

**Commercial Customs Operations  
Advisory Committee (COAC)  
Secure Trade Lanes Subcommittee  
Trusted Trader Working Group  
Recommendations**

December 2020



## **COAC Trusted Trader Working Group (TTWG)**

1. COAC recommends that in the event CBP proceeds to launch the CTPAT Trade Compliance Forced Labor Program without the guidance of the forced labor NPRM, that CBP and COAC collaborate to draft the Forced Labor criteria based on certain critical assumptions that build in flexibility, enabling CBP to modify the criteria once it is clear whether those assumptions accurately reflect the final legal and regulatory requirements (e.g., whether there is a prior disclosure process affording mitigation or not; whether particular information will be required to respond to WROs and findings or not; whether specific mitigating factors will be considered for penalties or seizures or not; etc.). In this way, the CTPAT Trade Compliance Forced Labor Program will recognize the above and beyond practices in relation to the established legal and regulatory requirements that compliant importers maintain.
2. COAC recommends that CBP collaborate with COAC to clarify the types of audits or reviews to which trusted trader partners may be subject regarding compliance, including forced labor. While the CTPAT Trade Compliance Program recognizes that members should not be subject to focused assessments, because the Regulatory Audit and Agency Advisory Services (RAAAS) Division more commonly uses Risk Analysis & Survey Assessments (RASAs) or Quick Response Audits (QRAs) this would help trusted traders better set expectations as to how their partnership status may or may not impact CBP audits or reviews to detected prohibited, illegal importations, or just for information collection and program analysis purposes.
3. COAC recommends that CBP collaborate with COAC to consider the ability to work across CBP program offices to have a coordinated, abbreviated, and streamlined RASA process for CTPAT Trade Compliance members to include the CEE Partnership Branch, the CBP National Account Manager, and RAAAS, so that the process takes advantage of the existing information CBP may have on the partner's business operations.
4. COAC further recommends that CBP collaborate with COAC to consider how such RAAAS inquiries or audits in forced labor or other compliance areas may be leveraged in whole or in large part to satisfy the CTPAT Trade Compliance, including forced labor, standards where the RASA requires importers to demonstrate implementation of the proper procedures and controls also required under the CTPAT Forced Labor and other Trusted Trader programs.
5. COAC recommends that CBP continues working with the TTWG on developing the Forced Labor criteria for the CTPAT-Trade Compliance Program, with a balanced approach to enforcement, better allocation of resources and partnership to distinguish low and high risk importers; considering the three sets of recommendations that the COAC previously submitted for consideration in February 2019, August 2019, and July 2020. The recommendations previously submitted to CBP, provide guidance and suggestions about CTPAT's Trade Compliance Strategy and core elements of the voluntary CTPAT Trade

Compliance Program, such as suggested benefits, metrics, and voluntary disclosure mechanisms.