

CBP Modifies WRO After Brazilian Co. Demonstrates Compliance with Forced Labor Regulations

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On December 7, 2020, U.S. Customs and Border Protection (CBP) [modified an existing Withhold Release Order \(WRO\)](#) on bone black produced in Brazil by Bonechar Carvão Ativado do Brasil Ltda (Bonechar). As a result of this change, Bonechar-produced bone black is now admissible at all U.S. ports of entry, effective December 4, 2020. Bone black is charcoal made from animal bones which has multiple industrial purposes, including filtration. CBP's modification is significant as it provides detail on the often opaque WRO review process and factors that are considered in removing a WRO.

Previously, on October 1, 2020, and simultaneously with four other WROs, [CBP issued a WRO](#) on Bonechar bone black based on information received that indicated that the bone black was produced, in whole or in part, using forced labor. At that time, CBP found that five of the eleven International Labour Organization (ILO) [indicators of forced labor](#) were present in Bonechar's operations.

Bonechar then submitted information to CBP that addressed the five indicators, including data from worker interviews, a site visit, and document reviews. Evidence provided indicated that Bonechar employees are free to leave the premises and are not subjected to any form of punishment. On the basis of this information, CBP modified the WRO to permit entry of Bonechar-produced bone black after concluding that the evidence supports Bonechar's claim that their bone black is not currently produced with forced labor, and has not been since at least August 2020.

WROs are issued pursuant to [Section 307 of the Tariff Act of 1930](#), which prohibits the importation of merchandise mined, manufactured or produced, wholly or in part, by forced labor, including convict labor, forced child labor, and indentured labor. A list of all current WROs is [available here](#). Thirteen WROs have been issued in fiscal year 2020. WRO investigations can be initiated in multiple ways, including through news reports or tips received from the public or members of the trade community, and CBP may also decide on its own to initiate an investigation into the use of forced labor in any given supply chain.

This WRO modification demonstrates that companies with blocked products can produce evidence to CBP refuting that their products are produced with forced labor resulting in their products being allowed to re-enter the U.S. Companies should ensure that they have effective compliance programs in place to address the risk of forced labor in their global supply chains. 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 compliance procedures.

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