



FEDERAL MARITIME COMMISSION

November 2, 2022

Ms. Joni Casey
President & CEO
Intermodal Association of North America (IANA)

Dear Ms. Casey,

As the Federal Maritime Commission works to implement the Ocean Shipping Reform Act of 2022 (OSRA-22) and the industry adjusts to a new generation of ocean shipping policy, we wanted to raise an issue that I believe to be timely to the maritime and intermodal shipping industry and IANA's membership. IANA plays a vital role in providing a cross-section forum for intermodal shipping policies, and serves as custodian to the implementation of the Uniform Intermodal Interchange & Facilities Access Agreement (UIIA). I believe it is vital to avoid legal conflict that the implementation of OSRA-22 should also coincide with the updating of the UIIA.

As you know, the UIIA was crafted decades ago, under the original purview of the Department of Transportation, to standardize policies related to the exchange of intermodal shipping. The pandemic and ensuing shipping congestion has prompted Congress to review our Shipping Act policies, and to update them. To avoid the potential that OSRA 22 requirements do not conflict with and cost needless litigation, I believe it is prudent that compliance issues be considered upfront. There are probably other areas where a review of the UIIA would also improve the fair and efficient method to interchange intermodal equipment, but I suggest beginning with the following issues. Specifically at a minimum, I recommend that you consider amendments to the UIIA to:

- Amend that the language in the UIIA concerning billing requirements be modified to match the language in OSRA regarding the same subject.
- Amend that the UIIA should be modified to include the language contained in the forthcoming Detention and Demurrage Rule.

- Amend that the UIIA be amended to reflect any changes to reflect who might be liable for payment of detention and demurrage fees.

While I recognize these issues are still a moving target, I believe that active consideration of potential alterations to the UIIA has merit. I welcome the opportunity to have further discussion with you and IANA's Executive Committee on these issues.

I look forward to speaking with you soon.

Sincerely,

Carl W. Bentzel
Commissioner
Federal Maritime Commission