

October 16, 2023

Mr. William Cody
Secretary
Federal Maritime Commission
800 North Capitol Street, N.W
Washington, D.C. 20573

RE: Request for Comments on Maritime Data Transmission, Accessibility and Accuracy (Docket No. FMC-2023-0016)

Dear Secretary Cody,

The National Retail Federation is submitting these comments on behalf of our members in response to the Federal Maritime Commission's (FMC) (USTR) [request for public comments](#) on questions related to maritime data transmission, accessibility and accuracy. The notice indicates that the information received in response to this request will supplement information gathered during the public meetings of the Maritime Transportation Data Initiative (MTDI) and better inform the Commission about commercial activities.

The National Retail Federation has represented retail for over a century. Every day, we passionately stand up for the people, policies and ideas that help retail succeed. As the nation's largest private-sector employer, retail contributes \$3.9 trillion to the annual GDP. No other industry comes close. Wherever the industry goes, the nation follows — so we're committed to helping retail go further.

NRF applauds the FMC and Commissioners for continuing to seek a pathway to address ongoing supply chain challenges. A lack of reliable, accessible and timely data among supply chain stakeholders has been a significant challenge for years, even prior to the pandemic. Those issues were only further highlighted by the challenge that retailers and other supply chain stakeholders witnessed during the pandemic with the ability to quickly move their containers through the supply chain. Everyone knows about the historic congestion that our ports faced as both empty and loaded containers either sat at the port or at other facilities. The absence of reliable and timely information regarding vessel arrival, container availability, appointment availability, equipment availability and other key data further exacerbated the supply chain challenges witnessed over the past couple of years.

We are encouraged that the MTDI effort, as well as other efforts including the Department of Transportation's Freight Logistics Optimization Works program and the ASTM's Committee F49 on Digital Information in the Supply Chain, will work in concert to address some of these data issues. Data standardization is key as it provides the opportunities to share the information among supply chain stakeholders to allow for better planning among all parties. We believe the FMC should utilize the current data standardization efforts and make sure the data requirements under MTDI are mandatory and ensure everyone is using proper data definitions

and format. We need to make sure everyone is speaking the same language when it comes to data. Our members believe a mandatory requirement for definition and format will be the best way to achieve the enhancements and visibility that MTDI is seeking, and shippers are looking for, in their supply chains.

Our responses to the specific questions in the request for public comments are below. Our comments are specific to the request for information from importers.

1. What are the data points during the shipping process that are least likely to be available/accurate? What are the most accurate and visible data points?

NRF members provided a number of responses to this question. Many noted that it depends on the carrier and terminal operator. It can also depend on what systems are being used and timing for when data is actually available. A sampling of responses from members is below.

Retailer 1 –

Least likely to be available/accurate.

- Accurate estimated time of arrival (ETA) of the vessel
- Reliability on the published transit times
 - Inaccurate proforma transit times
 - Carriers within the same alliance may have a different transit time, estimated time of departure (ETD) and ETA to port of destination (POD) for the same vessel. This occurred often during the height of the pandemic and has improved as schedule reliability improved, but it can still occur.
- Container discharge and availability
 - Availability (especially in ports where vessels take multiple days to unload) is often misinterpreted.
- Inland rail events tend to be less accurate than ocean/terminal events. Inconsistent terminology across carriers is part of the issue.
- Terminal destination
- Vessel ETDs – still seeing last-minute changes to vessel schedules.

Most accurate and visible data points

- Vessel name, voyage number and container data
- Vessel sailing date
- Customs clearance
- Container pick-up at terminal by trucker. This applies to those BCOs with systems to capture the feeds from their drayage provider.
- Container empty return

Retailer 2 – Data surrounding expected container availability, container arrived at port, container at terminal pickup confirmation, terminal data on container departure and terminal data appointment availability are all the least likely to be accurate or easily available. Container available for pickup is the most accurate.

Retailer 3 – Least Accurate and Available: Arrival to transshipment point, departure from transshipment point, carrier release. EDI accuracy and completeness of these are ~75%. **Most Accurate and Available:** Origin departure, arrival at discharge port, discharge from vessel. Overall EDI accuracy and completeness of these data points are 94%.

Retailer 4 – Least available: Empty returned, street turn clock data, left transshipment. **Most available:** Vessel arrived (although this can be misleading when a vessel is waiting at sea for berthing) and vessel departed.

Retailer 5 – Least accurate data points in our feeds involve ocean containers moving through transship points. We get an arrival notification at the transship arrival port/country, but many times the carriers do not transmit correct mother vessel, changes and departure when containers leave the transship port. Often the mother vessel we booked/scheduled to depart the transship point is not the mother vessel they put the container on. Frequently carriers hold containers beyond commitment and put them on another sailing altogether, then fail to transmit the new vessel and string. **Most accurate** are departure dates. Port ETAs transmitted are modestly accurate until container gets closer to port. Rail milestones are reasonably accurate once containers are moving inland.

Retailer 6 –

Data Points Least Likely to be Available/Accurate

- Arrived at trans-shipment port
- Unloaded from vessel at trans-shipment port
- Loaded on vessel at trans-shipment port
- Departed trans-shipment port
- Unloaded from vessel at port of destination
- Container released at port of destination

Most Accurate and Visible Data Points

- Loaded on vessel at port of loading
- Departed port of loading
- Arrived at port of destination

2. What data points are the most important to have accurate and in advance to facilitate planning of service? How often do you receive them accurately and in advance? How are changes communicated to you?

NRF members provided a range of data points that are most important to have in a timely manner in order to plan service. Most of the data points surround key container events. Vessel departure, vessel arrival, container availability, available appointments, empty return were some of the key data points provided by members. Below are some additional thoughts provided by members.

Retailer 1 – The data points identified by the National Shipper Advisory Committee Data &

Visibility Subcommittee are the most important. The recommendation seeks consistency and alignment of data between Ocean Carriers and MTOs, especially as pertains to milestones on the pickup and return of containers both loaded and empty.

The key import data elements are:

- Container pickup available date
- Container last free port demurrage date
- Container last free equipment detention date
- Empty container return yard location options

Retailer 2 – Data surrounding expected container availability and terminal appointment availability would help with planning. Expected availability is not often provided. Terminal appointment availability reporting doesn't appear to be available for BCOs. When there are changes, our providers leverage web scrapes, API, email and sometimes even calling people they know at terminals to access the data.

Retailer 3 – ETA to port of discharge – we receive updates regularly from carriers however the quality of those ETAs varies. It is often the case that as arrival to the discharge port becomes nearer, the ports in question have a more reliable ETA, forcing us to monitor multiple data sources to determine ETA. Changes are typically communicated via EDI.

Retailer 4 – Most of our container volume is moving from origin countries that require a transship point. The data accuracy at the time of booking request is not great. We book a service and carrier provides ETAs, service and planned vessel name, but a fair percentage of the time they change the routing after departure and fail to communicate the changes. Containers sit idle at transship ports longer than they are supposed to, and carriers don't communicate that. We've had to subscribe to a third-party service that is connected to key global ports to track the container movement and activity in the ports to determine what the carriers are doing with the containers.

Retailer 5 – All major milestones during a containers journey are important to capture. We have KPIs with each provider that are bucketed in many ways. Lack of visibility to any milestone can create inaccuracies in reporting.

Changes to ETA are generally transmitted via EDI but the timeliness is not always consistent. Berthing delays are generally not communicated. It should be noted that if the berthing delay is a few hours, that is not a major concern. However, during the pandemic this was a significant issue. The responsibility rests with the ocean carrier and not the terminal. The ocean carrier is the provider to the BCO, not the terminal operator. Changes that are communicated can be through EDI, APIs, email or through the system portal provided by the 3PL serving the BCO.

Some alliances and carriers advise of blank sailings in a timely manner and others with late notifications. We have experienced scenarios where the blank sailing was decided after bookings were confirmed against the vessel causing the confirmed bookings to be replanned to a different vessel and ETD.

Retailer 6 –

- The most important data points to have in advance to facilitate planning of services are accurate departure dates from port of loading and arrival dates at port of destination.
- We receive milestone updates via EDI 315, 43.26% of departure dates align with what was published in advance, 3.48% of arrival dates align with what was published in advance.
- On average we receive actual departure from port of loading for 93.54% of shipments within 30.6 hours after departure.
- On average we receive actual arrival at port of destination for 94.46% of shipments within 15.8 hours of arrival.

Retailer 7 – Many other smaller and medium-sized importers receive their tracking information through a third-party consolidator/forwarder. Additional data such as when an appointment was made by a trucker for a container pickup was made and when/if it was accepted by the terminal is important. The same would hold true if an ocean carrier tries to deliver a container to a terminal and they will not take empties back or if there was an advance notification of the terminal's inability to accept empties.

3. What is the best way for you to receive data from carriers/MTOs/etc. (e.g., EDI, API, email)?

Most members indicated that the best way for them to receive data would be via EDI or API.

4. How do you currently receive data from carriers/MTOs/etc. (e.g., EDI, API, email)?

NRF members again indicated that they receive data through a variety of methods, mostly EDI and API.

One member noted, “Seems like they are ever-evolving to use a combination of third-party sources, carrier, terminal and dray providers to piece together and cross-check data to get the most accurate view of ‘where’s my stuff and when is it going to be where.’ Feeds are a combination of EDI and APIs, but also supplement with email communication to over-ride with ‘the best info.’”

5. What share of containers do you believe to be available but when you attempt to pick them up, they are not available? What is the cost impact of these delays?

NRF members indicated that during “normal” operating conditions, this does not appear to be a major issue. The issues during the pandemic were very different because of congestion at every step along the supply chain. Some members did indicate this appears to be more of an issue at rail ramps. Members did note that if there is a situation when a container is not available, it is typically due to terminal congestion or lost/buried/closed area for a container. This also happens when there are no appointments available for the container. The cost is empty runs and potential lost sales.

6. What share of containers could you have picked up earlier if you had been notified that

they were available earlier? What is the cost impact of these delays?

NRF members noted that this data is not readily available. One member said that the more relevant question should be related to predictability of being able to plan to pick up containers. This also relates to the prior question. If a retailer knows their containers will discharge on Monday, they can start picking them up on Monday. However, if they don't find out until Monday that they discharge, they can't pick them up until Tuesday. Several members responded that the largest delays are caused by the inability to make timely appointments once freight is deemed available.

As far as the cost impact of a delay is concerned, it depends on how long the delay is. One member noted that the impact of a one-day delay could be negligible. However, if a delay lasts multiple days, the financial impacts could include increased inventory carrying costs, potential late delivery to a customer, potentially missing a published sales event and reduced free time which could lead to demurrage charges.

Conclusion

We appreciate the opportunity to provide comments on the request for information. The availability of timely, accurate and standardized container information is critical for all partners to ensure the free flow of goods as quickly as possible through the supply chain. We look forward to continuing to work with the Commission on this important initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Gold". The signature is fluid and cursive, with a large initial "J" and "G".

Jonathan Gold
Vice President, Supply Chain and Customs Policy