

LEGAL UPDATES

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## FMC Sets New Compliance Benchmark with \$22 Million Enforcement Action

On January 6, 2026, the Federal Maritime Commission (FMC) issued a precedential order against a major global container-shipping and logistics provider levying over \$22 million in civil penalties and offering key compliance guidance under the Shipping Act for ocean carriers and shippers.

The FMC's order clarified that under 46 U.S.C. § 41102(c), repeated billing errors—even if unintentional—constitute unlawful “practices,” significantly expanding the scope of conduct subject to enforcement. Unintentional mistakes may now also constitute unreasonable practices. The order also underscored the importance of tariff accuracy under 46 U.S.C. § 40501, holding that each day a tariff remains inaccurate, incomplete, or ambiguous can be treated as a separate violation, resulting in substantial cumulative penalties.

Importantly, the order reaffirmed the FMC's “knowing and willful” standard, emphasizing that only conduct demonstrating clear intent, reckless disregard, or plain indifference to legal obligations will meet this threshold. Mere mistakes or ambiguous circumstances do not suffice, preserving a high bar for such findings.

### What this means to you

This FMC order is now the leading authority on Shipping Act compliance for demurrage and detention invoices and tariff publication. Ocean carriers, NVOCCs, and MTOs should regularly audit and update public tariffs to keep rates and rules clear as well as implement strong controls to promptly detect and fix billing or publication errors. All parties must respond to the container-shipping and logistics providers inquiries quickly and address

compliance gaps proactively to avoid major penalties, reputational damage, or cease-and-desist orders that could disrupt operations.

## **Contact us**

If you have questions about the implications of the order mentioned or need assistance with Shipping Act compliance, please contact Julie Maurer, Benjamin Nashed, Serena Tang, or your Husch Blackwell attorney.