

US government, companies face complicated path to removing Uyghur labor from seafood supply chain

By Chris Chase

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In the wake of the Outlaw Ocean project report headed up by Ian Urbina – which found evidence of Uyghur and forced labor inside the seafood supply chain – governments and companies alike have kickstarted efforts to stop the current issues outlined in the report and determine how to prevent future incidents.

The report, the result of years of investigation across the seafood supply chain, found evidence that companies inside China have used labor from China's ethnic Uyghur minority – a practice made illegal by the Uyghur Forced Labor Protection Act (UFLPA) in 2021. It also found evidence that seafood sourced from distant water fishing vessels using forced labor managed to make it into the U.S. supply chain.

The reaction to the report across the seafood industry was almost immediate. Within a day, High Liner Foods – which was named in the report as sourcing seafood from a Chinese company implicated in using Uyghur labor – announced it cut all ties to the seafood companies Outlaw Ocean referenced. Retailer Albertsons dropped the flounder and yellowtail sole products from High Liner Foods associated with Uyghur labor even earlier than that, according to the open-source discussions made public by the Outlaw Ocean Project.

News of other companies cutting ties quickly followed. Nissui's subsidiary Cité Marine commissioned an audit and ceased being supplied by the factory named in the report. Cape May, New Jersey, U.S.A.-based Lund's Fisheries followed soon after, cutting ties with the Chinese supplier the Outlaw Ocean project named as a user of forced labor.

Government reactions were also swift. Two U.S. lawmakers – representatives Raul M. Grijalva and Jared Huffman – wrote the Customs and Border Patrol agency, calling for it to use the full authority of the UFLPA to investigate the reports and enforce violations. The two lawmakers also wrote to Secretary of Commerce Gina Raimondo and NOAA calling for action. The U.S. Congressional-Executive Commission on China also scheduled a hearing – occurring on 24 October – to receive recommendations on how the U.S. can take action to ensure Uyghur labor is removed from seafood supply chains.

The swift reaction of many companies, Oceana Campaign Director Max Valentine told SeafoodSource, was heartening and evidence that companies in the seafood industry are striving to improve labor issues in the supply chain.

"I think it's great that we're seeing the rise of corporate due diligence, of people taking control of their own organizations and companies taking control of their own supply chains," she said.

Companies and third-party organizations, however, can only go so far. The inability of third-party audits to discover evidence of Uyghur and forced labor in the seafood supply chain was highlighted by the Outlaw Ocean Report – a number of social audits by the MSC, ASC, and BRC all missed the evidence of forced labor even though some of the companies named in the report had obtained one of the certifications.

Companies and NGOs missing the evidence that Outlaw Ocean didn't is less an example of poor performance on their part, and more an example of how difficult it can be to truly find and prevent forced labor within the supply chain, seafood traceability company Goldfish Co-Founder and CEO Celeste Leroux told SeafoodSource.

"What I learned from Ian Urbina's reporting, is that actually finding those problems requires way more than even government resources allow," she said. "It was a monster investment, and it's not scalable, it's not repeatable, but every time somebody shows a case like this, it can create a sense that if it's done once it's repeatable."

Valentine also said third-party inspections and a company's efforts can only go so far as to prevent forced labor.

"It doesn't quite have the power behind it as a law or regulation that mandates specific things," she said.

If companies and third-party audits are unable to completely root out forced labor in the seafood supply chain, that leaves governmental intervention in the form of regulations and enforcement.

"I really think the U.S. needs to step up to the plate and do their own part in combating IUU fishing and forced labor," Valentine said.

Some of the steps that the U.S., and NOAA, can take are relatively straightforward policy shifts that Oceana has pushed for for years, Valentine said.

“NOAA uses an outdated definition of IUU fishing. It’s incredibly limited, and it doesn’t currently include forced labor,” Valentine said. “NOAA was directed by Congress three times to update their definition of IUU fishing, and they still have not done that.”

Without an updated definition, she said, the United States’ ability to take action on instances of illegal fishing and forced labor is limited.

Other policy changes, however, would be more involved. In their letter, representatives Grijalva and Huffman were also pushing the U.S. to step up its efforts to combat IUU through the further implementation of SIMP.

NOAA announced a major SIMP expansion proposal in January, which would more than double the number of species that the program targets. SIMP was created six years ago to block the import of select seafood products that had been mislabeled or harvested through illegal, unreported, and unregulated (IUU) fishing, and it covers 13 species groups entailing about 1,100 individual species of seafood.

Immediately after NOAA proposed expanding SIMP, organizations said it was already falling short. The Stimson Center called for it to be expanded beyond the proposal, and a half-dozen U.S. senators also said the proposal didn’t go far enough.

Now, Grijalva and Huffman are both calling for SIMP to be expanded across all seafood in the wake of the Outlaw Ocean report.

“Expanding the Seafood Import Monitoring Program (SIMP) to all imported seafood—and ensuring the program is functional, well-implemented, and enforced—is key to closing U.S. markets to seafood derived from IUU fishing and abusive labor practices,” their letter to NOAA and U.S. Secretary of Commerce Gina Raimondo. “In the six years that have elapsed since the SIMP was promulgated, Congress has directed substantial appropriations toward SIMP implementation, and Congress continues to promote legislative solutions to ensure the U.S. has a functional seafood traceability program. In conjunction with those efforts, we expect you to use any and all existing executive branch authorities to tackle the urgent issue of IUU fishing.”

The representatives also called for further details on the amount of money NOAA has spent on improving seafood import screening by automating the analysis of SIMP data, and details of what efforts NOAA has made to develop technologies to improve the analysis of SIMP data.

Oceana, Valentine said, has also pushed for SIMP expansion as a means for closing loopholes that allow seafood sourced via IUU and seafood sourced via forced labor into the U.S.

“We’re big supporters of expanding the transparency and traceability of the seafood supply chain by expanding and improving the Seafood Import Monitoring Program,” she said. “As long as it doesn’t cover all species, there’s going to be loopholes for seafood that are mislabeled, and potentially the project of forced labor, to slip into our borders, that’s a given.”

However SIMP expansion may not be the straightforward solution that it seems, Leroux said. While she is currently the CEO of Goldfish – a data and traceability company that keeps track of regulations and compliance needs in the seafood supply chain – she also worked with NOAA and the Whitehouse to implement SIMP.

“This was a program I was involved with setting up, and you would be hard-pressed to find someone more critical of it,” she said.

The counter-IUU benefits of SIMP, she said, are still very unclear, and it is currently functioning less like a screening program preventing the entrance of IUU seafood and more like an audit of seafood that has already made it into the U.S.

“If it were a screening program that was catching all of this information immediately and helping importers avoid making risky purchases, I could see the logic of expanding SIMP, but it has gone through something of a rebrand from trade monitoring and screening products to a deterrent. And its efficacy as a deterrent is pretty unproven, I would say,” Leroux said.

SIMP has, she said, performed audits and investigated supply chains, but rarely because of discovering IUU.

“There are reports that are finding a high level of audit failures, but the reason for those failures is rarely that they caught IUU fishing, it’s other things like typos,” Leroux said.

The National Fisheries Institute has also long opposed any expansion of the program for similar reasons.

NFI Chief Strategy Officer Gavin Gibbons told SeafoodSource that it and its member companies emphatically stand against both illegal labor and labor abuses – but that expanding SIMP is not the tool to use to prevent it in the supply chain. The trade group has pointed out in the past that some of NOAA’s own reports on the program – including a report to Congress in 2022 – acknowledge that SIMP does not stop illegal products from entering the U.S. market and that the primary goal of the program was to protect at-risk species.

“Using SIMP to police Chinese labor makes little sense,” Gibbons said.

NFI recommends amending and further enforcing the UFLPA as a better means of preventing forced labor in the seafood supply chain, rather than expanding SIMP further.

Representatives Grijalva and Huffman, meanwhile, also called on NOAA to detail how it considers SIMP audits to be an effective approach for improving the program, and what procedures and provisions NOAA follows to perform audits.

“Does this methodology or framework identify shipments at the highest risk of originating from IUU fishing?” the letter states.

Data collection, Leroux said, is one way that the government can help prevent forced labor in the seafood supply chain. She added that as of now, the seafood industry already collects an enormous amount of data.

"Right now there's a lot of data moving through supply chains that is not turning into actionable intelligence because it's not being reviewed," she said. "That's where I think the best opportunity for growth is, and it shouldn't require an extra level of effort from industry – they're already doing the hard part, they're already collecting the data. It's really just a matter of making sure that aligns with regulatory compliance and that somebody is looking at it on the other end."

Other seafood industry groups assert the best way for the U.S. to distance itself from the use of Uyghur and forced labor isn't to further tighten SIMP or refine data analysis – it's to stop using so much Chinese processing in the first place. The Southern Shrimp Alliance, which represents shrimp harvesters in the U.S., said the vast amounts of shrimp shipped via China into the U.S. is evidence of the problems in the supply chain.

Shrimp either caught wild or raised via aquaculture is often shipped across the world to China just to be processed and set back across the world to the U.S. The SSA pointed out that significant quantities of Argentine Red Shrimp, a wild-caught species sourced off the coast of Argentina, are shipped from the South American country all the way to China to be processed, and then shipped back across the Pacific Ocean.

"There may be no better example of the relentless, amoral quest for the lowest prices possible, than shipping shrimp across the world to China for packing before it is imported into the United States," Southern Shrimp Alliance Executive Director John Williams said. "It is not surprising to learn that the Chinese seafood processing industry has been implicated in grave human rights abuses, any more than it is surprising to report that this doesn't appear to have stopped anyone from sourcing from them."

Chinese officials, meanwhile, continue to deny that forced labor is being used within the country's seafood processing facilities. The China Aquatic Products Processing and Marketing Alliance (CAPPMA) called the Outlaw Ocean project report a fabricated story.

"The report, without any factual basis, speculates that employing Uyghur workers is equivalent to forced labor and encourages companies in the U.S. and E.U. to boycott seafood from related Chinese processing plants which have been falsely alleged. This is highly irresponsible," CAPPMA said. "The continuous spread of the news has resulted in some buyers ceasing shipments from Chinese processing plants. This not only directly jeopardizes the normal operation of Chinese processing plants, affecting the interests of partners, but also severely disrupts the global seafood supply chain."

The United Nations has accused China of arbitrary detentions of the Uyghur ethnic minority inside the country and serious human rights violations in Xinjiang province. According to the U.N., a review of material available to the office found violations of international law, including "far-reaching, arbitrary and discriminatory restrictions on human rights and fundamental freedoms, in violation of international laws and standards."

A U.N. report also said the Chinese Government has severed families and used intimidation and threats against Uyghurs that are not residents of Xinjiang province, and that its restrictions may constitute international crimes, “in particular crimes against humanity.”

The U.S. UFLPA also outlaws the importation of any goods produced using Uyghur labor or labor from Xianjiang – regardless of China’s assertions that Uyghur labor is not forced labor.

Photo courtesy of the U.N. Human Rights Office



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