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*How Conservation Tools Can Help Combat Forced Labor Imports in the Seafood Industry*

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A Report of the CSIS Human Rights Initiative and the International Corporate Accountability Roundtable

CSIS | CENTER FOR STRATEGIC & INTERNATIONAL STUDIES

ICAR International Corporate Accountability Roundtable

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International Corporate Accountability Roundtable (ICAR) is a coalition of 40+ member and partner organizations committed to ending corporate abuse of people and the planet. It advocates for real protections and strong enforcement of the law to protect the public by enacting reasonable safeguards against corporate abuse, protecting those who speak out against corporate wrongdoing, and combating the rise of the corporate state.

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# Executive Summary

The seafood industry sits at the intersection of at least four U.S. government priorities: environmental conservation, national security, food safety, and human rights. Illegal, unreported, and unregulated (IUU) fishing destroys fragile ocean ecosystems, weakens maritime-domain awareness, funds transnational criminal enterprises, undermines food safety standards, and creates a market for seafood harvested or processed using forced labor and human trafficking.

Over the past three administrations, Congress and the executive branch have adopted new tools and approaches to combat IUU fishing, primarily for conservation purposes. These include the Seafood Import Monitoring Program (SIMP), which requires importers of 13 seafood species groups deemed to be at high risk of IUU fishing and seafood fraud to report and retain records related to the seafood harvest. They also created interagency coordination processes such as the Maritime SAFE Act Interagency Working Group to ensure that efforts to combat IUU fishing extend and are coordinated across the entire U.S. government.

Meanwhile, the repeal of the “consumptive demand” loophole in the Tariff Act of 1930 now allows U.S. Customs and Border Protection (CBP) to effectively enforce U.S. law prohibiting the importation of goods produced with forced labor. Since the 2016 loophole repeal, CBP has issued 37 withhold release orders (WROs) to detain goods suspected of being produced with forced labor at the U.S. border. Only six of these WROs have been in the seafood sector, five of which applied only to single ships. In January 2022, CBP issued a “Notice of Finding” (its first in the seafood sector) for one of those cases, allowing it to seize goods from that vessel attempting to enter the United States. CBP largely relies on data and allegations from outside entities, including non-governmental organizations (NGOs) and the media, to identify cases of suspected forced labor among U.S. imports.

While the U.S. government maintains various transparency tools to help identify forced labor risks in supply chains, including the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor and the Department of State’s annual Trafficking in Persons Report, SIMP is the only current U.S. government program that requires companies to report supply chain data back to point of origin as a condition of entry. The data collected by SIMP has the potential to help drive U.S. government accountability for those who employ or benefit from forced labor, providing case-specific data to enforcement efforts such as CBP’s WROs and criminal and civil liability under the Trafficking Victims Protection Reauthorization Act (TVPRA). Although SIMP currently applies to only a limited number of species (about 40 percent of the volume of U.S. seafood imports), CBP is already using existing SIMP data to determine whether a vessel alleged by an outside source to have used forced labor has been the source of U.S. imports and whether a vessel subject to a WRO has been the source of a shipment attempting to enter the United States—demonstrating its value for forced labor enforcement.

If fully developed, SIMP has the potential to contribute in even greater ways to effective labor law enforcement. By expanding the available data, and putting that data to better use, the Department of Homeland Security, National Oceanic and Atmospheric Administration (NOAA), and other agencies could use SIMP to develop proactive, evidence-based strategies to enable better analysis of forced labor risks (and IUU risks more broadly) and deploy enforcement tools. This report includes six recommendations to achieve this—two on the better use of SIMP data (both existing and new data) and four focused on the expansion of SIMP’s scope, level of detail, and recordkeeping. Each of these recommendations could be undertaken under existing authorities. The final recommendation—public disclosures—could be partially addressed by NOAA and further clarified by Congress.

- 1. Compare SIMP data to existing public allegations.** CBP officials should cross-reference public or privately held databases of ships alleged to use forced labor with SIMP-reported vessel names. Doing so would position CBP to proactively build a case for a WRO without having to wait for a complaint from an NGO or a report in the media.
- 2. Use SIMP data to do risk analysis.** CBP and NOAA should work together to use SIMP data to proactively identify patterns of behavior that indicate an increased likelihood of forced labor, in order to make better use of their limited investigatory capacity and target their audit and enforcement actions.
- 3. Expand SIMP to cover all seafood species.** SIMP’s limited scope means that companies are not required to report many seafood shipments caught by countries at high risk of using forced labor. Only 29 percent of fish imports from China, for example, are covered by SIMP.
- 4. Require companies to disclose fishing vessels’ beneficial ownership information as part of SIMP reporting.** WROs against individual fishing vessels have limited impact, given the ease with which vessels can be renamed and reflagged; furthermore, forced labor practices are likely to extend across fleets with common ownership. Requiring beneficial ownership reporting would help CBP and others understand the connections among vessels under common ownership and be able to identify companies potentially responsible for abuse.
- 5. Expand SIMP’s recordkeeping requirements to include labor indicators such as the existence of worker contracts in local languages and evidence of active worker-grievance mechanisms.** While this data would be difficult to include in SIMP database reporting, it should be available for audit if a shipment is flagged as high risk. A failure to produce or maintain these documents would subject the importer to fines and possibly more onerous

penalties, as well as incentivize them to obtain more information about the vessels from which they source.

- 6. Make some SIMP data publicly available.** Although this data is currently deemed generally confidential under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act, existing exemptions may allow the release of some aggregated data, such as the names of fishing vessels that source U.S. imports, which would facilitate the work of NGOs submitting WRO petitions to CBP as well as those seeking to file civil complaints for forced labor under the TVPRA.

# Forced Labor in the Seafood Industry

The seafood industry sits at the intersection of at least four U.S. government priorities: environmental conservation, national security, food safety, and human rights. Illegal, unreported, and unregulated (IUU) fishing drives overexploitation of vulnerable fish populations and harms fragile ocean ecosystems. Some state-sponsored fishing fleets illegally violate other countries' exclusive economic zones and, by seeking to evade detection, undermine maritime domain awareness; as such, both the U.S. Navy and U.S. Coast Guard have highlighted IUU fishing as a significant national security concern.<sup>1</sup> Illegal fishing and associated trafficking in persons are often common elements of transnational criminal operations—from piracy to drug smuggling—with IUU fishing estimated to generate up to \$36.4 billion in illegal revenues each year.<sup>2</sup> IUU fishing also undermines food safety and traceability through mislabeling of imports.<sup>3</sup>

The connection between IUU fishing and forced labor in the seafood industry is well established. Growing demand for seafood over the past 50 years has led to a dramatic increase in the need for workers on fishing vessels, and the industry currently employs an estimated 59 million commercial, small-scale, and artisanal fishers worldwide.<sup>4</sup> Tens of millions of fishers work aboard vessels that engage in deep-water fishing outside countries' exclusive economic zones—where IUU fishing is more common—and multiple studies have found that vessels that fish in violation of other laws are more likely to engage in forced labor.<sup>5</sup> At the same time, forced labor and other serious violations of human rights are not unusual in the commercial fishing industry, but rather an understood byproduct of the industry's current structure. Additional factors—including dependency on distant-water fishing due to declining fish stocks, heavy reliance on migrant labor, and artificially low seafood prices—prompt some to deem the industry fundamentally unprofitable without both government subsidies and exploitative labor practices.<sup>6</sup>

As one of the world's largest economies and importers of seafood, the United States has outsized influence in ending the use of forced labor by seafood companies throughout their business operations. The International Labor Organization reports there are nearly 25 million victims of forced labor around the world across all sectors, many enduring inhumane violence, and the Global Slavery Index estimates that the United States imports up to \$144 billion worth of goods made through forced labor each year.<sup>7</sup> The multibillion dollar seafood industry represents nearly 10 percent of global agricultural exports, with the United States being the largest single country global seafood importer by value.<sup>8</sup> In 2019, the United States imported more than 1.2 million metric tons of marine-captured seafood, valued at more than \$10 billion, of which an estimated \$2.4 billion was caught through IUU fishing (defined in that case to include the use of forced labor).<sup>9</sup>

The U.S. government has long recognized that forced labor is contrary to American economic, national security, and human rights interests. Since the passing of the Tariff Act of 1930, it has been illegal to import goods produced with forced labor into the United States, though loopholes rendered that law largely unenforceable until 2016.<sup>10</sup> The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2018 clarified that companies are responsible for labor trafficking in their operations and supply chains. And the 2018 Maritime Security and Fisheries Enforcement (SAFE) Act explicitly highlighted the connection between IUU fishing and forced labor, declaring it is the policy of the United States “to recognize the ties of IUU fishing to transnational organized illegal activity, including human trafficking and illegal trade in narcotics and arms, and as applicable, to focus on illicit activity in a coordinated, cross-cutting manner; [and] to recognize and respond to poor working conditions, labor abuses, and other violent crimes in the fishing industry.”<sup>11</sup> This framing echoed the Obama administration’s “Presidential Memorandum Establishing a Comprehensive Framework to Combat Illegal, Unreported, and Unregulated Fishing and Seafood Fraud.”<sup>12</sup> While the Trump administration’s “Executive Order on Promoting American Seafood Competitiveness and Economic Growth” did not explicitly connect forced labor to IUU fishing, it reaffirmed the policy of the United States to combat it and its negative conservation and economic impacts.<sup>13</sup>

# Leveraging U.S. Government Tools

To respond to these myriad interests, over the past 10 years the United States has significantly bolstered efforts to both combat IUU fishing and end the use of forced labor, particularly with respect to goods that are imported into the United States. New tools, such as the Seafood Import Monitoring Program (SIMP), provide unprecedented levels of mandatory transparency about the global supply chains that feed shipments to the United States, while the repeal of the “consumptive demand” loophole in the Tariff Act of 1930 has allowed significantly more robust enforcement of the forced labor import ban. These efforts also extend to enhanced interagency coordination processes, including two congressionally mandated working groups, one on IUU fishing (the Maritime SAFE Act Interagency Working Group) and one on forced labor (the United States-Mexico-Canada Agreement’s Forced Labor Enforcement Task Force), building on efforts already under way within successive administrations.

What has emerged is a patchwork of informational and monitoring reports, civil and criminal enforcement mechanisms, and foreign policy approaches spread across more than a dozen U.S. government departments and agencies. These efforts have individually and collectively helped raise awareness about a wide range of supply-chain challenges, from the potential for environmental harm to the scarcity of national security-relevant goods to the prevalence of human rights abuses.<sup>14</sup> At least anecdotally, these efforts have also prompted some companies to take seriously the task of eliminating the use of forced labor in their operations or supply chains.<sup>15</sup> If used in concert, these two efforts—increasing transparency and enhancing enforcement—can deter companies from using forced labor in catching seafood intended for the United States. To date, however, these tools have been used only rarely and have not made full use of opportunities for coordination. Yet they have the potential to work in greater synergy to tackle the problem of forced labor in seafood supply chains more comprehensively.

## Enforcement Tools

Since the passage of the Tariff Act of 1930, companies have been prohibited from importing into the United States any goods made “wholly or in part” through forced, indentured, or convict labor in any part of the world.<sup>16</sup> However, this provision was rarely used until 2015, when Congress rescinded the “consumptive demand” exception that allowed importing such goods if demand in the United States outpaced domestic production. Given that the United States imports 70 to 85 percent of the seafood it consumes, it is not surprising that this provision was not used to prohibit entry of seafood items between 1930 and 2015.<sup>17</sup>

To enforce the Tariff Act, CBP exercises the authority to issue a withhold release order (WRO) when information *reasonably* indicates that a good was produced with forced labor or to issue a finding when CBP has information that *conclusively* demonstrates forced labor was used in the production of a good. Products subject to WROs or findings are detained by CBP. Those subject to WROs can be re-exported, or importers can provide evidence that the shipment was not made with forced labor. Products subject to findings are excluded or seized at the border unless the importer can demonstrate “by satisfactory evidence” that the product is admissible. In two cases—products made in the Xinjiang Uighur Autonomous Region of China and products made in North Korea or by North Koreans abroad—Congress has reversed the burden of proof, finding that goods produced in those regions should be assumed to have been made with forced labor unless CBP or a company can demonstrate by clear and compelling evidence they were not.<sup>18</sup>

Since 2015, CBP has dramatically ramped up its enforcement of the Tariff Act, issuing 34 WROs for goods in a range of sectors. This has included six WROs and one finding related to the seafood industry. In fiscal year (FY) 2021, CBP detained 1,469 shipments of goods suspected of being made using forced labor, with a total value of \$486 million—more than eight times the value detained in FY 2020.<sup>19</sup> However, the purposefully opaque nature of the supply chain for many goods makes it difficult to meet the burden of proof needed to block an import shipment, and these actions represent only a tiny fraction of the estimated \$144 billion in goods produced with forced labor that the United States imports each year.<sup>20</sup>

Owing in part to limited availability of data (according to a CBP official interviewed for this report), five out of the six seafood-related WROs, as well as one finding, were issued against individual fishing vessels. Although CBP used to primarily issue WROs against goods from specific factories, it has more recently begun to issue orders affecting specific companies or even whole sectors or geographic regions.<sup>21</sup>

Table 1: CBP WROs and Findings in the Seafood Sector

Entity	Date	Flag Country	Vessel Ownership Information	Other Information
Tunago No. 61	Feb 4, 2019 (revoked March 31, 2020)	Vanuatu	Vanuatu-owned by Tunago Fishery Co., Ltd	WRO issued against tuna and tuna products harvested by this vessel
Yu Long No. 2	May 11, 2020	Taiwan	Taiwanese-owned	WRO issued against tuna and other seafood products harvested by this vessel
Da Wang	Aug 18, 2020	Vanuatu	Taiwanese-owned	WRO issued against all seafood products harvested by this vessel
Lien Yi Hsing No. 12	December 31, 2020	Taiwan	Taiwanese-owned	WRO issued against tuna and other seafood products harvested by this vessel
Dalian Ocean Fishing Co. Ltd. Fleet	May 26, 2021	China	Chinese-owned	WRO issued against all tuna, swordfish, and other seafood harvested by any vessel owned or operated by Dalian Ocean Fishing Co.
Hangton No. 112	Aug 4, 2021	Fiji	Fijian-owned by Hangton Pacific Co.	WRO issued against tuna and tuna products harvested by this vessel
Da Wang	January 28, 2022	Vanuatu	Taiwanese-owned by Yong Feng Fishery Ltd.	Finding issued against seafood harvested by this vessel

Source: “Withhold Release Orders and Findings List,” CBP, <https://www.cbp.gov/trade/programs-administration/forced-labor/withhold-release-orders-and-findings>.

Other civil and criminal enforcement tools are also available. Those who violate the prohibition on importing goods produced with forced labor are subject to civil as well as criminal penalties.<sup>22</sup> In 2020, CBP issued its first civil penalty since the passage of the Trade Facilitation and Trade Enforcement Act in 2015, in response to an investigation revealing that stevia imported by PureCircle USA was processed with forced labor.<sup>23</sup> In FY 2020, Immigration and Customs Enforcement’s (ICE) Forced Labor Program initiated 92 investigations of forced labor (including forced child labor) internationally, made 55 arrests, and issued 6 criminal indictments.<sup>24</sup> Since ICE began reporting these statistics in FY 2017, 40 indictments have been issued and 2 convictions achieved.<sup>25</sup>

“U.S. importers, consignees, and criminal organizations may be subject to criminal prosecution, and the seizure and forfeiture of their merchandise, if found to be involved in using forced labor to produce goods being imported into the United States.”<sup>26</sup>

Under the December 2018 amendments to the Trafficking Victims Protection Act (TVPA), referred to here as the Trafficking Victims Protection Renewal Act (TVPRA), the Department of Justice also gained the ability to prosecute forced labor crimes that occur outside the United States or on U.S.-flagged vessels outside U.S. waters, under limited circumstances. While the United States can prosecute individuals for employing forced labor who are U.S. citizens, permanent residents, or present in the United States, most U.S. seafood companies do not employ fishers in their supply chains directly but rather source from companies responsible for employing workers overseas. Yet according to the Department of Justice, “When a corporation has direct knowledge of forced labor or recklessly disregards its presence in the corporation’s supply chain, the corporation may be criminally liable” even if it did not carry out the conduct directly.<sup>27</sup> The widespread acceptance of due-diligence requirements for companies under the auspices of the UN Guiding Principles on Business and Human Rights—and the U.S. Federal Acquisition Regulation’s adoption of even more stringent expectations of companies—inform the Department of Justice’s interpretation of what due-diligence steps are adequate for companies to avoid “reckless disregard.”<sup>28</sup>

However, despite this opportunity for accountability on paper, there have been no prosecutions of corporations for their knowledge of (or reckless disregard for) conduct that occurs in non-U.S. elements of their supply chains. Of the 579 federal human-trafficking cases prosecuted in 2020 under the TVPRA, only 6 percent were forced labor cases, and prosecutions of corporations make up only 1 percent of all federal trafficking prosecutions.<sup>29</sup> The scope of the TVPRA’s civil jurisdiction over actions taking place in corporate supply chains is currently being litigated in a case involving Cambodian men and women forced to work in a Thai shrimp-processing facility sourcing to the U.S. company Walmart. While the case was dismissed by the district court, the appeal of this case has been pending a decision from the Court of Appeals for the Ninth Circuit for more than two years.<sup>30</sup>

Beyond these law enforcement tools, the U.S. government employs various other mechanisms designed to help combat human rights abuses and transnational crimes applicable to forced labor in the seafood sector:

- The **Department of the Treasury** can issue sanctions against individuals or companies responsible for human rights abuses or that participate in transnational organized crime networks.
- The **Department of State** can issue visa bans for acts contrary to U.S. policy, including against individuals responsible for forced labor and human rights abuses.<sup>31</sup>
- The Department of Commerce’s **Bureau of Information and Security** can add foreign companies to its export control Entities List on human rights grounds to prohibit U.S. companies from sharing technology and other goods with companies lacking a license.
- The Department of Commerce’s **National Oceanographic and Atmospheric Administration (NOAA)** can audit importers for compliance with the Seafood Import Monitoring Program’s reporting and recordkeeping requirements and issue fines and other penalties if they are found not to be in compliance.

Table 2: U.S. Government Forced Labor Enforcement Tools

Enforcement Tool	Agency	Penalty	Uses To Date
Tariff Act's prohibition on entry of goods made with forced labor and related U.S. laws on forced and convict labor	CBP and other parts of DHS	Goods subject to WROs are prohibited from entry; goods subject to finding are seized by CBP  Importers subject to civil or criminal penalties in some cases	Yes, six WRO cases and one finding (see Table 1)  No known cases of civil or criminal penalties, as of June 2020 <sup>32</sup>
TVPRAs criminal liability for human trafficking	Department of Justice (criminal) and private individuals (civil)	Up to \$500,000 in fines or twice the economic benefit conferred from the violation; imprisonment up to 20 years <sup>33</sup>	One civil case brought against owners of U.S. and Thai companies alleged to be using forced labor <sup>34</sup>  No known criminal cases
Global Magnitsky Sanctions program for individuals and companies responsible for human rights abuses and corruption	Department of the Treasury	Prohibitions on engagement with U.S. persons and access to U.S. financet	No
Visa bans	Department of State	Ban on entry to the United States	Yes, one known case involving 15 visa holders <sup>35</sup>
Addition to the Entity List on human rights grounds	Department of Commerce	Prohibitions on exporting certain products and technology to that company	No
SIMP audit	NOAA	Unknown	Yes, though information about specific penalties is not public

Source: Authors' own compilation from research and analysis. See endnote section for specific citations noted.

## Transparency and Data Tools

U.S. government enforcement tools to combat forced labor in seafood supply chains need detailed information to meet the various burdens of proof required to take and ultimately sustain any action. There are many efforts to support greater transparency and highlight risks of forced labor in supply chains, both for U.S.-government and private sector benefit.

The Department of Labor and Department of State produce annual reports highlighting countries and products at high risk of association with forced labor. The Department of State's annual Trafficking in Persons Report details the efforts of 188 countries to combat human trafficking, assessing those efforts through a tiered ranking system that tracks their adherence to minimum standards on the prosecution of traffickers, the protection of trafficking victims, and the prevention of trafficking in persons. Similarly, the Department of Labor's annual List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced or Indentured Child Labor use site visits, surveys, governmental

and non-governmental studies, and reports from governments and civil society organizations to identify products known to be produced with forced labor in specific countries. As of 2020, the former list identified 119 goods from 41 countries, including 20 countries known to produce seafood using forced or child labor.<sup>36</sup> Of the approximately 68 species of fish imported from those countries, only 12 are covered by SIMP.<sup>37</sup> None of these reports detail which specific companies are responsible, but they do cite examples of abuses from open-source data in which companies may be implicated. These reports provide important context for U.S. government policy and assistance efforts targeting countries and sectors at high risk of labor abuse. They do not, however, provide adequate detail for enforcement agencies to take action against specific imports or companies.

Two other programs require companies to provide limited information to the U.S. government about their supply chain sourcing. Section 1502 of the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act requires all companies listed with the Securities and Exchange Commission (SEC) to disclose whether their products contain certain minerals sourced from the Democratic Republic of the Congo or neighboring countries.<sup>38</sup> In addition, under the 2017 Food Safety Modernization Act, the U.S. Food and Drug Administration proposed additional traceability requirements for “high risk foods,” including several types of seafood, in order to more effectively prevent and respond to outbreaks of food-related illnesses. The proposed rule would require extensive recordkeeping of specific events along the food supply chain, beginning at the source. If adopted, this would dramatically expand the information about the supply chain available to U.S. authorities, albeit for a limited number of foods.

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***These reports provide important context for U.S. government policy and assistance efforts targeting countries and sectors at high risk of labor abuse. They do not, however, provide adequate detail for enforcement agencies to take action against specific imports or companies.***

Despite these transparency and data tools, NOAA’s SIMP is currently the only U.S. government program that requires companies to proactively report detailed supply chain data for their U.S. imports. This program has the potential to play a significant role in filling the data gap faced by agencies in enforcing U.S. laws prohibiting the entry of goods made with forced labor into the United States.

In 2006, Congress amended the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to direct the executive branch to expand its focus on preventing IUU fishing.<sup>39</sup> The MSA prohibits importing into the United States any fish “taken, possessed, transported, or sold in violation of any foreign law or regulation or any treaty or in contravention of any binding conservation measures adopted by an international agreement or organization to which the United States is a party.”<sup>40</sup>

In response to the recommendations of President Obama’s Task Force on Combatting IUU Fishing and Seafood Fraud, and pursuant to its authority to enforce this prohibition, the Department of Commerce (through NOAA) established SIMP, which currently requires importers of 13 high-risk species groups of seafood to report data and retain records related to the seafood harvest.<sup>41</sup> Under SIMP, at the time of entry, the “importer of record” is required to disclose information related to the “harvest entity” and “harvest event,” such as the location where it was caught and the vessel used.<sup>42</sup> The importer of record is the U.S. importer, exporter, or U.S. resident agent that holds the relevant International Fisheries Trade Permit, usually the company that processes the seafood for distribution<sup>43</sup>; some of the biggest such companies include Bumble Bee Foods and StarKist.<sup>44</sup> SIMP data is recorded through the International Trade Data System—part of the CBP-managed Automated Commercial Environment, which serves as the portal for reported import data required by federal agencies.<sup>45</sup>

Under SIMP, the importer must report:

- the name and flag state of the harvesting vessel(s), evidence of its authorization to fish/farm (permit, farm registration, or license number), unique vessel identifier (when available), and the type(s) of fishing gear used
- the species imported, the date the product was landed or offloaded, the product form(s) at that time, the area(s) of wild-capture or aquaculture harvest, the point(s) of first landing, and the name of entity(ies) to which the fish was delivered
- the importing entity’s name, affiliation, contact information, and International Fisheries Trade Permit number
- information on transshipment of the product(s) and records on its processing, reprocessing, and comingling

SIMP also requires importers to retain chain-of-custody information for all imports of covered species, documenting each step of the supply chain from harvest through importation.<sup>46</sup> The program does not require the retention of specific types of records; rather, any records that establish traceability, including declarations by harvesting and carrier vessels, are sufficient.<sup>47</sup> The chain-of-custody documentation must be retained at the importer of record’s place of business and made available for inspection or audit for two years after importation.<sup>48</sup>

SIMP’s data reporting and retention requirements—which went into effect in January 2018—made it the first U.S. government program to require companies to provide transparency back to the original catch as a condition of importation.<sup>49</sup> By NOAA’s estimate at the time, these reporting requirements would apply to approximately 2,000 seafood importers every year and 600 customs brokers who act on companies’ behalf.<sup>50</sup> NOAA was explicit that the program was designed to prevent the

Source: “Compliance Guide for the U.S. Seafood Import Monitoring Program,” NOAA Fisheries, <https://www.iuufishing.noaa.gov/Portals/33/SIMPComplianceGuide2017.pdf>.

importation of IUU seafood, not seafood caught with forced labor, and that it did not define the two as interchangeable—despite forced labor being illegal in every country that exports seafood into the United States.<sup>51</sup>

# Opportunities and Gaps

## Current Uses of SIMP

Data from SIMP provides a unique opportunity to enhance U.S. government efforts to combat forced labor. CBP officials have acknowledged that it is difficult for them to trace supply chains back to their origins in order to determine whether a good being imported is produced using forced labor.<sup>52</sup> Seafood is the only sector in which companies are required to report comprehensive supply-chain traceability data, providing an opportunity for CBP to use this data in its forced labor-related enforcement. However, this program is not currently being used to its fullest potential.

According to a Government Accountability Office report on forced labor:

[CBP's] Forced Labor Division officials and representatives from several private sector entities and NGOs said that difficulty in tracing supply chains presents a challenge for Section 307 [of the Tariff Act] investigations and compliance. Forced Labor Division officials noted that CBP often cannot trace goods produced with forced labor overseas and imported into the United States because of the complexity of the goods' supply chains.<sup>53</sup>

The Department of Commerce has determined that data collected by SIMP is prohibited from disclosure under the MSA's confidentiality provisions.<sup>54</sup> However, SIMP data can be shared with other U.S. government agencies, and representatives of CBP do have access to some information in the SIMP database (and can request additional data from NOAA if needed).<sup>55</sup> CBP currently uses this data for two purposes:

1. To look up specific vessel names to find out whether a vessel alleged to have used forced labor (usually by an NGO or in public media reporting) has been the source of U.S. seafood imports, in order to determine whether a WRO might be appropriate; and

2. To determine whether a fishing vessel subject to a WRO has been the source of a shipment attempting to enter the United States.<sup>56</sup>

These are critical components of effective enforcement of the Tariff Act, as SIMP is the only accessible repository of such specific data for the U.S. government; other sectors do not have similar databases CBP can use to cross-check allegations or shipment origins. This alone means SIMP substantially contributes to the effective prevention of importing fish caught with forced labor into the United States.

## Opportunities for Enhanced Utility

However, there are additional ways that both CBP and NOAA could use SIMP data to expand the program's utility, including by making better use of existing SIMP data to proactively search for evidence of forced labor (or IUU fishing more broadly) and expanding the universe of data collected and shared by the program to enable better analysis of forced labor risks. Each of these recommendations—on use of SIMP data and on expansion of scope, level of detail, and recordkeeping—could be undertaken under existing authorities. The final recommendation—public disclosures—could be partially addressed by NOAA and further clarified by Congress.

**1. Compare SIMP data to existing public allegations.** CBP officials could leverage SIMP data to search public or privately held databases of ships alleged to use forced labor for SIMP-reported vessel names. Doing so will position CBP to proactively build a case for issuing a WRO or finding, and NOAA could do the same for vessels listed as likely to be practicing IUU fishing. This would cut out the time-consuming practice of waiting for civil society organizations or the media to report forced labor allegations. A number of civil society organizations track some of this information and may be willing to share their data with the U.S. government for the purposes of expanding its Tariff Act enforcement, similar to the existing partnership antitrafficking organization Liberty Shared has with ICE's Homeland Security Investigations division.<sup>57</sup> This approach could result in an increase in fishing-related WROs and put importers of record on notice of the need to expand their human rights due diligence beyond avoiding sourcing from vessels with active WROs.

**2. Use SIMP data to do risk analysis.** CBP and NOAA could use SIMP data to identify patterns of behavior that indicate an increased risk of forced labor in order to make better use of their limited investigatory capacity. NGOs working to end forced labor in the fishing industry have built algorithms based on observed vessel behavior to demonstrate that vessels fishing with forced labor behave differently than those operating lawfully.<sup>58</sup> Some of those indicators, such as the vessel's distance from port, its engine power, and whether the catch is transhipped, are reported under SIMP or can be derived from it. Other key indicators, such as time at sea, can be evaluated and incorporated if the vessel uses and reports Automatic Identification System (AIS) data. Using this approach, CBP and NOAA could apply similar algorithms to SIMP data to identify which shipments to target for further investigation or audit.

**3. Expand SIMP to cover all seafood species.** The SIMP program currently requires importers to collect and report data only for 13 species groups of fish and shellfish that NOAA has assessed to be at high risk of being illegally caught or mislabeled.<sup>59</sup> These species were selected based on a variety of factors, including NOAA's enforcement capability and the frequency of species misrepresentation or mislabeling on entry documents, in addition to a history of fishing violations in catching that species.<sup>60</sup>

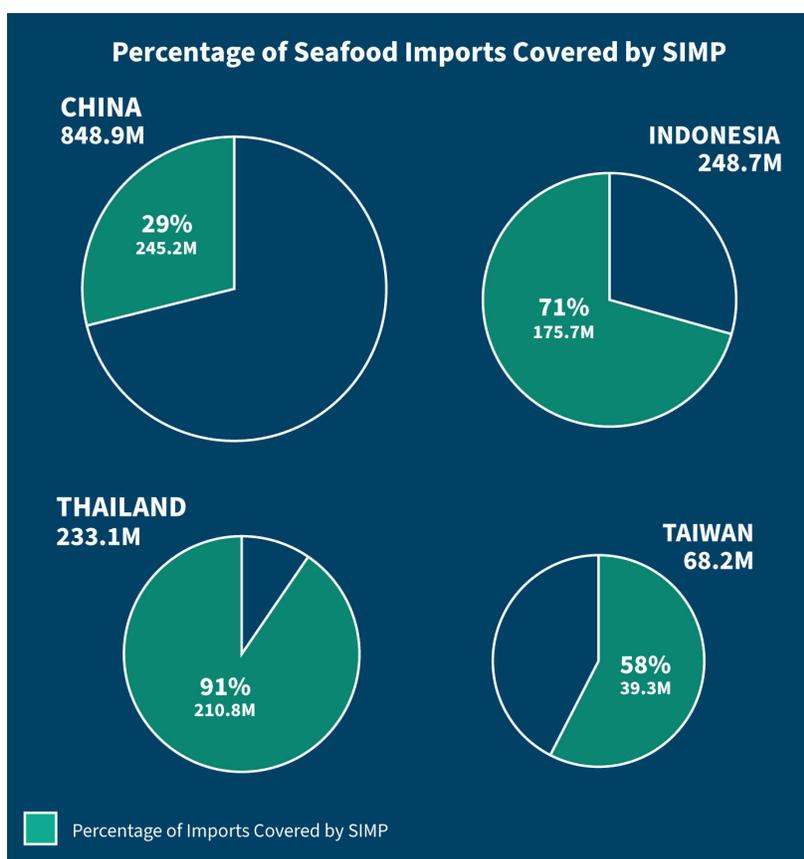
Although vessels engaged in IUU fishing are often found to also use forced labor, there is little data to suggest that *only* vessels engaged in IUU fishing are likely to do so.

The Department of Labor has identified seven countries as producing seafood with forced labor.<sup>61</sup> According to customs databases, in 2020 the total value of seafood imports from those seven countries was \$1.4 billion, of which less than half (only \$0.67 billion) was covered under SIMP. Just four of these countries—China, Thailand, Indonesia, and Taiwan—represent 99 percent of U.S. seafood imports from the seven confirmed forced labor countries (and 66 percent of seafood imports from a larger list of 29 countries identified by NOAA and the Department of State as being most likely to use forced labor in the seafood industry).<sup>62</sup> SIMP’s coverage of imports from these countries varies widely, from over 90 percent of seafood imports from Thailand (from which companies largely source shrimp and prawns, both covered by SIMP) to only 29 percent of those from China.

Expanding SIMP to cover all species of fish—which the Presidential Task Force on Combating Illegal, Unreported and Unregulated Fishing and Seafood Fraud announced the government’s intention to do back in 2016—would address this gap by ensuring SIMP data is available on all species sourced from these high-risk countries, as well as additional countries that may come to be identified as such.<sup>63</sup>

Existing authority is sufficient to expand SIMP to cover all species. The text of the MSA is broad, making it unlawful to import, transport, sell, receive, or purchase “any fish taken, possessed, transported, or sold in violation of any foreign law or regulation or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party.”<sup>64</sup> The provision broadly prohibits illegal fishing of “any fish,” with nothing in the text limiting its applicability to only high-risk species.

Moreover, in establishing SIMP, the U.S. government planned “to eventually expand the program to all seafood at first point of sale or import,” as originally proposed in the task force’s recommendations, which animated the promulgation of the program.<sup>65</sup> The federal register notice



Authors’ own research and analysis. See Appendix B for data used and citations.

establishing SIMP affirmed NOAA's intention to expand the program's species coverage, stating that the process to expand the list of species would be determined based on, "among other factors, consideration of authorities needed for more robust implementation, stakeholder input, and the cost-effectiveness of program expansion."<sup>66</sup>

The National Marine Fisheries Service developed its initial list of priority species for the first phase of the program based on its enforcement capability, the complexity of the chain of custody and processing, the likelihood of species misrepresentation or mislabeling, a history of violations, and other factors. It also recognized that, although "all species of fish can be susceptible to some risk of IUU fishing or seafood fraud due to the inherent complexities in the fishing industry and supply chain," the list was developed to identify "species for which the current risks of IUU fishing or seafood fraud warrant prioritization for the first phase of the traceability program."<sup>67</sup> Notably, NOAA changed the language referring to the list of species from "at-risk" species to "priority" ones "in recognition of the fact that expansion of the seafood traceability program to include all species will result in the inclusion of species having a lower perceived risk of IUU fishing and seafood fraud."<sup>68</sup> In contrast, the European Union's anti-IUU regulation, which includes a documentation scheme similar to SIMP, is more expansive and covers all wild-caught seafood, with only a handful of exceptions for specific species.<sup>69</sup>

Considering the broad authority of the MSA—and that the text and history of the regulation explicitly contemplates expansion of species coverage—NOAA could extend the application of SIMP to all species under existing legal authority.

**4. Require companies to disclose fishing vessels' beneficial ownership information as part of SIMP reporting.** Current SIMP indicators provide insight into forced labor risk and can help the U.S. government identify shipments that may be in violation of U.S. law. However, adding a small number of relatively simple additional reporting and recordkeeping requirements to the program could dramatically expand its utility for forced labor prevention.

Unlike other sectors, in which CBP has generally issued WROs against companies, most WROs in the seafood industry have been issued against individual vessels.<sup>70</sup> Forced labor on fishing vessels is the product of a system that involves multiple actors, from recruitment agencies to transshipment vessels to processing facilities, and thus is much more likely to be the result of policies adopted by the corporation that allow or facilitate abuse rather than the practices of a single vessel's captain. One study found that 100 corporate actors account for 36 percent of all high-seas fishing efforts.<sup>71</sup> A CBP official, however, confirmed that it is difficult to establish a pattern of abusive practices across multiple vessels owned by the same company in order to issue a WRO or finding against said company.<sup>72</sup>

WROs against individual vessels are less effective, given the ease with which vessels can be disguised. Fishing vessels can operate under the radar of law enforcement by changing key identifiers to either avoid detection or to continue engaging in the illicit activity after facing enforcement action. For instance, vessels may be renamed, reflagged, or fly multiple flags to obscure their identity after being previously identified as engaging in illegal activity.<sup>73</sup> They can easily obtain new identities; hire new crews, captains, and operators to avoid the consequences of law enforcement action; and (unlike factories) fish in new areas where they are less likely to be recognized. One way of mitigating a vessel's ability to conceal themselves would be to require vessels

to maintain unique vessel identification numbers that would remain constant regardless of a change in name or flag.<sup>74</sup>

Adding mandatory reporting to the SIMP program on the beneficial owners of fishing vessels from which seafood is sourced would also help address this gap, allowing CBP and NOAA to look for patterns of behavior across multiple vessels owned by the same company. “Beneficial owners” are the individuals who actually own, control, and financially benefit from an entity; identifying them can help establish common practices within fishing fleets and across multiple vessels. The United States adopted mandatory national beneficial ownership reporting requirements for the first time through the 2021 National Defense Authorization Act, directing all companies formed or registered in the United States to disclose beneficial ownership data to the Department of the Treasury’s Financial Crimes and Enforcement Center.<sup>75</sup> While this requirement does not apply to all foreign companies, the U.S. government is working to encourage other countries to adopt similar provisions.<sup>76</sup> Requiring such information for U.S. imports is therefore consistent with the Biden administration’s overall approach to this issue and would facilitate more robust enforcement of the forced labor ban as well. If an allegation is received against a particular vessel, for example, CBP could use SIMP data to determine if other vessels owned by that same individual are importing seafood into the United States; if so, it could focus its limited investigatory resources on determining whether those other vessels employ forced labor, leading to the potential issuance of a broader WRO against a fleet of vessels or a corporate owner. In addition, this data would facilitate the Department of Justice’s work to bring cases under the TVPRA for similar reasons, including by identifying potential U.S. persons benefiting from forced labor.

Although this data would also help prevent IUU seafood from entering the United States—whether or not it was specifically caught using forced labor (and setting aside for the moment the question of whether IUU seafood, by definition, includes fish caught using forced labor)—the MSA appears to grant NOAA the authority to expand SIMP to prevent forced labor imports specifically. As noted above, the MSA makes it unlawful to import fish “taken, possessed, transported, or sold in violation of any foreign law or regulation or any treaty . . . to which the United States is a party.”<sup>77</sup> Fish caught using forced labor generally meet both these criteria. Forced labor is prohibited by law or treaty in nearly every country—including all 29 countries identified by NOAA and the Department of State as being most likely to use forced labor in their seafood industries.<sup>78</sup> Although some countries carve out exceptions to their labor laws for migrant workers or fishers, others have adopted labor regulations specific to the seafood sector. For example, a Thai regulation governing fishing vessels requires a minimum daily wage, minimum rest periods, and that workers are 18 years or older; despite this, allegations of forced labor persist in the Thai seafood industry.<sup>79</sup> In addition, the United States is party to several treaties that prohibit human trafficking and forced labor, including the 1926 Slavery Convention; the 1956 Supplementary Convention on the Abolition of Slavery; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>80</sup>

The Department of Justice, in a report by its Task Force on Human Trafficking in Fishing in International Waters, recommended that, while forced labor does not fall “expressly” within NOAA’s current authorities, the agency should work with the Department of Homeland Security to develop training on forced labor indicators for NOAA inspectors and observers who may be present on vessels—further suggesting NOAA does have the authority to work on this issue.<sup>81</sup>

**5. Expand SIMP’s recordkeeping requirements to include labor indicators such as the existence of worker contracts in local languages and evidence of active worker-grievance mechanisms.** There are other indicators companies could report under SIMP that would provide important insights into a shipment’s level of risk of forced labor. Three that would be particularly helpful include: the length of time the fishing vessel was at sea, whether the company has issued worker contracts in writing and in local languages, and whether the company maintains an active worker-grievance mechanism that is regularly used.

It would be difficult to incorporate these pieces of data into SIMP’s reporting requirements because qualitative data such as the content of contracts or the sufficiency of grievance mechanisms does not lend itself to inclusion in such a database. Furthermore, length of time at sea is a figure that is easily falsified; without an accompanying verification tool such as AIS data to cross-check it, companies could avoid scrutiny by underreporting the length of a vessel’s trip—especially once they determined what length of time at sea triggered further investigation by the U.S. government. However, all this information could be added to SIMP’s recordkeeping requirements, which already mandate that importers retain chain-of-custody information for all shipments of seafood covered by the program. Documentation on worker contracts and grievance mechanisms would then be subject to audit by NOAA (as well as potential penalties for perjury, if falsified).

This documentation could help prevent forced labor in two ways. First, it significantly reduces the burden on law enforcement to identify and present a violation of U.S. law in order to hold companies accountable for forced labor. Proving that forced labor has been employed on a fishing vessel is a time-consuming and logistically challenging endeavor.<sup>82</sup> Together with the jurisdictional limitations of the TVPRA described above, these difficulties are likely at least part of the reason there have been no criminal cases brought against a foreign entity for forced labor in the seafood industry under the TVPRA. However, demonstrating that a company has failed to maintain proper recordkeeping under SIMP is a relatively straightforward task, one that NOAA’s law enforcement arm is already undertaking with respect to the program’s current documentation requirements.

Second, mandating this information collection would require importers (often large U.S. distributors) to solicit information about worker contracts and grievance mechanisms from the companies from which they purchase seafood. This downward pressure on supply chains can help change industry norms to create these systems upstream, as well as data retention systems that allow for greater transparency in seafood labor practices. Upstream companies may still attempt to manufacture or falsify this paperwork, but robust enforcement downstream by U.S. authorities will make this more difficult, as has been the case in enforcing the Foreign Corrupt Practices Act.

NOAA currently audits importers for compliance with SIMP’s recordkeeping requirements on a random basis, reviewing the required chain-of-custody records for completeness and using an automated program that selects importer filings weekly to verify the harvest and landing data provided upon entry.<sup>83</sup> Between January 1, 2018, and March 1, 2021—the first two years of SIMP’s full implementation—NOAA’s Office of International Affairs and Seafood Inspection conducted 3,139 audits of SIMP data, 40 percent of which found instances of noncompliance with the program’s requirements.<sup>84</sup>

Audits that find noncompliance are referred to the NOAA Office of Law Enforcement for additional investigation; noncompliance with the program’s permitting, reporting, or recordkeeping requirements

may also be subject to additional enforcement action under the MSA, which provides for civil penalties up to \$100,000 per violation, as well as permit sanctions such as the modification or suspension of permits.<sup>85</sup> Adding recordkeeping requirements related to worker treatment to SIMP would necessitate additional training for both NOAA's auditors and the Office of Law Enforcement to be able to identify such records and assess their completeness.

SIMP's adoption of additional recordkeeping requirements would utilize the same legal authorities under the MSA.

**6. Make some SIMP data publicly available.** Although a significant amount of commercial import data is publicly available, including individual bills of lading, NOAA has interpreted the MSA's confidentiality provisions as prohibiting the disclosure of data collected under SIMP.<sup>86</sup> As such, no SIMP data is currently available to the public.

Disclosure of the program's data would support efforts to prevent seafood caught using forced labor from entering the United States by facilitating the work of NGOs and journalists who help identify instances of forced labor in U.S. supply chains; these outside groups present the majority of proposed WROs to CBP.<sup>87</sup> Access to import data, particularly the names of vessels used to catch U.S. seafood imports, would allow these organizations to target their efforts to bring relevant cases to CBP. Much as a lawyer filing a civil lawsuit must identify a court with jurisdiction, those seeking to use the tool of a WRO must find applicable cases, specifically those where goods are imported into the United States. Currently, this effort is complex and time consuming; having access to SIMP data would streamline it significantly.

Although Congress would have to amend the MSA confidentiality provision to permit the release of all SIMP data, the MSA does include some exceptions that may permit NOAA to release certain information under existing authorities. In addition to allowing NOAA to share information with other U.S. government agencies, the MSA also says the agency may release data to the public in "aggregate or summary form" so long as it does not "directly or indirectly disclose the identity or business of any person who submits such information."<sup>88</sup>

In 2012, NOAA proposed narrowing the scope of this exception in order to protect not only the identity of the submitter but also the submitter's "business information," which would potentially include "operational information" such as "fishing locations, time of fishing, type and quantity of gear used, catch by species in numbers or weight thereof, number of hauls, number of employees, estimated processing capacity of, and the actual processing capacity utilized, by U.S. fish processors."<sup>89</sup> This scope would clearly have included at least some data collected by SIMP. However, this proposed rule was abandoned in 2017, suggesting that NOAA's existing regulations do not cover such information.<sup>90</sup> In fact, the draft rule found explicitly that "this [current] approach does not provide any specific protection for submitters' 'business information'" and that the National Marine Fisheries Service "has historically interpreted this language to mean only the identity or name of a person's business such as 'ABC Fishing Company.'"<sup>91</sup> This suggests that under its current regulations, it may be possible for NOAA to release aggregate SIMP data, such as a list of fishing vessels used to catch imported seafood, so long as that data is not tied to a particular importer.

# Conclusion

As the Biden administration ramps up its efforts to combat forced labor, regulation of the seafood industry provides a window into what a coordinated, robust traceability and enforcement effort could look like. Effective application of existing SIMP data and expansion in a handful of critical areas could dramatically increase the U.S. government's ability to enforce the prohibition on importing goods produced with forced labor, largely using existing legal authorities. Furthermore, the system developed for the seafood sector—which uses straightforward authorities designed to prevent U.S. imports of illegal seafood—could provide a model for enhanced traceability and enforcement in other sectors under the Tariff Act or similar existing laws. These efforts, along with parallel diplomatic, technical, and economic efforts by other U.S. departments and agencies, could be a game changer in the fight to end forced labor around the world.

# Appendix A

## *Seafood Groups Imported into the United States from Countries on the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor*

Country listed by DOL for use of child or forced labor in the seafood industry	Seafood types imported into the United States in 2020 (Bolded and italicized species are covered by SIMP*)
Bangladesh	<i>Shrimp</i> , Not Elsewhere Specified or Indicated (NESOI)
Brazil	Flatfish, <b><i>Yellowfin Tuna</i></b> , <b><i>Bigeye Tuna</i></b> , Mackerel, Jack/Horse Mackerel, Cobia, <b><i>Swordfish</i></b> , Tilapias, Seabream, Ocean Perch, <b><i>Snapper</i></b> , <b><i>Grouper</i></b> , <b><i>Mahi Mahi</i></b> , Pike Perch, Butterfish, Mullet, <b><i>Bregmacero</i></b> , <b><i>Tuna</i></b> , <b><i>Skipjack</i></b> , or <b><i>Stripe Bellied Bonito</i></b> , NESOI
Burma	<b><i>Shrimp</i></b> , <b><i>Prawns</i></b>
Cambodia	No imports
China	Goldfish and Crucian Carp, Anchovies, Sardines, Jack/Horse Mackerel, Pollock, Ocean Perch, Ictalurus, Carp, Eels, Snakeheads, Pacific Halibut, Greenland Turbot, Sole, Flounder, Rock Sole, Yellowfin Sole, Flat, <b><i>Albacore/Longfin Tuna</i></b> , <b><i>Yellowfin Tuna</i></b> , Herrings, Sardines, Mackerel, <b><i>Cod</i></b> , Alaska Pollock, Sea Bass, Sea Smelts, Shad & Sturgeon, Pike Perch, Monkfish, Butterfish, Capelin, Ocean Perch, <b><i>Snapper</i></b> , <b><i>Grouper</i></b> , Catfish, Pacific & Danube Salmon, Rays & Skates, Clarias, Haddock, Hake, Whiting, Salmon, Halibut, Atlantic Salmonidae, <b><i>Tuna</i></b> , <b><i>Skipjack</i></b> , or <b><i>Stripe Bellied Bonito</i></b> , Pike, Tilapia, Surimi, NESOI
El Salvador	No imports
Ghana	NESOI

Honduras	Caribbean Spiny Lobster, Rock Lobster, and other sea crawfish
Indonesia	<b>Yellowfin Tuna, Bigeye Tuna</b> , Sardines, <b>Swordfish, Snapper, Grouper, Albacore/ Longfinned Tuna</b> , Southern Bluefin Tuna, Herrings, <b>Bregmacerotide Perch, Cod</b> , Mackerel, Sole, Flounder, <b>Bregmacero, Tuna, Skipjack, or Stripe Bellied Bonito, Mahi Mahi</b> , Pollock, NESOI
Kenya	NESOI
Nicaragua	Squid, Stromboid, Conch
Paraguay	No imports
Peru	Rainbow Trout, Tilapias, Toothfish, <b>Mahi Mahi</b> , Mackerel, Whiting & Hake, Sea Smelts, Smelts, Carp, Eels & Snakehead, Trout, Toothfish, Hake, <b>Dolphin Fish</b> , NESOI
Philippines	<b>Yellowfin Tuna, Bigeye Tuna</b> , Mackerel, Seabream, Sardines, <b>Tuna, Skipjack or Stripe Bellied Bonito</b> , Sole, <b>Tuna</b> , NESOI
Tanzania	Nile Perch
Taiwan	Koi Carp, Goldfish & Crucian Carp, Trout, <b>Yellowfin Tuna, Bigeye Tuna</b> , Seabream, <b>Grouper</b> , Mullet, Snakeheads, Greenland Turbot, <b>Albacore/ Longfinned Tuna, Skipjack Tuna</b> , Sardines, Mackerel, Jack & Horse Mackerel, Herrings, Seabass, Perch & Pike Perch, Mullet, Capelin, Ocean Perch, Rays and Skates, Greenland Trout, Carp, Eels & Snakeheads, <b>Swordfish</b> , Orange Roughy, <b>Mahi Mahi</b> , Tilapia, NESOI
Thailand	Koi Carp, Goldfish & Crucian Carp, <b>Yellowfin Tuna, Grouper</b> , Catfish, <b>Skipjack Tuna</b> , Mackerel, Herrings, Perch & Pike Perch, Mullet, Capelin, Carp, Eels & Snakeheads, Salmondæ, Trout, Sole, Flounder, <b>Tuna, Skipjack or Stripe Bellied Bonito</b> , Orange Roughy, <b>Tuna, Swordfish, Shrimp, Prawns</b> , NESOI
Uganda	Nile Perch, NESOI
Vietnam	<b>Yellowfin Tuna, Bigeye Tuna, Tuna</b> , Anchovies, Mackerel, Jack/Horse Mackerel, Cobia, Eels, Pangasius, Catfish, Carp, Snakeheads, Flounder, Flat Fish, <b>Albacore Tuna/Longfinned Tuna</b> , Herrings, Sardines, Smelts, Shad & Sturgeon, Pike and Pickerel, Perch/Pike Perch, Mullet, <b>Grouper</b> , Trout, Pike, Ictalurus, Siluriformes, Cod, Hake, Pollock, Salmon, Salmonidae, Sole, <b>Swordfish, Tuna, Skipjack or Stripe Bellied Bonito</b> , Orange Roughy, <b>Mahi Mahi</b> , NESOI
Yemen	<b>Grouper</b> , NESOI

\*In some cases, SIMP only covers a subset of species, for example, only Red Snapper. Because tariff lines do not identify which type of Snapper was imported, we included all Snapper in counting covered imports. As a result, this list errs on the side of being over-inclusive in terms of SIMP coverage.

Sources: “Better Trade Tool,” Bureau of International Labor Affairs, <https://www.dol.gov/agencies/ilab/better-trade-tool>; “Harmonized Tariff Codes for Seafood Import Monitoring Program,” NOAA, March 11, 2019, <https://www.fisheries.noaa.gov/resource/form/harmonized-tariff-codes-seafood-import-monitoring-program>; and “Fishbase,” Fishbase, <https://www.fishbase.in/search.php>.

# Appendix B

## *Percentage of Seafood Imports from High Forced Labor Risk Countries Covered by SIMP*

Countries identified as using forced labor in the seafood sector*	Type of seafood	Total value of U.S. seafood imports (2020)**	Total value of SIMP-covered seafood imports†	Percent seafood import covered by SIMP in terms of monetary value
Bangladesh	Fish	\$49,620	\$0	0%
China	Fish	\$848,950,380	\$245,238,130	29%
Ghana	Fish	\$78,627	\$0	0%
Indonesia	Fish	\$248,681,980	\$175,683,990	71%
Myanmar	Shrimp	\$1,630,373	\$1,630,373	100%
Taiwan	Fish	\$68,243,540	\$39,267,830	58%
Thailand	Fish & Shrimp	\$233,086,730	\$210,843,970	90%
<b>Total</b>		<b>\$1,400,721,250</b>	<b>\$672,664,293</b>	<b>48%</b>

\* U.S. Department of Labor, *2020 List of Goods Produced by Child Labor or Forced Labor* (Washington, DC: 2020), 20–24, [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/2020\\_TVPRAList\\_Online\\_Final.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAList_Online_Final.pdf).

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