

**Commercial Customs Operations Advisory Committee
Government Issue Paper
Intelligent Enforcement Subcommittee
Forced Labor Working Group**

December 2024



**U.S. Customs and
Border Protection**



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Office of Trade / Trade Remedy Law Enforcement Directorate
Intelligent Enforcement Subcommittee
Forced Labor Working Group
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Action Required: Informational

Background:

- U.S. Customs and Border Protection (CBP) continues to enforce the Uyghur Forced Labor Prevention Act's (UFLPA) rebuttable presumption that went into effect June 21, 2022, as well as Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307).
- CBP continues to employ a dynamic, risk-based approach to enforcement that prioritizes action against the highest-risk goods — based on current data and intelligence — to prevent prohibited goods from entering the United States.
- On August 22, 2024, CBP initiated a Countering America's Adversaries Through Sanctions Act (Public Law 115-44) enforcement action on a Chinese seafood processing plant. The Act prohibits the entry of goods, wares, and articles mined, produced, or manufactured wholly or in part by North Korean nationals or North Korean citizens anywhere in the world, unless clear and convincing evidence is provided that such goods were not made with convict labor, forced labor, or indentured labor.
- On August 29, 2024, CBP released a video, "11 Indicators of Forced Labor," which provides an overview of the 11 indicators of forced labor as defined by the International Labour Organization. CBP uses these indicators as a guide when determining whether forced labor exists in the production of goods.
- CBP fosters relationships to strengthen dialogue with industry partners. In Fiscal Year (FY) 2024, CBP participated in approximately 300 engagements with the trade community, non-governmental and civil society organizations; members of Congress; interagency partners; and like-minded foreign partners from Mexico, Kenya, Canada, the European Union, Japan, and South Korea. These engagements strengthen dialogue with our industry partners and keep the forced labor enforcement mindset active.

Issue:

- The Commercial Customs Operations Advisory Committee (COAC) Forced Labor Working Group advocates for an enhanced partnership with CBP to eradicate forced labor in the supply chain. CBP is committed to enforcing 19 U.S.C. § 1307 to facilitate legitimate trade and provides updates about key activities.

Current Status:

- CBP modified its December 20, 2021 Withhold Release Order (WRO) against Brightway Holdings Sdn. Bhd., Laglove (M) Sdn., and Biopro (M) Sdn. Bhd. (collectively, Brightway Group). The October 11, 2024, modification allows disposable rubber gloves to enter U.S. commerce.
- CBP released an improved version of its public-facing forced labor website October 17, 2024. The updated website offers user groups a modernized layout.

- Also in October 2024, CBP stood up two new fully functional laboratories for isotopic testing in Savannah, Georgia, and Los Angeles, California. A third laboratory in Newark, New Jersey, will soon begin operating.
- CBP issued a WRO November 1, 2024, against frankincense and frankincense-based products sourced from Somalia by Asli Maydi based on information that reasonably indicates the use of forced labor in violation of 19 U.S.C. § 1307.
- The Forced Labor Enforcement Task Force (FLETF) added new entities to the UFLPA Entity List, bringing the number of entities on the List to 78.
 - On October 2, 2024, DHS added two new entities and made one correction:
 - Added: Baowu Group Xinjiang Bayi Iron and Steel Co., Ltd. and Changzhou Guanghui Food Ingredients Co., Ltd.
 - Corrected: Hefei Meiling Group Holding Limited had changed its name to Changhong Meiling Co., Ltd.
 - On November 1, 2024, DHS added three new entities and removed one entity from one section of the UFLPA Entity List and added it to a different section:
 - Added: Esquel Group (also known as Esquel China Holdings Limited); Guangdong Esquel Textile Co., Ltd.; Turpan Esquel Textile Co., Ltd.
 - Changed: Changji Esquel Textile Co., Ltd. (also known as Changji Yida Textile Co., Ltd.) (Removed from one criterion and added onto another.)
- CBP plans to launch a new forced labor chatbot in November 2024 for inquiries about forced labor and UFLPA.
- CBP plans to release an isotopic testing guide in November that will provide minimum laboratory standard requirements and address common questions.
 - The COAC provided feedback on an initial draft.
 - CBP worked with various private laboratories to develop the guide and create minimum laboratory standard requirements.
- CBP expects to release an updated WRO and Findings Dashboard feature that will replace the WRO and Findings List on its forced labor website. The feature will provide the same enforcement action information in a more interactive display.
- In December 2024, CBP will hold the first quarter FY 2025 Civil Society Organization engagement focusing on the seafood sector.
- The COAC does not intend to make forced labor recommendations at the December COAC public meeting.

Next Steps:

- CBP and the COAC Forced Labor Working Group will focus upcoming meetings on finalizing the isotopic testing guide and increasing transparency efforts for importers when CBP stops shipments for suspected UFLPA violations.

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