

Regulatory Status — 2022/23 Federal Regulations

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

December 1, 2023

Key Updates on IANA Policy Issues

Type	Date Posted	Title (As Published in the Federal Register)	Federal Register Page # (Vol. #)	Status
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. Comments due 12/11/23.
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. Comments due 09/11/23.
Meeting	11/01/23	Sunshine Act Meeting <i>Keywords: Federal Maritime Commission</i>	<u>74995(88)</u>	FMC announces next NSAC meeting on 11/03/23.
Meeting	09/15/23	Sunshine Act Meetings <i>Keywords: Federal Maritime Commission (FMC)</i>	<u>63574(88)</u>	FMC announces next Commission meeting on 09/21/23.
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 Request for Additional Information	08/17/22		<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 OCMA file agreement to form South Atlantic Chassis Pool 3.0, an interoperable chassis pool under a single provider model.

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Notice of Extension of Time	08/17/23	IMCC Complaint for Violation of the Shipping Act of 1984, 46 U.S.C. § 41102(C) <i>Keywords: Shipping Act; Chassis; Trucks</i>	<u>Extension</u>	FMC extends deadline for final decision on proceeding involving IMCC, OCEMA, and 10 ocean carriers to 03/13/24.
Update	04/05/23		<u>Reply</u>	IMCC files reply to OCEMA and ocean carriers' appeal.
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.
Update	12/07/21		<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.
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

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				order to cease and desist from violations of the Shipping Act, including denying motor carriers chassis choice and charging unreasonable rates.
Request for Information	08/16/23	Initiative to Improve Ocean Cargo Velocity <i>Keywords: Federal Maritime Commission</i>	55697(88)	FMC requests comments on questions related to maritime data accessibility and accuracy. Comments due by 10/16/23.
Report	04/21/23		Update	Commissioner Bentzel issues report with Maritime Transportation Data Initiative final recommendations.
Meeting	05/25/22		Notice	FMC hosts Maritime Transportation Data Initiative Summit to review draft recommendations.
Notice	11/15/21		Notice	FMC announces initiative to identify data constraints impeding the flow of ocean cargo and creating inefficiencies in the supply chain.
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. Comments due 09/15/23.
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. Comments due 07/20/23.
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. Proposed effective date on 07/01/23.
Supplemental notice of proposed rulemaking	06/14/23	Definition of Unreasonable Refusal to Deal or Negotiate with Respect to Vessel Space Accommodations Provided by an Ocean Common Carrier [Docket No. 22-24]	38789(88)	FMC seeks comments on changes defining unreasonable refusal to deal or negotiate on vessel space accommodations made by an ocean common carrier, due 07/31/23.

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Notice of Proposed Rulemaking	09/13/22	<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.
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>	<u>33613(88)</u>	FMC seeks comments on data collection on vessel-level tonnage and full and empty containers entering/leaving U.S. ports in international trade, due 07/24/23.
Update	03/23/23	Fact Finding No. 29 International Ocean Transportation Supply Chain Engagement <i>Keywords: Ports; Shipping Act</i>	<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.
Update	12/15/22		<u>Update</u>	FMC directs top 20 shipping lines to submit information on their compliance with OSRA retaliation prohibitions.
Update	12/01/22		<u>Update</u>	FMC issues interim procedures for processing charge complaints.
Notice of Proposed Rulemaking	10/07/22		<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.

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Notice of Availability	03/09/22		13292(87)	FMC issues notice of three available policy statements addressing representative complaints, attorney fees, and retaliation.
Advanced Notice of Proposed Rulemaking	02/15/22		8506 (87)	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		Statements	FMC issues three pieces of guidance to shippers and others bringing private party complaints.
Update	08/04/21		Notice	FMC launches expedited inquiry into ocean carriers' implementation of certain surcharges.
Final rule	04/23/21		21651(86)	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	03/31/20		19146(85)	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.
30-Day Public Comment Request	12/09/22	Agency Information Collection Activities: 60-Day Public Comment Request <i>Keywords: Federal Maritime Commission; Data</i>	75629(87)	FMC announces 30-day comment period on new data collection. Comments due 01/09/23.
Notice and Request for Comments	08/02/2		48182(87)	FMC seeks comments on new data collection concerning containerized vessel imports and exports, comments due 10/07/22.
Update	12/08/22	Statement by Commissioners Bentzel and Vekich on Amending Statutes Governing Review of VOCC and MTO Agreements <i>Keywords: Federal Maritime Commission</i>	Letter	FMC Commissioners Bentzel and Vekich send letters to Members of Congress requesting authority to prohibit filed

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				agreements from automatically taking effect.
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.
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.
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.
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.
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

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Notice	07/20/21		<u>Notice</u>	practices related to detention and demurrage.
Final Rule	05/18/20		<u>29638(85)</u>	FMC establishes Ocean Carrier Audit Program.
Final Report	12/07/18		<u>Final Report</u>	FMC finalizes interpretive rule providing guidance on how the reasonableness of demurrage and detention practices are assessed.
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>	FMC publishes final report on its fact finding mission relating to detention, demurrage, and free time charges.
Update	06/24/21	TCW, Inc. vs. Evergreen Shipping Agency & Evergreen Line Joint Service Agreement <i>Keywords: Ports; Chassis</i>	<u>Brief</u>	OJ Commerce files complaint against Hamburg Germany and Hamburg NA alleging violation of the Shipping Act.
Update	05/26/21		<u>Brief</u>	Claimant TCW submits supplemental brief.
Order	04/26/21		<u>Order</u>	Respondent Evergreen submits supplemental brief.
				FMC issues order for supplemental briefing in case regarding equipment detention and per diem charges.