

October 29, 2021

PSW Emergency Fee FAQ

Dear Valued Customer,

As a follow up to the advisory sent on Oct 27th found [here](#), and as it pertains to the new government mandated PSW Emergency fee, this update will serve to provide you with the most frequently asked questions for the matter at hand. It must be noted that we are still actively working with both regulators and the port of Los Angeles and Long Beach alike to gain a full understanding of all the issues at hand and as more information becomes available, trust we will do our utmost to keep you informed.

1. When will the fee come into effect?

The program will go into effect on the 1st of November, but penalties will not be assessed until effective the **15th of November**. This two-week grace period has been given to allow shippers with the appropriate time to clear the docks. Should material progress be made, it is at the discretion of the Port Executive Director to extend that effective fee assessment date even further.

2. Does it affect containers already on terminal (retroactive charges) or just containers discharging Nov 1 or later?

To the best of our knowledge, charges will be applied retroactively for all containers on terminal effective Nov 15th.

3. How will the fee be assessed?

The fee will be assessed on all containers dwelling for 9 days or more on truck moves or for 6 days or more for rail bound containers. The 9th day and 6th day respectively will be the first charge day.

4. What is the fee structure?

The fee will be \$100 for day 1, \$200 for day 2, \$300 for day 3 and so on.

5. Will it be applied on calendar or working days?

The surcharge will be applied based on calendar days, inclusive of Saturdays, Sundays, and holidays.

6. How will the rail delays be handled?

We are still working with the terminals to have this clarified but to the best of our knowledge, the fee will still be applied.

7. Will the charge be applied to containers where the rail providers are metering the flow of freight out due to congestion at inland rail points?

We are still working with the terminals to have this clarified but to the best of our knowledge, yes it will be applied.

8. Will there be a maximum cap on the fee, or will the charge continue for the duration the container is on terminal/rail?

There is no maximum cap on the fee that will be applied.

9. Will containers held for Customs Exam be exempt?

No, we expect all containers to be subject to the fee irrespective of release status.

10. Will the new surcharge be applicable for SD moves where Maersk controls the move (MPT)?

Even for MPTs, the fee will be applicable if the delay was caused by a line or customs hold, or when the cargo is subject to an exam or any government inspection.

11. Will the charge apply to me if I have a no-new-fee clause in my service contract?

The no-new-fee surcharge clause does not apply to government impelled charges.

12. Will Maersk have to file this new surcharge in our tariff and give 30-day notice per FMC regulations?

Maersk will publish the new surcharge in its tariff. Although we will continue to work with customers to evacuate their long-dwell cargo, customers should be prepared for this surcharge to be applied on the same timeline as the Ports have announced.

13. Who will bill the new surcharge and how will it be collected?

We expect the Port Authorities to bill Maersk and for the charge to either be billed directly to customers or for the terminal operator to collect the same on our behalf prior to the release of cargo.

14. What if I am unable to pick up my container due to a lack of chassis, will the emergency surcharge be waived?

We are unfortunately unable to waive a government-mandated fee due to lack of chassis. For CY and SD (CPT) moves, the trucker nominated by the customer is responsible to secure chassis.

15. Who is responsible for the fee if the container is not available by the terminal?

We are actively working with the terminals to clarify.

16. If an appointment pickup time is not available, how is this fee fairly assessed (on a per-day basis) and handled?

We are actively working with the terminals to clarify.

17. For holidays scheduling, will the fee window be adjusted?

We are actively working with the terminals to clarify.

18. What solutions can we offer to our customers?

We are working on a number of solutions in the LA/LB area and can put the customer in contact with Hudd to discuss potential drayage and long-term storage solutions.