



OSRA Fact Sheet



The Ocean Shipper Reform Act (OSRA) became law on June 16, 2022. The International Fresh Produce Association supported the legislation to address challenges facing importers and exporters of fresh produce through improvements to current law and the development of new regulations. The Federal Maritime Commission (FMC) recently released a [notice](#) to stakeholders regarding the changes to the law and implementation of the OSRA, including the following:

OCEAN CARRIER REQUIREMENTS

Ocean Carriers are prohibited from:

- “Unreasonably” refusing cargo when space is available
- Assessing fees that do not comply with applicable regulations
- Giving unreasonable preference to any commodity group or shipment

DEMURRAGE AND DETENTION FEES

Changes to Current Law

The law makes ocean carriers financially responsible for refunds and penalties in cases in which a non-vessel operating carrier provides a shipper with an invoice from the ocean carrier and the commission finds that the non-vessel operating carrier is not responsible for the charge.

The law requires carrier invoices to include accurate detailed information on a container’s availability date, port of discharge, free time, rates, and contact information. Shippers are not obligated to pay fees if an invoice is inaccurate.

The law requires the FMC to investigate complaints regarding charges assessed by carriers and to publish results of investigations and requires carriers to bear the burden of proving the reasonableness of any charges.

The law requires the FMC to disclose findings of false invoices by common carriers and penalties imposed or assessed against carriers for violations of ocean shipping regulations.

Regulatory Requirements

The FMC must issue regulations that:

- define prohibited practices related to demurrage and detention fee assessments for carriers, marine terminal operators, shippers, and ocean transportation intermediaries
- define “unfair or unjustly discriminatory methods” and “unreasonable refusal” to negotiate vessel space (for exports generally or a specific importer or exporter)

Through the rulemaking process, the FMC may choose to impose penalties or require refunds if it finds that a carrier’s invoice includes false or inaccurate information.

OTHER KEY PROVISIONS

Shipping Emergencies: The FMC is required to issue a request for information within 60 days of enactment to determine if an emergency order could be used to reduce congestion and maintain the reliability of the international ocean transportation supply system.

Chassis Pools: The FMC is required to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to develop best practices for on-terminal or near-terminal chassis pools that provide service to marine terminal operators, motor carriers, and other stakeholders with the objective of optimizing supply chain efficiency.