July 5, 2017

Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol Street, NW
Washington, DC 20573

Re: World Shipping Council Comments in Docket No. 17-04

Dear Ms. Dickon:

On behalf of the World Shipping Council, please accept these comments in response to the Commission’s Notice of Inquiry in Docket No. 17-04, “Regulatory Reform Initiative” (the “NOI”), which the Commission published in conjunction with Executive Order 13777, “Enforcing the Regulatory Reform Agenda.”

The Council welcomes the Commission’s invitation for comments on ways to make the Commission’s regulations less burdensome and more effective in achieving the Shipping Act’s objective to “establish a nondiscriminatory regulatory process for the common carriage of goods by water in the foreign commerce of the United States with a minimum of government intervention and regulatory costs. . . .” 46 U.S.C. § 40101(1). The Council supports the NOI’s goal of identifying existing Commission regulations “that are outdated, unnecessary, ineffective, eliminate jobs or inhibit job creation, impose costs that exceed benefits, or otherwise interfere with regulatory reform initiatives and policies.”

The Council appreciates the Commission’s willingness to consider changes to the Commission’s regulations in order to revise or remove regulations that have outlived their usefulness or that have been overtaken by changes in the marketplace. As the Commission notes in the NOI, the Commission has either recently taken action to amend some of its regulations (such as those applicable to service contract amendment filing) or has opened rulemakings through which amendments are being considered (such as Docket 16-04, dealing with ocean common carrier and marine terminal operator agreements). The Council supports the Commission’s recently completed action to simplify service contract amendment filings. The Council also encourages the Commission to maintain its focus on efficient regulation that complements commercial practices as the Commission completes its open rulemakings.
Depending upon the particular relief that may be sought, changes to the Commission's regulations will require initiation of a rulemaking, or conducting an exemption proceeding under 46 U.S.C. § 40103, or both. Both types of proceeding require facts and legal and policy reasons in support of the requested regulatory change. In the case of exemptions, the Shipping Act requires the opportunity for a hearing, including an opportunity for participation by "departments and agencies of the United States Government."

Given the applicable requirements for the filing of a meritorious petition for rulemaking or exemption, as well as the need for a careful analysis of which regulatory changes may be most appropriate, the Council will confer with its members and other affected parties before making specific proposals for regulatory changes. When the industry has developed such suggestions, we will make a request, accompanied by the required factual, legal, and policy support. In the interim, the Council welcomes any ideas for regulatory streamlining that the Commission may propose based on the Commission's regulatory needs and objectives and its analysis of the best way to meet those needs while reducing burdens on regulated parties.

Thank you for the opportunity to file these comments.

Sincerely,

[Signature]

John W. Butler
President and CEO