## Commercial Customs Operations Advisory Committee Intelligent Enforcement Subcommittee Forced Labor Working Group Draft Recommendations

December 2022



## Commercial Customs Operations Advisory Committee (COAC) Intelligent Enforcement Subcommittee Forced Labor Working Group Draft Recommendations

## **COAC** Recommendations

1. COAC recommends that CBP publish a series of visual 'Fact Sheets' to help and empower U.S. Importers of all sizes to understand better the operational processes to comply with UFLPA and WRO enforcement. It is important to note that while Fact Sheets are an important mechanism to provide expedited and practical clarity to the trade community, CBP should continue to pursue the development of a Forced Labor Informed Compliance publication, as has been customary with other priority trade topics and has been raised in previous recommendations.

The fact sheets should describe in a flowchart format CBP's operational processes including:

- a. Detention to release, exclusion or Import entry rejection (both for WROs and UFLPA)
  - i. The Fact Sheets should outline the step-by-step coordination between the ports, CEEs, CBP HQ and the Importer.
  - ii. The Fact Sheets should provide clarity to the importer on what to do next (e.g., who to contact, contact information, when to notify and how to notify involved parties, etc.) and what to expect after receiving a detention notice from CBP.
  - iii. The Fact Sheets should also clarify steps importers should take if they wish to seek an exception to the UFLPA or request an applicability review (determination that the detained goods are not subject to the UFLPA) or seek an admissibility review (determination that the goods are not subject to a WRO) by CBP. This should include the mechanism for how importers can best and most efficiently transmit supply chain documentation to CBP in support of these requests (email, drop box, etc. given the large number of documents that may need to be transmitted).
  - iv. The Fact Sheets should also include the process that importers must follow when additional shipments that have identical supply chains to those that have been reviewed previously and determined to be admissible by CBP, to facilitate proactive information sharing with CBP and streamline the release process.
- b. Ruling process flow to request a determination from CBP that a specific commodity, import does not fall under the UFLPA or active WRO:

- i. Fact Sheet should include where the importer should file the ruling request (including contact information) and how to utilize the ruling received for future imports of the identical supply chain.
- c. The fact sheets should be available on CBP's Forced Labor Webpage Forced Labor | U.S. Customs and Border Protection (cbp.gov), and linked to CBP's UFLPA Webpage as appropriate Uyghur Forced Labor Prevention Act | U.S. Customs and Border Protection (cbp.gov). The operational fact sheets should also be added to the existing 'slick sheets' section in CBP's webpages.
- 2. COAC recommends that CBP develop a mechanism to receive additional questions and requests for new FAQs from the public, periodically review the posted FAQs, and publish updated FAQs as continuous training/awareness to the trade community. For instance, CBP could establish an email address to receive 'other questions' that are not included in the currently published FAQs.
- 3. COAC recommends that CBP revamps its Forced Labor and UFLPA Webpages to clearly indicate to the public when updates or changes are made to guidelines, operational processes, fact sheets, FAQs, ACE, or any other relevant information for the trade community. The updates should include a tracking history when the changes are made and be searchable and indexable for simple reference. Additionally, CBP should establish a consistent 'push' communication protocol, using existing tools such as the Cargo System Messaging Service 'CSMS' to quickly maximize outreach to brokers, importers and the trade community when sharing forced labor updates.
- 4. COAC recommends that CBP enhance the current quarterly forced labor enforcement statistics that are published to include additional indicators about enforcement activity, not just the number of shipments targeted to increase transparency and bi-directional communication to support the eradication of forced labor. These additional indicators should include the number of detentions, commodity types detained, country of origin of products detained, the number of shipments released, etc.