

## New CBP Withhold Release Order Again Targets Forced Labor in the Seafood Industry

Written by Shrutih V. Tewarie, Anthony D. Mirenda, Anna Maria Annino

August 10, 2021

On August 4, 2021, U.S. Customs and Border Protection (“CBP”) released a Withhold Release Order (“WRO”) on tuna and other seafood harvested by the Hangton No. 112, a Fijian flagged and owned longliner fishing vessel. According to CBP, information discovered during its investigation reasonably indicated that such seafood was harvested with forced labor. As a result of this WRO, all tuna and other seafood sourced from the Hangton No. 112 fishing vessel will be blocked from entry into the U.S. and detained at U.S. ports of entry. In their [press release](#), CBP states that they found at least three of the International Labour Organization’s 11 [indicators of forced labor](#) during its investigation: withholding of wages, debt bondage, and retention of identity documents.

This action follows an earlier WRO issued in May 2021 – which, as reported in our earlier [Client Alert](#), was the first WRO of the Biden administration – on seafood sourced from Dalian Ocean Fishing Co., Ltd, a Chinese company that operates a fleet of fishing vessels. There are currently three other active WROs, all issued in 2020, which block the import of seafood sourced from specific fishing vessels: Yu Long No. 2 (May 11, 2020), Da Wang (August 18, 2020), and Lien Yi Hsing No. 12 (December 31, 2020).

Forced labor in the seafood industry has been an area of increased CBP focus. As CBP describes in its press release, “[t]he distant water fishing industry is at high risk of forced labor as foreign companies often coerce vulnerable migrant workers to perform hazardous labor for little or no pay aboard fishing vessels that may spend months at sea without making port calls.” CBP Acting Commissioner Troy Miller stated, “CBP will continue to stand up against these vessels’ abusive labor practices by preventing the introduction of their unethically-harvested seafood into the U.S. market.”

For more information on WROs, a complete list of all CBP actions related to forced labor is [available here](#). Resources provided by CBP related to forced labor include fact sheets on the [Trade Facilitation and Trade Enforcement Act of 2015](#), [Responsible Business Practices](#), and [Helpful Hints for Submitting Proof of Admissibility](#). Foley Hoag’s [Trade Sanctions & Export Controls](#) and [Global Business & Human Rights](#) practice groups can provide guidance on compliance with U.S. laws and regulations, as well as implementing best practices for supply chain management and developing tailored compliance procedures.

### RELATED PRACTICES

- [Trade Sanctions & Export Controls](#)
- [Global Business & Human Rights](#)

---

This communication is intended for general information purposes and as a service to clients and friends of Foley Hoag LLP. This communication should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Attorney advertising. Prior results do not guarantee a similar outcome. © 2017 Foley Hoag LLP. All rights reserved.