@housewares.org) or 847-692-0126.

Sincerely,



Derek Miller  
President & CEO