

First WRO of Biden Administration Targets Forced Labor on Chinese Fishing Fleet

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On May 28, 2021, U.S. Customs and Border Protection (“CBP”) released the first Withhold-Release Order (“WRO”) of the Biden administration on seafood from Dalian Ocean Fishing Co., Ltd. (“Dalian”), a Chinese company, due to information reasonably indicating that such seafood was harvested with forced labor. As a result of the WRO, all tuna, swordfish, and other seafood sourced from fishing vessels owned or operated by Dalian will be blocked from entry into the U.S. and detained at U.S. ports of entry. There are three active vessel-specific WROs which were all issued in 2020 related to seafood from Taiwanese fishing vessels. While CBP has previously issued WROs on seafood from specific fishing vessels, this is the first WRO that applies to an entire fleet. In their [press release](#), CBP stated that they found all 11 of the International Labour Organization’s [indicators of forced labor](#) during their investigation including physical violence, withholding of wages, and abusive working and living conditions on the Dalian fleet.

This is the first WRO issued by CBP during the Biden administration, but not the first CBP action taken during the Biden administration related to forced labor. On March 29, 2021, CBP issued a finding of forced labor on disposable rubber gloves produced by Top Glove Corporation Bhd in Malaysia. Products subject to a finding, which is a conclusive determination of forced labor, are seized by CBP and subject to forfeiture proceedings. A complete list of all CBP actions related to forced labor is [available here](#). For an overview of 2020 actions related to forced labor and an outlook for 2021, see our [Client Alert](#).

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.

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