

August 1, 2022

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

Dear Chairman Maffei:

On behalf of the National Retail Federation, I want to thank the Federal Maritime Commission for its ongoing work to quickly implement the Ocean Shipping Reform Act (OSRA) of 2022. We continue to believe this law will help to address some of the longstanding supply chain and port disruption issues that are continuing today.

While most of the attention has been on the situation impacting our West Coast ports, we are equally as concerned about the ongoing congestion issues that are impacting the East Coast and Gulf ports as well. In particular, the ongoing challenge of returning empty containers to terminals at the Port of New York and New Jersey has resulted in a bit of a crisis situation, especially as import volumes are expected to continue to rise through the peak shipping season.

We are writing in support of the recent letter that you receive from the Association of Bi-State Motor Carriers which not only highlights the ongoing challenge faced by drayage providers to return empty containers and chassis, but also discusses the challenge for the cargo owners who continue to be subject to excessive demurrage fees for issues beyond their control. This is one of the exact reasons why it was so important for the passage and quick implementation of OSRA.

We call upon the FMC to work with the port authority and key stakeholders to address the ongoing challenge of empty container returns. This includes an evaluation of the application of detention and demurrage charges. In addition to addressing container returns, the FMC should work with the carriers to seek commitments on the evacuation of empty containers, including using extra feeder vessels if needed.

NRF members want and need to get their containers and merchandise as quickly as possible as they gear up for the busy holiday season. They continue to face challenges with retrieving their containers in a timely manner because of the empty container return issues. Unfortunately, the challenge with the empty returns has a trickle-down effect impacting fluid port operations as the empty containers not only take up space on the terminal, but also are taking up space on chassis when they are not able to be returned. This then affects the ability to pull loaded containers because of a shortage of available chassis.

We encourage the FMC to work with the port authority and all of the key stakeholders (carriers, terminals, drayage providers and cargo owners) to help address the ongoing situation at

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the port. We know there have been ongoing discussions, but more needs to be done to help address the ongoing challenges.

We thank you for your attention to this important issue. NRF and its members stand ready to work with the FMC, the port authority and other stakeholders to help address the situation. If you have any questions, please contact NRF Vice President for Supply Chain and Customs Policy Jonathan Gold at [goldj@nrf.com](mailto:goldj@nrf.com).

Sincerely,

A handwritten signature in black ink, appearing to read "David French". The signature is stylized with a large, sweeping initial "D" and a cursive "F".

David French  
Senior Vice President  
Government Relations

cc: Secretary of Transportation Pete Buttigieg  
FMC Commissioner Rebecca Dye  
FMC Commissioner Carl Bentzel  
FMC Commissioner Luis Sola  
FMC Commissioner Max Vekich  
Port and Supply Chain Envoy Retired General Stephen Lyons  
Port Authority of New York and New Jersey Director Bethann Rooney