# TRANSDIGEST

## Transportation & Logistics Council, Inc.

**George Carl Pezold,** Executive Director
**Diane Smid,** Executive Secretary
**Raymond A. Selvaggio**, General Counsel
**Stephen W. Beyer**, Editor

**VOLUME XXV, ISSUE NO. 263, JANUARY 2020**

## Register Now for TLC's 46th Annual Conference!

- **New Rules for Transporting Lithium Batteries**
- **International Postal Rates**
- **Employee Classification Update**
- **FMCSA to Study Large Truck Crashes**
- **Parcel Rate Increases**
- **IMO2020 Implementation**
- **New CCSB Docket**
- **More Q & As**

***NEW! IN A SOFT COVER EDITION!***

***FREIGHT CLAIMS IN PLAIN ENGLISH (4TH ED.)***

**Published by the TRANSPORTATION & LOGISTICS COUNCIL, INC.**
**120 Main Street ● Huntington, NY 11743-8001 ● Phone (631) 549-8984 ● Fax (631) 549-8962**
**Website: www.TLCouncil.org ● email: tlc@transportlaw.com**

## Table of Contents



# ASSOCIATION NEWS

## REGISTER NOW FOR TLC'S 46TH ANNUAL CONFERENCE

The Transportation & Logistics Council will hold its 46th Annual Conference at the DoubleTree by Hilton at SeaWorld, 10100 International Drive, Orlando, Florida on April 27-29, 2020. Other organizations have conventions and trade shows, but whether you are a seasoned professional or a newcomer, there is no other program that exclusively dedicates itself to providing educational opportunities to the people that actually "make the wheels go round".

And, for those that want an in-depth educational experience, before the Conference on Sunday, April 26th, the Council also offers three optional full-day seminars - Contracting for Transportation & Logistics Services, Freight Claims in Plain English, and Transportation, Logistics and the Law, all presented by leading transportation attorneys.

Registration for the Conference and full-day seminars is now open, see registration form attached. The Council has also made arrangements with the DoubleTree for a block of rooms, available to registrants on a first come, first serve basis.

For Conference attendees, hotel rates are $149.00 and rooms will be held until 4/3/20 or until we have exhausted the block of rooms held for our event.

To make reservations, visit https://doubletree.hilton.com/en/dt/groups/personalized/M/MCOSRDT-TLC-20200420/index.jhtml?WT.mc_id=POG.

The group name for registration is "Transportation & Logistics Council, Inc." with a group code of "TLC". Check-in dates and rates for the Conference begin April 20, 2020 and run to May 4, 2020. For more information at the hotel, call 321-946-0651.

**What to Do: Orlando Attractions**

Orlando, the "Theme Park Capital of the World", is home to a number of world class theme parks and numerous other attractions suitable for all ages and interests. The major theme parks include Walt Disney World Resort, Universal Orlando Resort, SeaWorld Orlando, and LEGOLAND Florida Resort.

Visit https://www.visitorlando.com/en for more information and details of what is available in the area.

## SUPPORT THE CONFERENCE

In addition to the benefits of great educational sessions and networking opportunities, we thought that you might want to get your company's services and/or products out to others in the industry. There are 3 ways you can do this:

**Be a Sponsor:**

Among the traditional amenities of the Transportation & Logistics Council's Annual Conferences are the Hospitality Suites on Sunday and Monday night of the Conference. Complimentary hors d'oeuvres and cocktails help create a welcoming atmosphere for attendees, an opportunity to meet both old and new friends, and to network with other transportation professionals.

These Hospitality Suites are funded entirely by contributions from our sponsors, and we would like to ask you make a contribution. We have three sponsorship levels:

- Bronze $300
- Silver $500
- Gold $1000

Your company name will be prominently displayed at the entrance to the Hospitality Suite area, and will be published in the conference program, the TransDigest and on the website. See Sponsorship form attached.

**Be an Exhibitor:**

Each year we invite companies that may be interested in exhibiting their products and services to our attendees. This is an excellent opportunity for companies to show off their products and services to a select group of attendees representing shippers, carriers, intermediaries and related transportation service providers. See Exhibitor information attached.

**Donate Door Prizes:**

A door prize can be anything with your company logo on it or something that represents your company. Door Prizes can be sent directly to the hotel. Please have them arrive on or shortly before April 24th, 2020. Examples: company products, pens, mugs, T-Shirts, keychains, etc.

**Name of person to receive the package c/o**
**Transportation & Logistics Council, Inc.**
10100 International Dr.
Orlando, FL 32821
HOLD FOR ARRIVAL: 04/24/2020
407-370-8608 Phone
407-352-6451 Fax
STORE6403@THEUPSSTORE.COM

Please call Diane or Katie in the office if you are sending an item so you can be properly acknowledged or if you have any questions: 631-549-8984 or email at diane@transportlaw.com.

## NEW MEMBERS

### Regular Members

**Jerrod Slaughter**
Keen Footwear
515 NW 13th Ave
Portland, OR 97209
Jerrod.slaughter@keenfootwear.com

**Peter Sassano**
Spencer Gifts
10627 Nations Ford Road
Charlotte, NC 28273
peter.sassano@spencergifts.com

**Beth Schwartz**
BTX Global Logistics
12 Commerce Drive
Shelton, CT 06484
bschwartz@btxglobal.com

**Evelyn Smith**
Dell Technologies Inc.
1038 Wake Dr.
Westerville, OH 43082
evelyn.smith@dell.com

**Clifford Williams**
The Raymond Corporation
22 South Canal St
Greene, NY 13778
Clifford.williams@raymondcorp.com

**Howard J. Greene**
Atlantic Logistics LLC
3003 Claire Lane, Suite 303
Jacksonville, FL 32223
johnnie@shipatlantic.com

# AIR

## IATA RELEASES 2020 TRANSPORTATION OF LITHIUM BATTERY GUIDANCE

Lithium batteries are the backbone of the portable electronic and electrically powered world, providing the energy for everything from hearing aids, watches, and cell phones to portable power tools and electric vehicles. Until there is some significant breakthrough in battery technology, lithium batteries currently provide the best solution for portable power due to their favorable weight and power density.

Unfortunately, these batteries have also proven to represent a real and significant danger if something goes wrong, particularly in a confined environment such as an aircraft. Due to this concern, the International Air Transport Association ("IATA") has developed guidance for shippers, freight forwarders, ground handlers, airlines and passengers on how to comply with the transportation regulations. Parties need to pay attention to these regulations as violations can result in severe penalties.

On Monday, January 20th, the IATA released their updated 2020 guidance on the transportation of lithium batteries. This guidance document is based on the provisions set out in the 2019-2020 Edition of the *ICAO [*International Civil Aviation Organization*] Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Technical Instructions) and the 61st Edition of the *IATA Dangerous Goods Regulations* ("DGR").

The purpose of the document is to provide guidance for complying with provisions applicable to the transport by air of lithium batteries as set out in the DGR. Specifically, the document provides information on:

- Definitions;
- Classification (including classification flowcharts);
- Prohibitions;
- Restrictions;
- Frequently Asked Questions;
- Additional Information; and
- Abbreviations, Acronyms, Symbols.

Visit https://www.iata.org/contentassets/05e6d8742b0047259bf3a700bc9d42b9/lithium-battery-guidance-document-2020.pdf to view the document.

Visit https://www.iata.org/en/programs/cargo/dgr/lithium-batteries/ to view the IATA website for more information about lithium batteries.

# INTERNATIONAL

## WASTE TRADE

A brief follow-up of prior discussions of the international waste trade. Since China banned the import of most plastics in 2017 exporters shifted the trade to other countries. The problem is that these other countries cannot handle the volume of waste, don't want it and are rejecting it.

It was recently reported that Malaysia is returning 42 shipping containers of illegally imported plastic waste to the UK. The Southeast Asian country has seen a sharp rise in foreign plastic waste and said a total of a total of 3,737 metric tonnes of unwanted waste had been sent back to 13 countries, including 43 containers to France, 42 to the UK, 17 to the United States, and 11 to Canada.

The authorities hope to send back another 110 containers by the middle of 2020 - with 60 of those going to the US. Other countries across Southeast Asia, such as Indonesia and the Philippines, have also returned unwanted trash.

The problem is that while ostensibly being exported for recycling, the materials are not recyclable, and/or the recipient countries don't have the capability of recycling them. The result is the material is just dumped, exacerbating these countries' own waste problems.

## UNIVERSAL POSTAL UNION

Postal services extend beyond national borders. A sender pays their local postal service to send a letter or package to another country. How do the revenues get shared and how does the delivering service get paid? Thus the beginning of the Universal Postal Union ("UPU"), established by the Treaty of Bern in 1874. It is the second oldest international organization worldwide, with 192 members, and is now a specialized agency of the United Nations.

In answer to the above question, the system used to determine how to share revenues is the Terminal Dues ("TD") structure. Under the global TD system, the designated operator that sends a letter or post item to another country remunerates the destination postal service for processing and delivering that item.

Those amounts are established by the UPU, and are updated every four years by the UPU. The UPU takes into consideration the fact that not all countries are at the same stage of development: there are significant variations in their mail volumes; postal tariffs and cost absorption. The aim of the TD system is thus to progressively incorporate the developing and least developed countries into a target system that already applies to industrialized countries.

Needless to say, things have changed in the last 146 years, specifically the advent of e-commerce and the economic development of countries, especially China, which although the second largest economy in the world was still treated as a "developing" country by the UPU.

The imbalance that developed resulted in the TD reimbursement system not fully reflecting the actual domestic processing and delivery costs in the receiving country. Packages originating in China weighing less than 4.4 pounds were cheaper to ship to the U.S. than packages of the same weight traveling within the U.S.

The situation got so out of balance that the U.S. considered leaving the UPU. As a result, the UPU held its third-ever extraordinary congress and voted to adopt a compromise plan, deemed "Option V", that would eventually allow all members the chance to self-declare their terminal dues, or effectively, the rates that foreign postal services will charge for service when mail or a parcel crosses their borders. The U.S. can do so immediately and must submit self-declared rates for validation by March 1, 2020, and those rates will be published by April 1, 2020, then go into effect July 1, 2020. Other countries, if they so choose, will be allowed to self-declare rates beginning January 2021.

With the passage of Option V, the United States will remain within the UPU and retain a leadership role in the global postal system.

The UPU website is at http://www.upu.int/en.html and for a history of the UPU visit http://www.upu.int/en/the-upu/history/about-history.html.

## CORONAVIRUS

It is still way too early to know what the ultimate outcome will be of the recent outbreak of the coronavirus, but it has already impacted stock markets, trade and travel around the world. The following link provides an up to the minute interactive map of cases around the world.

https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6

# MOTOR

## DRIVER CLASSIFICATION: GROUNDHOG DAY

In this ongoing battle, we seem to be reliving the same day over and over again, ala the movie 'Groundhog Day". At some point maybe we will get it right.

Continuing our coverage of the driver classification issue (which is part of a broader "gig" worker classification movement), we can report that New Jersey Senate Bill 4204 ("SB 4204") was not signed into law (it never made it to New Jersey governor Murphy's desk) and California's Assembly Bill 5 ("AB 5") has been halted in its tracks with regard to trucking.

As a result of legal challenges, the January 1, 2020 scheduled implementation of AB 5 in California is on hold. The California Trucking Association ("CTA") challenged AB 5 in the Southern District of California and on December 31, 2019 the judge issued a temporary restraining order ("TRO") blocking its enforcement

on motor carriers and owner-operators. On January 13, 2020 that TRO was indefinitely extended when the court issued a preliminary injunction against AB 5.

The U.S. District Court Judge Roger Benitez in the Southern District of California ruled that AB 5 is preempted by existing federal statutes, namely the 1994 Federal Aviation Administration Authorization Act ("FAAAA"). From the decision:

> Within the FAAAA, Congress included an express preemption provision, which provides that states "may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier . . . with respect to the transportation of property." 49 U.S.C. § 14501(c)(1). The preemption provision is a broad one. "The phrase 'related to' embraces state laws 'having a connection with or reference to' carrier 'rates, routes, or services,' whether directly or indirectly."

The court noted that while there are limitations on FAAAA preemption (states retain the ability to execute their police power with laws that do not significantly impact rates, routes, or services), here however:

> there is little question that the State of California has encroached on Congress' territory by eliminating motor carriers' choice to use independent contractor drivers, a choice at the very heart of interstate trucking. In so doing, California disregards Congress' intent to deregulate interstate trucking, instead adopting a law that produces the patchwork of state regulations Congress sought to prevent.

Visit https://millerpublicaffairsgroup.createsend1.com/t/i-l-xpirut-l-y/ to view Judge Benitez's decision.

In a separate action involving AB 5, *People of the State of California v. California Cartage*, Superior Court Judge William F. Highberger ruled for California Cartage, saying truck drivers cannot be bound by the standards codified in AB 5 because the state legislation is preempted by the same federal law, the FAAAA.

Judge Highberger's decision is available online at https://www.scribd.com/document/442308683/AB-5-Ruling-William-Highberger#from_embed.

In New Jersey SB 4204 (which codified a modified A B C classification test – see TRANSDIGEST #262) failed to make it to the governor's desk. The governor did, however, sign a package of other bills into law aimed to protect the rights of self-employed workers like truckers and freelance writers in New Jersey, and require the companies that hire them pay their share of payroll taxes.

The new laws will penalize employers in the state intentionally misclassifying employees (A5839), require employers to post notices describing misclassification (A5843) and allow stop-work orders to be issued against employers violating state wage, benefit or tax law (A5838).

Murphy also signed a law (S4228) that permits the sharing of tax information between the state Department of Treasury with Labor and Workforce Development, and another (A5840) that holds labor contractors and employers in the state equally liable for evading tax laws.

These laws passed supposedly address some of the problems associated with businesses misclassifying workers as detailed in a July "*Report of Gov. Murphy's Task Force on Employee Misclassification*", available online at https://www.nj.gov/labor/assets/PDFs/Misclassification%20Report%202019.pdf.

It is important to remember that governmental support for this type of legislation is not so much for the benefit of the workers as a governmental concern over revenue. States view worker classification issues as crucial to revenue collection because companies that deal with independent contractors do not have to pay certain state taxes or contribute to workers compensation funds.

Additionally, organized labor supports this legislation. Employee drivers would be eligible for workers' benefits such as insurance and retirement benefits. Also, unions by law can organize employees, but not independent contractors. The Teamsters have been attempting to organize owner-operator drivers for more than a decade in California and New Jersey.

While all this is going on, people are nothing if not resourceful and will attempt to figure a way around something they do not agree with. In California truckers have been looking at a brokerage model. The trucking companies, especially drayage companies that contract with dozens of owner-operator drivers, believe that presenting themselves as a middleman to multiple clients and owner-operator drivers will help show they are not employing the owner-operators. Federal statutes expressly define a property broker as someone who brokers a load to a licensed motor carrier, and the act of brokering is not an employer-employee relationship.

Ride share company Uber Technologies, Inc., one of the targets of AB 5, has sought to get around the law by tweaking its app in California, making changes for passengers that include a shift from showing upfront pricing on trips to showing an estimated price range, the ability to schedule rides with favorite drivers and adjustments to a rewards program. For drivers, the revamp includes an end to flat surge pricing and the ability to quickly see how much they will make on each ride. Critically, drivers won't get punished for rejecting trips they don't want to make.

It is expected that these decisions in California will be appealed and the sponsor of SB 4204 in New Jersey has indicated that he will reintroduce the bill and try to get it passed again in the new Legislative session. Driver classification will continue to be a contentious issue and we don't yet know what tomorrow will bring. We just keep reliving it over and over.

## FMCSA STUDIES CAUSES OF LARGE TRUCK CRASHES

On January 15, 2020 the Federal Motor Carrier Safety Administration ("FMCSA") published a "Notice: Request for information" ("NRI") regarding a large truck crash causal factors study.

According to the summary:

> FMCSA seeks information on how best to design and conduct a study to identify factors contributing to all FMCSA reportable large truck crashes (towaway, injury and fatal). Methodologically, the Agency seeks information on how best to balance sample representativeness, comprehensive data sources, ranges of crash types, and cost efficiency. The methodology should also address the use of on-board electronic systems which can generate information about speeding, lane departure, and hard braking. The study should be designed to yield information that will help FMCSA and the truck safety community to identify activities and other measures likely to lead to significant reductions in the frequency, severity, and crash rate involving commercial motor vehicles. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented. This RFI supports a two-part process to gather information for the development of a Large Truck Crash Causal Factors Study (LTCCFS) and to promote transparency and innovation by enabling the public, academics, experts, and industry to comment on how best to conduct this study. This study will help improve FMCSA and its State partners' ability to:
>
> 1. Evaluate crashes involving large trucks and identify emerging trends;
>
> 2. Monitor crash trends and identify causes and contributing factors; and
>
> 3. Develop effective safety improvement policies and programs.

The FMCSA previously conducted a crash causation study that examined in detail 120,000 large-truck crashes that occurred between April 2001 and December 2003. Each crash in that study sample involved at least one large truck and resulted in a fatality or injury.

The NRI went on to point out:

> In the more than 15 years since the original study, many changes in technology, vehicle safety, driver behavior and roadway design have occurred that effect how a driver performs. Since the study ended in 2003, fatal crashes involving large trucks decreased until 2009 when they hit their lowest point in recent years (2,893 fatal crashes). Since 2009, fatal crashes involving large trucks have steadily increased to 4,415 fatal crashes in 2018, a 52.6 percent increase when compared to 2009. Over the last three years (2016–2018), fatal crashes involving large trucks increased 5.7 percent. This study will help FMCSA identify factors that are contributing to the growth in fatal large truck crashes, and in both injury and property damage only (PDO) crashes. These factors will drive new initiatives to reduce crashes on our nation's roadways.
>
> This includes factors such as the dramatic increase in distraction caused by cell phones and texting, the level of driver restraint use, the advent of in-cab navigation and fleet management systems, as well as equipment designed to enhance safety, such as automatic emergency braking (AEB) systems.

Comments are due by March 16, 2020.

Visit https://www.fmcsa.dot.gov/regulations/notices/2020-00557 for more information and link to comments.

## DOT UNVEILS INTERACTIVE MAP TO PROMOTE INFRASTRUCTURE INVESTMENT

On January 6, 2020 the U.S. Department of Transportation ("DOT") announced a new interactive map highlighting federal investment in major infrastructure projects located in and around Opportunity Zones, to encourage investment in underserved rural and urban communities.

Established in 2017 as part of the Tax Cuts and Jobs Act, Opportunity Zones were created to boost economic development in low-income communities. In particular, they are meant to generate economic development by providing tax benefits to investors.

More than 8,700 Opportunity Zones have been designated in all 50 states, five territories and Washington, D.C.; of the qualified Opportunity Zones, 40% are in rural census tracts, 38% are in urban tracts and 22% are in suburban tracts.

From the DOT press release:

> The Department's interactive map illustrates data sets for:
>
> - Major Federal Highway Projects
> - Interstate Exits
> - National Highway System Bridges
> - Intercity Bus Stations
> - Commuter/Light Rail Stations
> - Amtrak (Stations, Industrial Properties)
> - Intermodal Rail Facilities
> - Intermodal Marine Facilities
> - Major Ports
> - Airports

- National Highway System
- Rail Sidings


Visit https://www.transportation.gov/briefing-room/us-department-transportation-unveils-interactive-map-encourage-investment-underserved to view the press release and for a link to the interactive map.

## NICOTINE/TOBACCO FREE HIRING POLICY

According to a December 30, 2019 press release, U-Haul announced that it won't hire nicotine users in the 21 states where it is legal to do so, seeking to ensure a healthier workforce. From its website:

> AMERCO and its family of companies, including U-Haul, have strived to create a culture of health and wellness. As of February 1, 2020 and consistent with applicable law, no AMERCO or U-Haul company will hire individuals in states where it may lawfully decline to hire individuals who use nicotine products (Alabama, Alaska, Arizona, Arkansas, Delaware, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Maryland, Massachusetts, Michigan, Nebraska, Pennsylvania, Texas, Utah, Vermont, Virginia and Washington). This policy will not apply to team members hired before February 1, 2020.

New applicants will be asked if they use nicotine products, and those hired in the 21 states will need to agree to be screened for nicotine use in the future. The company, which employs more than 30,000 people across the United States and Canada, offers nicotine cessation assistance to employees. The policy also covers e-cigarettes and vaping products.

While employee health may be a goal, there are also financial benefits to such a policy. A 2013 Ohio State University study found that smokers cost employers nearly $6,000 more a year in absenteeism, lost productivity, smoke breaks and health care costs compared with employees who never smoked.

Visit https://news.osu.edu/study-companies-pay-almost-6000-extra-per-year-for-each-employee-who-smokes/ to view the Ohio State University study.

Data from another study from 2007 shows that nonsmokers take fewer breaks and request fewer sick days than their smoking counterparts. From the abstract:

> Smoking was found to increase the annual number of days of absence by 10.7 compared with never smoking. Controlling for risk factors at work, and thereby accounting for some of the selection of smokers into riskier jobs, reduced the effect to 9.7 days, corresponding to 38% of all annual absences due to sickness. Moreover, controlling for health status further reduced the effect of smoking to 7.7 days. The effect of smoking on sick leave was similar for men and women.

Visit https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2598486/ to view the study.

Visit https://www.uhaul.com/Articles/About/19926/U-Haul-To-Implement-Nicotine-Free-Hiring-Policy-For-Healthier-Workforce/ to view the U-Haul press release.

## EPA SEEKS COMMENTS FOR CLEANER TRUCKS INITIATIVE

On January 6, 2020 the U.S. Environmental Protection Agency ("EPA") announced the publication of an Advanced Notice of Proposed Rulemaking ("ANPRM") regarding the Cleaner Trucks Initiative ("CTI").

From the Rule Summary:

> This ANPR describes EPA's plans for a new rulemaking that would establish new emission standards for oxides of nitrogen (NOx) and other pollutants for highway heavy-duty engines. It also describes opportunities to streamline and improve certification procedures to reduce costs for engine manufacturers.
>
> EPA is seeking input on this effort from the public, including all interested stakeholders.

Comments must be received on or before February 20, 2020.

Visit https://www.epa.gov/newsreleases/epa-jumpstarts-administrator-wheelers-cleaner-trucks-initiative for the EPA's news release and visit https://www.epa.gov/regulations-emissions-vehicles-and-engines/advance-notice-proposed-rule-control-air-pollution-new for the ANPRM.

# OCEAN

## IMO2020

With the implementation of the International Maritime Organization's 2020 ("IMO2020") requirements to reduce sulphur emissions that went into effect January 1, 2020, the shipping industry is adapting (see TRANSDIGESTS #s 259 & 261 for prior coverage).

There are essentially three choices to comply – use of low sulphur fuel oil ("LSFO") or very low sulphur fuel oil ("VLSFO"), use of alternative low sulphur fuels such as low sulphur marine gasoil ("MGO LS"), or continuing the use of high sulphur fuel oil ("HSFO") with scrubbers. Each has its own benefits and costs.

Aside from a major shift in the sales of the different fuels, a few wrinkles have come to light. While sales of LSFO and MGO LS have skyrocketed with a commensurate drop in HFSO sales, it turns out that while IMO2020 sets out a regulatory framework for the shipping industry, it does not issue mandatory uniform

requirements for the properties of distillate blends. To some degree, this contributes to the uncertainty regarding bunker incompatibility. The result is that two different fuel blends with the same specifications are not necessarily compatible. Bunkering VLSFO from a bunker supplier in one port is not necessarily compatible with VLSFO bunkered in another.

Another wrinkle has to do with implementation of IMO2020, which is part of the IMO's International Convention for the Prevention of Pollution from Ships ("MARPOL") Annex VI. This is a treaty that nations must ratify in order to become effective in their territories. Not all nations have ratified MARPOL Annex VI yet, such as Egypt, home of the Suez Canal.

According to Suez Canal Authority ("SCA") circular No. 8/2019 issued December 26, 2019, the SCA will continue to allow ships transiting the waterway to burn HSFO without the need for scrubbers. In fact, the SCA will ban the discharge of wash water – used in the open-loop scrubber process – while vessels transit the canal. In effect, this means ships with open-loop scrubbers installed must switch off the exhaust gas cleaning systems during the 12-hour passage, thus releasing pollutants into the atmosphere.

Around 80% of the scrubber systems installed on ships are of the open-loop type that use seawater to separate the sulphur content from the fuel before it enters the ships' exhaust funnel. The sulphuric acid is kept on board for safe discharge at a nominated port, while the wash water is discharged back into the sea. However, more than 80 ports around the world have prohibited the use of open-loop scrubbers in their territorial waters.

There are a limited number of scrubber alternatives, ships with closed-loop scrubbers which keep the wash water on board for later discharge, or the hybrid system that can switch between the two operations, but both are expensive to install and operate.

Visit https://www.suezcanal.gov.eg/English/Navigation/NavigationCirculars/Pages/nc-8-2019.aspx to view the Circular.

Another consideration for the industry as it adjusts to the new reality of IMO2020 is that effective March 1, 2020, a ban of the carriage of HSFO takes effect, which prohibits ships without a scrubber to even carry bunker fuels with sulfur content above 0.50%.

For shippers, all this means is that it will take a while for pricing to adjust and reach an equilibrium.

# PARCEL EXPRESS

## THE TRUE IMPACT OF 2020 PARCEL RATE INCREASES

by Tony Nuzio, ICC Logistics Services, Inc.

Each year at this time, parcel shippers begin to digest the impact of the major parcel carrier's General Rate Increases that were announced at the end of last year. These increases will in fact affect just about every parcel shipper. For some companies however, the actual financial impact might not be felt for a few more weeks due to the fact that some parcel carrier billing cycles are delayed. But don't be lulled into a false sense of security, the increases are coming and they will be quite substantial.

Also of concern, and perhaps even more important to the parcel shipping community, is the actual impact as a result of some of the recent changes to how parcel carriers will now assess certain surcharges. For example, UPS and FedEx' assessment of an Additional Handling Surcharges will now apply to packages

weighing 50 pounds or more. In the past, this surcharge only applied to packages that weighed 70 pounds or more.

While we highlight this particular change to surcharge assessments, parcel shippers should be aware that parcel carrier base rate increases and various surcharge assessments, (for all freight carriers for that matter), are constantly in flux.

Shippers must become educated consumers. After all, a company's financial success will be impacted by these continually rising costs. Those with supply chain and logistics responsibilities will find themselves in a real bind if they are unprepared to report what could be significant increases in freight expenditures to their corporate management; no company wants any surprises here.

Surely one of management's questions might sound something like***, "what have you done to reduce or eliminate the impact of these increases?"*** We suggest those in charge have a good and positive response prepared to answer that question.

The reality is that freight costs for all transportation modes are constant moving targets. Therefore all shippers must be prepared to constantly review their costs and shipping practices to ensure they are continually fine tuning their contracts and pricing agreements. This is not and should never be a one and done process.

And, the key to success in controlling freight costs is the ability to continually benchmark costs across the various shipment types to ensure the rates your company is paying are in fact the most competitive rates for the services offered. This is a critical step in the process in continually controlling shipping costs.

A shipper's actions must be constantly rooted in the philosophy that ***"everything is negotiable."*** While that may or may not be true, if you don't ask, you certainly won't receive the rate relief you are seeking.

# QUESTIONS & ANSWERS

by George Carl Pezold, Esq.

## FREIGHT CLAIMS – SHORTAGE IN SEALED LOAD

**Question:** On a purchase order with FOB origin terms, my company arranged pickup at the supplier's warehouse for delivery to our warehouse. The shipment was sealed and the seal was intact upon receipt. There were 13 cases short when the product arrived at our facility. The supplier declined to reimburse based the purchase order terms, stating that the carrier accepted all responsibility when they signed the bill of lading ("BOL") without notation. The shipment was palletized and shrink wrapped with over 2000 cases, so part of the carrier's rejection is that there was not a reasonable opportunity to inspect the freight.

Are supplier policies similar to "all customer pick up (CPU) loads are a carrier responsibility" legally binding, absent a supplier/customer contract?

Are they somehow incorporated into the contract of carriage?

**Answer:** There are a couple questions here.

First is the "risk of loss" in transit. In the U.S. commercial sales are generally covered by the Uniform Commercial Code. Thus, under an "FOB origin" sale, delivery to the buyer normally takes place when the goods are tendered to a carrier by the seller, and risk of loss in transit is on the buyer.

Second, the carrier's liability is governed by the "contract of carriage", i.e. the bill of lading. The claimant has the burden of proof that the goods were received by the carrier in good order and condition, and that there was damage or shortage at the time of delivery. When a shipment is loaded, counted and sealed by the shipper (without the driver being able to witness the loading), and is delivered with the origin seal intact (and no evidence of tampering), this is considered strong evidence that the damage or shortage did not occur in transit or while the shipment was in the custody and control of the carrier, and carriers will usually decline such claims.

From the facts as you have described them, there are two possibilities: (1) that the missing 13 cases were never loaded at origin, or (2) the shortage occurred after delivery. e.g., a miscount or a theft by a consignee employee. Obviously, there is a factual question that may require further investigation. As to the former, I think you do have the right to ask the shipper for evidence or documentation as to the loading.

# RECENT COURT CASE

## INSURANCE BROKER NOT LIABLE FOR LAPSE OF INSURANCE

In a New York State Appellate Division case, the court held that a licensed insurance broker was not liable to a trucking company for a claim after the policy lapsed.

Defendant Cavallino Risk Management, Inc. ("Cavallino") is a licensed insurance broker that obtained insurance coverage for plaintiff MAAD Construction, Inc. ("MAAD") for its trucking and hauling business and all related equipment. In particular, in March 2011 Cavallino obtained an inland marine physical damage comprehensive policy underwritten by the defendant Allianz Global Corporate Specialty Insurance Company, USA ("AGCS"). The AGCS policy, which provided coverage for the plaintiff's equipment, had a termination date of January 18, 2013.

In October 2011 MAAD purchased a 2012 Mack tractor and requested that it be added as an insured item under the AGCS policy. The 2012 Mack tractor was added to the AGCS policy as requested by MAAD at an increased premium of $1,485. MAAD failed to pay the additional premium. AGCS sent a notice of cancellation to MAAD on December 19, 2011, for nonpayment of the premium. MAAD claims that it did not receive the notice of cancellation issued by AGCS, and was not informed by Cavallino of the cancellation. MAAD asserts that it learned of the cancellation for the first time in October 2012, upon submitting a claim after Hurricane Sandy for damage to its fleet.

After some motion practice at the trial court, the matter came before the appellate court. In ruling for Cavallino that it had no continuing duty to advise, guide or direct the plaintiff to obtain additional coverage, the court noted that:

> Insurance brokers "have a common-law duty to obtain requested coverage for their clients within a reasonable time or inform the client of the inability to do so; however, they have no continuing duty to advise, guide or direct a client to obtain additional coverage". In the ordinary broker-client setting, the client may prevail only where it can establish that it made a particular request to the broker and the requested coverage was not procured. The plaintiff herein does not allege that it specifically requested a type of insurance that was not procured by Cavallino within a reasonable time. Thus, its claim hinges on the existence of a special relationship. Where a special relationship develops between the broker and client, the broker may be liable, even in the absence of a specific request, for failing to advise or direct the client to obtain additional coverage. The Court of Appeals has identified three exceptional situations that may give rise to

> a special relationship, thereby creating an additional duty of advisement: "(1) the agent receives compensation for consultation apart from payment of the premiums; (2) there was some interaction regarding a question of coverage, with the insured relying on the expertise of the agent; or (3) there is a course of dealing over an extended period of time which would have put objectively reasonable insurance agents on notice that their advice was being sought and specially relied on". [citations omitted]

*MAAD Construction v. Cavallino Risk Management*, 2019 WL 6720471

While it might be difficult in a busy, hectic office environment to keep track of bills, invoices and notices, failure to do so can be expensive as shown above. Expect to be billed for a service provided.

# TECHNOLOGY

## DOT RELEASES AV 4.0

The U.S. Department of Transportation ("DOT") announced its updated guidelines for autonomous vehicle technology ("AV") at the Consumer Electronics Show ("CES") in Las Vegas on January 8, 2020. Titled *Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0* ("AV 4.0"), it builds upon *Preparing for the Future of Transportation: Automated Vehicles 3.0.*

AV 4.0 details 10 U.S. Government principles to protect users and communities, promote efficient markets, and to facilitate coordinated efforts to ensure a standardized Federal approach to American leadership in AVs. It also presents ongoing Administration efforts supporting AV technology growth and leadership, as well as opportunities for collaboration including Federal investments in the AV sector and resources for AV sector innovators.

The DOT developed AV 4.0 to unify efforts in automated vehicles across 38 Federal departments, independent agencies, commissions, and Executive Offices of The President, providing high-level guidance to Federal agencies, innovators, and all stakeholders on the U.S. Government's ("USG") posture towards AVs. Specifically, AV 4.0 outlines steps for the development and integration of automated vehicles to ensure U.S. leadership in the AV sector.

AV 4.0 is structured around three key areas:

1. USG AV Principles
2. Administration Efforts Supporting AV Technology Growth and Leadership
3. USG Activities and Opportunities for Collaboration

AV 4.0 seeks to ensure a consistent U.S. government approach to AV technologies, and to detail the authorities, research, and investments being made across the U.S. government so that the United States can continue to lead AV technology research, development, and integration.

Visit https://www.transportation.gov/sites/dot.gov/files/docs/policy-initiatives/automated-vehicles/360956/ensuringamericanleadershipav4.pdf to view the new AV 4.0 guidelines.

# CCPAC NEWS

## CCPAC NEWS UPDATE

The Certified Claims Professional Accreditation Council ("CCPAC") Officers and Board of Directors are pleased to announce the newest Certified Claim Professionals ("CCP"). Kudos to those who after many hours of self-study successfully passed the CCP Annual Fall Exam held on the first Saturday of November each year nationwide.

| NAME | COMPANY/LOCATION |
|---|---|
| **Michael J. Boylan, CCP** | Echo Global Logistics, Chicago, IL |
| **Holly O'Brien, CCP** | Armstrong Transport Group, Charlotte, NC |
| **Wojtek Wiak, CCP** | Clearwater, Florida |

CCPAC is pleased to announce the appointment of new Regional Directors for 2020. Our Regional Directors serve as key local and regional liaisons with members and CCPAC and its Officers and Board Members.

Neal Willis, CCP
ReTrans Freight
nwillis@retransfreight.com
CCPAC Regional Director - New England Region 1

Bing-Syin "Benson" YE, CCP
Mitsui Sumitomo Marine Management
bye@msigusa.com
CCPAC Regional Director - Mid-Atlantic Region 2

Jessica Renner, CCP
Jarrett Logistics
jrenner@jarrettlogistics.com
CCPAC Regional Director - Southern Region 3

Carrie Frisbie, CCP
Seko Logistics
carrie.frisbe@sekologistics.com
CCPAC Regional Director - Central Region 4

Karren McCaulley, CCP
Transplace Texas LLC
karen.mccaulley@transplace.com
CCPAC Regional Director - Southwestern Region 6

[Not Pictured]
Mark Stapley, CCP
C. R. England
mark.stapley@crengland.com
CCPAC Regional Director - Mid-Western Region 5

Mary Warrick, CCP
Mountain Valley Express
mwarrick@mtnvly.com
CCPAC Regional Director - Pacific Region 7

The next CCP Primer Class will be held at the DoubleTree by Hilton at SeaWorld, Orlando, FL on Sunday, April 26, 2020 and the CCP Exam will be conducted at the same location on Wednesday April 29, 2020. Prior application, registration and approval are required to sit for the CCP Primer Class and/or the CCP Exam. Registration closes March 30, 2020. On-line registration for the April events is now open on the home page under CCPAC Headline News, center section at website www.ccpac.com

Established in 1981, CCPAC is a nonprofit organization comprised of transportation professionals with manufacturers, shippers, freight forwarders, brokers, logistics, insurance, law firms and transportation carriers including air, ocean, truck and rail. CCPAC seeks to raise the professional standards of individuals who specialize in the administration and negotiation of cargo claims. Specifically, CCPAC gives recognition to those who have acquired the necessary degree of experience, education, expertise and have successfully passed the CCP Certification Exam covering domestic and international cargo liability and to warrant acknowledgment of their professional stature. Only those who have passed the CCP Exam and maintain continuing education requirements may use the "CCP" professional designation following their name.

For more information about CCPAC visit www.ccpac.com for general information and membership in CCPAC or email director@ccpac.com.

CCPAC also has the following online presence:

FaceBook: www.facebook.com/certifiedclaimsprofessional
FaceBook Blog: www.facebook.com/groups/410414592821010/
LinkedIn Group: www.linkedin.com/groups/4883719/
Twitter: twitter.com/ccpac_1
Website www.ccpac.com

# CLASSIFICATION

## NEW CCSB DOCKET 2020-1

The Commodity Classification Standards Board ("CCSB") will conduct its next public meeting to consider proposals for amending the National Motor Freight Classification ("NMFC") in Docket 2020-1 on Tuesday, February 11, 2020 at the Hilton Orlando Lake Buena Vista, 1751 Hotel Plaza Boulevard, Lake Buena Vista, Florida 32830, commencing at 12:30 pm Eastern Time.

Anyone having an interest in a proposal listed in this docket may attend the meeting on February 11, 2020 and/or communicate that interest in writing by mail, email or fax prior to the meeting. Such Interested Persons will be notified of the CCSB's disposition of the proposal.

Following is the subject index for Section I of the docket:

**COMMODITY CLASSIFICATION STANDARDS BOARD DOCKET 2020-1**
**INDEX OF SUBJECTS (PROPOSALS) - DESCRIPTION and SUBJECT:**

Shippers whose traffic may be affected by proposed changes should review the proposals and respond accordingly. Visit http://www.nmfta.org/pages/Public-Docket-Files-2020-1 to review the complete Docket online. Proposals to be included in the Public Docket must be submitted by 5:00 pm Eastern Time, January 31, 2020 and requests to be a Party of Record must be received no later than 5:00 pm Eastern Time, January 31, 2020.

The CCSB invites all interested persons to participate in the classification process. Anyone having an interest in a proposal listed in the docket is welcome to attend the meeting and/or submit a statement relating to the transportation characteristics of the product(s) involved — or relevant to packaging materials or methods in connection with proposed packaging amendments. Statements should include any underlying studies, supporting data and other pertinent information.

Written submissions will be included in the respective public docket file. Decisions on docketed proposals will be based on the information contained in the public docket file.

The address is: Commodity Classification Standards Board, 1001 North Fairfax Street, Suite 600, Alexandria, Virginia 22314, and the CCSB fax number is: 703.683.1094. Written statements may also be emailed to the staff contact involved. To schedule an appearance at the meeting, or if you require further information, please get in touch with the staff contact. Anyone requesting assistance in accordance with the Americans with Disabilities Act will be accommodated.

The CCSB's policies and procedures as well as other information on the CCSB and the National Motor Freight Traffic Association are available online at http://www.nmfta.org.

Amendments to the National Motor Freight Classification resulting from the proposals in this docket will be published in a supplement to the NMFC, unless reconsideration is granted or arbitration is sought in accordance with the CCSB's rules. The supplement is scheduled to be issued on March 26, 2020, with an effective date of April 25, 2020.

## FUTURE COMMODITY CLASSIFICATION STANDARDS BOARD ("CCSB") DOCKETS

| | **Docket 2020-2** | **Docket 2020-3** |
|---|---|---|
| Docket Closing Date | April 2, 2020 | August 6, 2020 |
| Docket Issue Date | April 30, 2020 | September 2, 2020 |
| Deadline for Written Submissions and to Become a Party of Record | May 21, 2020 | September 25, 2020 |
| CCSB Meeting Date | June 2, 2020 | October 6, 2020 |

Dates are as currently scheduled and subject to change. For up-to-date information, go to http://www.nmfta.org.

# 2020 TLC 46th ANNUAL CONFERENCE REGISTRATION FORM

A separate **REGISTRATION FORM** is required for **each** person registering

| | CONFERENCE REGISTRATION FEE: |
|---|---|
| ☐ TLC MEMBER | $845.00 |
| ☐ NON – MEMBER | $995.00 |
| ☐ NON – MEMBER PLUS 1 YEAR TLC MEMBERSHIP INCLUDED *(NEW CO.'S ONLY – SEE WEBSITE DETAILS) | $1045.00 |
| SPOUSES/GUESTS (select one) | ☐ $350 ALL MEALS (Incl. Pres. Dinner) ☐ $100 PRESIDENTS DINNER |

- Multiple registrants from the same company **deduct $50** each after the first registration at full price
- Conference fees include Pre-Meeting Breakfast, Mid-Day Breaks, Luncheons and President's Dinner

| OPTIONAL SEMINARS – SUNDAY APRIL 26, 2020 (NOT included in Annual Conference Registration Fee above) | | |
|---|---|---|
| | MEMBER | NON-MEMBER |
| FREIGHT CLAIMS IN PLAIN ENGLISH<br>**Includes "Freight Claims in Plain English 4th Ed." (Soft Cover)** | ☐ $550 | ☐ $625 |
| CONTRACTING FOR TRANSPORTATION & LOGISTICS SERVICES<br>**Includes "Seminar Manual"** | ☐ $520 | ☐ $595 |
| TRANSPORTATION, LOGISTICS AND THE LAW<br>**Includes "Seminar Manual"** | ☐ $520 | ☐ $595 |
| **• All Seminar fees include Pre-Meeting Breakfast, Mid-Day Breaks, and Luncheon** | | |

***Hotel rate of $149/night is available until April 3, 2020 or room block is sold out***

**To Register for Full Conference and/or Optional Seminars Send Completed Form**

**BY FAX:** 631-549-8962 ♦ **EMAIL:** diane@transportlaw.com ♦ **BY MAIL:** to TLC at address below

♦ **CALL**: 631-549-8984

**Payment method:** ☐ **M/C** ☐ **VISA** ☐ **AMEX** ☐ **Check – Payable to "*TLC*"**

**Credit Card #** _____

**Exp Date:** ____/____ **CVV Code** _____

**Name on Card:** _____

**Billing Zip:** _____

**FEES PAID**

**Conference Registration Fee:** _____

**Spouse/Guest Fee:** _____

**Optional Seminar Fee:** _____

**TOTAL PAYMENT:** _____

**REGISTRANT INFORMATION – Name, Company, City & State will appear on name tag**

**Name:** _____ **Title:** _____

**Company:** _____ **Address:** _____

**City:** _____ **Tel:** _____

**State:** _____ **Zip:** _____

**Email:** _____

**CLE Credit (*for Attorneys only*): State:** _____ **Bar No.:** _____

**Transportation & Logistics Council, Inc.**
**120 Main Street, Huntington, New York 11743**
**Tel: (631) 549-8984 ♦ Fax: (631) 549-8962**
**Email: tlc@transportlaw.com ♦ Website: www.TLCouncil.org**

# The Transportation & Logistics Council, Inc.

**Phone: (631) 549-8984** **120 Main Street, Huntington, NY 11743** **Fax: (631) 549-8962**
**E-Mail: diane@transportlaw.com**

## APPLICATION FOR ANNUAL MEMBERSHIP

Membership in the Council is open to anyone having a role in transportation, distribution or logistics. Membership categories include:

- **Regular Member** (shippers, brokers, third party logistics and their representatives);
- **Multiple Subscriber** (non-voting additional representatives of a **Regular Member** firm); and
- **Associate Member** (non-voting members – carriers and freight forwarders).

All members receive:

- An email subscription to ***TRANSDIGEST*** (TLC's monthly newsletter). NOTE: To receive the printed version of the ***TRANSDIGEST*** by First Class Mail a fee of $50, in addition to applicable membership fee, will apply.*
- **Reduced rates** for **ALL** educational programs, texts and materials.

New Members also receive:

- A complimentary copy of "**Shipping & Receiving in Plain English, A Best Practices Guide"**
- A complimentary copy of "**Transportation Insurance in Plain English**"
- A complimentary copy of **"Transportation & Logistics – Q&A in Plain English Books 4, 5 & 6 on CD Disk"**

If you are not presently interested in becoming a member, but would like to subscribe to the **TRANSDIGEST**, you can opt for a 1-Year/Non-member subscription to the newsletter by making the appropriate choice below.

How did you hear about TLC?

☐ **Internet** ☐ **Email**
☐ Seminar/Meeting. Please specify location_____
☐ Referred by_____
☐ Other _____

*Please return completed Membership Application Form along with your payment to:*
***TLC, 120 Main Street, Huntington, NY 11743***

## Membership Application Form

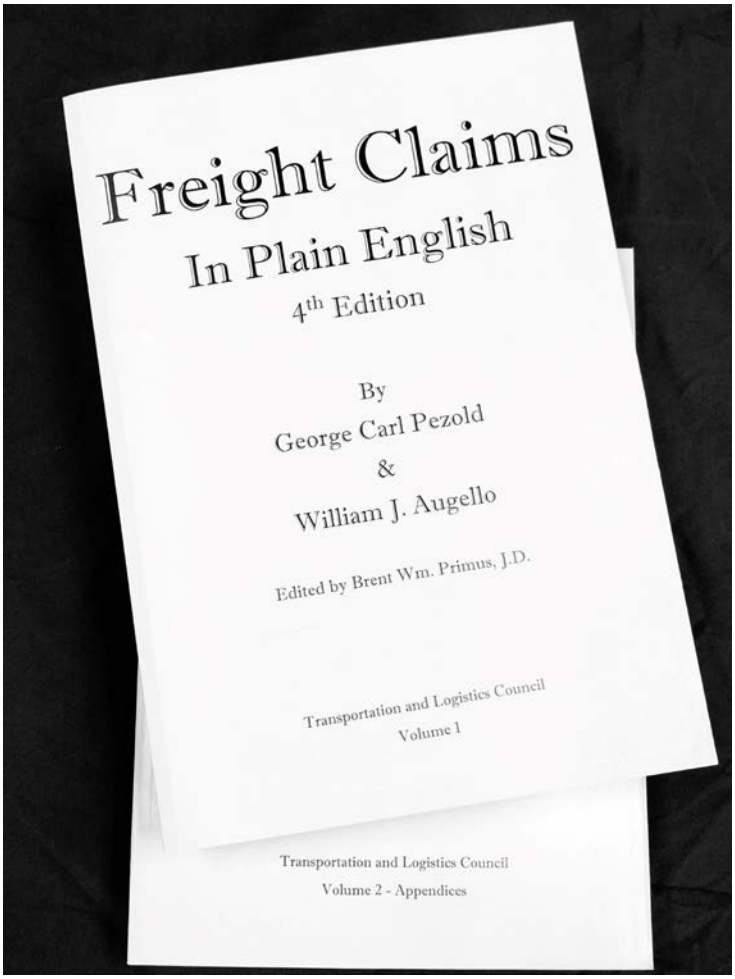
| | | |
|---|---|---|
| Name: | | Title: |
| Company Name: | | |
| Address: (STREET ADDRESS ONLY - UPS DOES NOT SHIP TO P.O. BOXES) | | |
| City: | State: | Zip: - |
| Phone: ( ) | Fax: ( ) | Email: |

| Description / Type of Membership | | Quantity | Fee | Total |
|---|---|---|---|---|
| Regular Member | [includes email subscription to ***TransDigest***] | | $395.00 | $ |
| Multiple Subscriber | [includes email subscription to ***TransDigest***] | | $200.00 | $ |
| Associate Member | [includes email subscription to ***TransDigest***] | | $345.00 | $ |
| Non-Member Introductory Subscriber | [email subscription to ***TRANSDIGEST*** only] | | $150.00 | $ |
| * *Optional:* Printed version of *TRANSDIGEST* by USPS | [added to membership fee] | | $50.00 | $ |
| | | | **TOTAL PAID** (Make Checks Payable to "TLC"): | $ |

### Credit Card Information

| | | | |
|---|---|---|---|
| • MasterCard • VISA • AmEx | Credit Card No. | Exp: | (____/____) |
| Name on CC : | Address (if different than mailing address) : | CVV: | |

# It's Back Again! Now in Soft Cover




## Freight Claims in Plain English (4th Ed.)

The hard-cover edition of Freight Claims in Plain English (4th Ed.) was out of stock, so the Council has arranged to have it reprinted in a soft-cover edition.

Often referred to as "the Bible" on freight claims, as the title suggests it remains the most readable and useful reference on this subject for students, claims professionals and transportation attorneys.

The new soft-cover edition comes in two volumes in a handy 7" x 10" format. Volume 1 consists of 592 pages including full text, a detailed table of contents, topical index and table of authorities. Volume 2 consists of 705 pages with 161 useful appendices – statutes, regulations, forms and other valuable reference materials.

Click here to see the Table of Contents

Best of all, the soft-cover edition is reasonably priced – formerly $289 but now only $149 for T&LC members and $159 for non-members. Free shipping in the contiguous U.S.

*New York State residents sales tax applies.*

**Order Form**

Fill out the information below, detach and send with your payment to: **TLC, 120 Main St., Huntington, NY 11743**
**Or email diane@transportlaw.com**

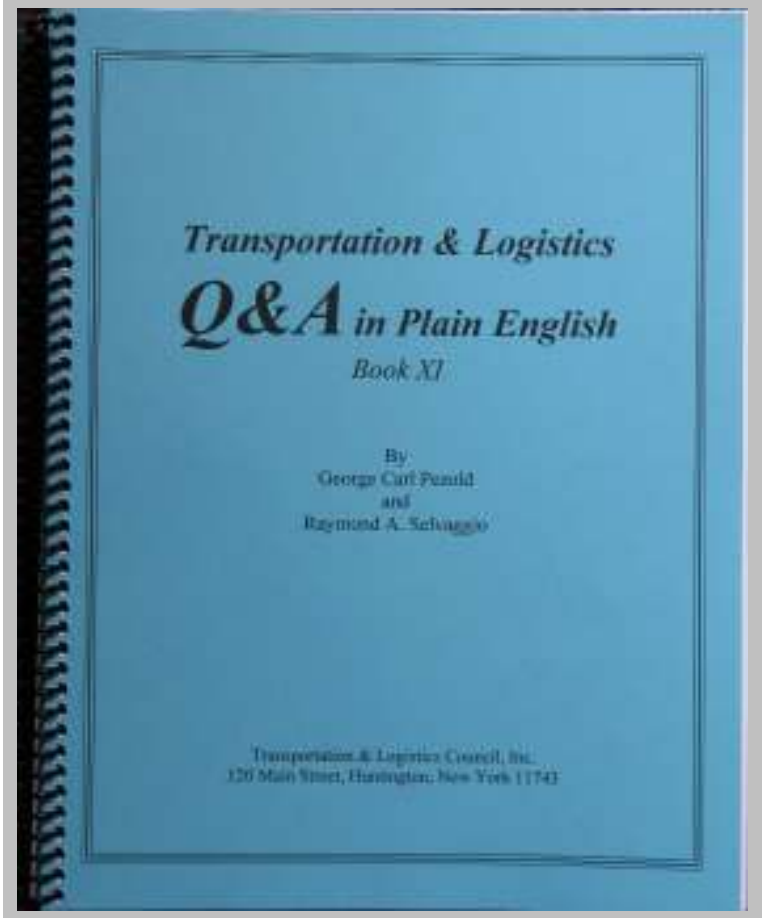
| | | |
|---|---|---|
| Name: | | Position: |
| Company Name: | | |
| Address:<br>(STREET ADDRESS ONLY – UPS DOES NOT SHIP TO P.O.BOXES) | | |
| City: | State: | Zip: |
| Phone: (  ) | Email: | |

| Item # | Description | Qty | Price | Total |
|---|---|---|---|---|
| **597** | Freight Claims in Plain English 4th Ed. Soft Cover | | **$149.00** | $ |
| **597 – NM** | Freight Claims in Plain English 4th Ed. Soft Cover | | **$159.00** | |
| | | | **TOTAL ENCLOSED** | **$** |

**Credit Card Information**

| | | |
|---|---|---|
| [MC] [VISA] [AE] | Credit Card Number : | Exp (  /  ) |
| | Billing Zip Code : | CVV: |

# BRAND NEW!




**NOW AVAILABLE IN PRINT OR ON CD!**

# Transportation & Logistics Q&A in Plain English – Book XI

*"Transportation & Logistics - Q&A in Plain English - Book XI",* by George Carl Pezold and Raymond A. Selvaggio, is the eleventh in this series of the Transportation & Logistics Council's popular texts, and is a compilation of 275 of the most recent questions submitted to the Council's "Q&A" forum and published in the TransDigest,

What is unique about this compilation of questions and answers is that the questions reflect the real problems that actually come up every day, and that the people actually doing the work - shippers, carriers, brokers, intermediaries and even truck drivers - need help with.

The answers range from simple advice to thorough explanations of the legal principles based on the authors' extensive experience in transportation law.

Transportation & Logistics - Q&A in Plain English is excellent resource of advice and knowledge about everyday problems in transportation and logistics, and a great training tool for anyone starting out in the transportation and logistics profession.

Between this new eleventh edition and the previous ones, the authors have created a virtual encyclopedia of almost every conceivable question that can come up. You can't find this kind of information anywhere else.

**AVAILABLE NOW** in soft cover (175 pages, with Table of Contents), or on searchable CD (with instructions on "How to Use this CD"). Price: Members $60; Non-Members $70 This includes FREE shipping in the 48 Contiguous United States! To order, log on to www.TLCouncil.org or call (631) 549-8984.

## Order Form

Fill out the information below, detach and send with your payment to: **TLC, 120 Main St., Huntington, NY 11743**

| | | |
|---|---|---|
| Name: | | Position: |
| Company Name: | | |
| Address: (STREET ADDRESS ONLY – UPS DOES NOT SHIP TO P.O.BOXES) | | |
| City: | State: | Zip: |
| Phone: (  ) | Email: | |

| Item # | Description | Qty | Price | Total |
|---|---|---|---|---|
| 595 | Q & A in Plain English – Book XI (T&LC Member) | | $ 60.00 | $ |
| 595-NM | Q & A in Plain English – Book XI (Non-Member) | | $ 70.00 | $ |
| 596 | Q & A in Plain English – Book XI on CD (T&LC Member) | | $ 60.00 | $ |
| 596-NM | Q & A in Plain English – Book XI on CD (Non-Member) | | $ 70.00 | $ |

**CREDIT CARD INFORMATION**

| | | | |
|---|---|---|---|
| Credit Card # | | MC ☐ VISA ☐ AE ☐ | |
| Name on Card | | CVV: | Exp. Month/Year: |
| Billing Address (if different) | | | |