



Southern Shrimp Alliance

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Robert P. Silvers
Under Secretary for Strategy, Policy, and Plans
Chair, Forced Labor Enforcement Task Force
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

Dear Chair Silvers:

Since January 2024, 183 containers of Argentinian shrimp have been shipped to U.S. ports by Chinese exporters. These shipments represent over eight million pounds of shrimp landed by Argentinian fishermen in the Atlantic Ocean, shipped across the Pacific Ocean to Chinese seafood processors, and then shipped back across the Pacific Ocean to be offered to American consumers in grocery stores as a wild-caught shrimp product right next to the pink shrimp caught by American shrimpers in the Gulf of Mexico and the South Atlantic. Notably, this information is obtained from ship manifest data that has been made publicly available and specifically mentions the harvest country source in the goods description. Due to these significant limitations, there are likely a substantial additional amount of Argentinian-origin shrimp landing on the plates of Americans by way of China.

Supply chains can be complex, but the globe-hopping of shrimp that is minimally processed before reaching consumers appears to be neither efficient nor cost-effective. Nevertheless, the Argentina to China to United States pipeline has become an entrenched part of the U.S. shrimp market. For these reasons, the Southern Shrimp Alliance (SSA), its members, and the American commercial shrimp industry at large are deeply disturbed by the extensive exploitation of Uyghurs in the seafood processing industry in Shandong province. Even from the limited information available to the public, it is clear that at least some of the Argentinian shrimp entering the United States market goes through Shandong.

Section 307 of the Tariff Act of 1930 (19 U.S.C. § 1307) specifically prohibits importation into the United States of “{a}ll goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by... forced labor.” In 2021, in recognition of the egregious, systemic, and ongoing violations of human rights committed by the Chinese Communist Party (CCP) against China’s Uyghur population, as well as against other

ethnic and religious minorities in Xinjiang province, Congress passed the *Uyghur Forced Labor Prevention Act* (P.L. 117-78, or UFLPA).

The UFLPA significantly improved the administrability and augmented the effectiveness of Section 307 with regard to goods produced using Uyghur forced labor. Moreover, the UFLPA placed the United States at the forefront in the fight against the CCP's coercive policies against the Uyghur people. The UFLPA does this by introducing a rebuttable presumption that all merchandise produced in Xinjiang or by Uyghur laborers, in whole *or in part*, is the product of forced labor. By introducing this presumption into the law, the Department of Homeland Security was empowered by Congress to more actively and efficiently bar goods produced using Uyghur forced labor from entering the United States, with violators added to the UFLPA's *Entity List* of firms barred from accessing the U.S. market. However, the full power of this legislation to strip away the financial benefits obtained from exploiting Uyghur forced labor by the CCP and its partner industries can only be brought to bear if the Forced Labor Enforcement Task Force (FLETF) exercises its discretionary authority to facilitate enforcement, as Congress intended.

As you know, earlier this year the FLETF added seafood to its list of high priority sectors for enforcement under the UFLPA.¹ The FLETF moved to include seafood, in part, in response to the compelling evidence provided at hearings of the House Homeland Security Committee's Subcommittee on Oversight, Investigations, and Accountability,² and in the detailed exposé published by *The Outlaw Ocean Project* documenting the pervasive use of forced labor in China's seafood processing industry in Shandong province.³ This was an important step in helping protect U.S. consumers from unknowingly consuming goods produced through the use of forced labor in Chinese seafood processing plants.

Beyond adding seafood to its list of high priority sectors for enforcement, the FLETF has added one specific seafood exporter, the Shandong Meijia Group Co., Ltd. (a.k.a. Rizhao Meijia

¹ Homeland Security, "Forced Labor Enforcement Taskforce Adds Aluminum, PVC, and Seafood as New High Priority Sectors for Enforcement of Uyghur Forced Labor Prevention Act," (July 9, 2024), <https://www.dhs.gov/news/2024/07/09/forced-labor-enforcement-task-force-adds-aluminum-pvc-and-seafood-new-high-priority>.

² U.S. House of Representatives, Subcommittee on Oversight, Investigations, and Accountability, "Exploitation and Enforcement: Evaluating the DHS Efforts to Counter Uyghur Forced Labor," <https://www.youtube.com/watch?v=AxNwYKoaF9g>; U.S. House of Representatives, Subcommittee on Oversight, Investigations, and Accountability, "Exploitation and Enforcement Part II: Improving Enforcement in Countering Uyghur Forced Labor," <https://www.youtube.com/watch?v=HWGNSwTmkUQ>.

³ The Outlaw Ocean Project, "Methodology: How did the investigation identify Xinjiang labor transfers to Shandong seafood-processing plants?," <https://www.theoutlawocean.com/investigations/china-the-superpower-of-seafood/methodology/#method-discussion>.

Group), to the *Entity List*.⁴ Shandong Meijia is a Shandong-based exporter of, among other seafood products, Argentine Red Shrimp to the U.S. and Canadian markets.⁵

SSA is grateful to the FLETF for its recognition of the pervasive issue of forced labor in the Chinese seafood processing industry, and for its efforts to protect U.S. consumers from unknowingly supporting this heinous practice. However, there are many bad actors in this industry who continue to try and export seafood produced through forced labor practices into the U.S. and strong enforcement of the UFLPA remains necessary.

SSA regularly monitors imports of shrimp products into the United States, and we write because we believe that there are compelling reasons to immediately add **Rongcheng Sanyue Foodstuff Co., Ltd.** (Rongcheng Sanyue) to the *Entity List*. We have previously requested that the FLETF consider including Rongcheng Sanyue on the UFLPA's *Entity List* due to the company's exports of Argentinian Red Shrimp processed in Shandong to the United States market.⁶ SSA is now renewing that request due to the circumstances under which Rongcheng Sanyue has continued to make shipments of shrimp to this market. In particular, the U.S. Food and Drug Administration (FDA) recently publicly reported a refusal by the agency's Division of West Coast Imports of an entry line of shrimp shipped from Rongcheng Sanyue.⁷

On its own, a refusal of a single entry line of seafood would not necessitate additional action from the FDA's partner agencies. However, this refusal is of particular concern because the refusal charge of "3846" was reported by the FDA. The FDA refers to this type of refusal as being an "807Refusal," defined as follows: "The food is subject to refusal of admission pursuant to Section 807 in that the foreign factory, warehouse, or other establishment of which the owner, operator, or agent in charge, or the government of the foreign country, refuses to permit entry of United States inspectors or other individuals duly designated by the Secretary, upon request, to inspect such factory, warehouse, or other establishment."

On June 28, 2023, the FDA updated Import Alert 99-32 (Detention Without Physical Examination of Human and Animal Food Products from Foreign Establishments Refusing FDA Inspection) to include Rongcheng Sanyue Foodstuff Co., Ltd.⁸ Rongcheng Sanyue is one of six Chinese food processing facilities based in Shandong province currently listed on Import Alert

⁴ Homeland Security, "UFLPA Entity List," <https://www.dhs.gov/uflpa-entity-list>.

⁵ Homeland Security, "DHS Adds PRC-Based Seafood, Aluminum, and Footwear Entities to Uyghur Forced Labor Prevention Act Enforcement List," (June 11, 2024), <https://www.dhs.gov/news/2024/06/11/dhs-adds-prc-based-seafood-aluminum-and-footwear-entities-uyghur-forced-labor>.

⁶ Southern Shrimp Alliance, "Southern Shrimp Alliance Petitions for Argentine Red Shrimp Processed Through Uyghur Forced Labor to Be Banned," (Oct. 23, 2023), <https://shrimpalliance.com/southern-shrimp-alliance-petitions-for-argentine-red-shrimp-processed-through-uyghur-labor-to-be-banned/>.

⁷ U.S. Food and Drug Administration, Import Refusal Report, "300988095 | RONGCHENG SANYUE FOODSTUFF CO., LTD | 16JGD05 | 27-Sept-2024 | 082-0455964-8/11/1," <https://www.accessdata.fda.gov/scripts/ImportRefusals/index.cfm?action=main.default>; <https://datadashboard.fda.gov/ora/firmprofile.htm?FEIu=3009883095&/identity/3009883095>.

⁸ Food and Drug Administration, "Import Alert 99-32," (Dec. 19, 2024), https://www.accessdata.fda.gov/cms_ia/importalert_521.html.

99-32 because it has refused access to FDA inspectors, joining Qingdao Dongjiang Guoshu Food Co., Ltd. (April 24, 2017); Qingdao Hairong Foodstuff Co., Ltd. (Nov. 28, 2017); Shandong Hongda Group (Dec. 8, 2017); Xinfazhan Foodstuff Co., Ltd. (Dec. 26, 2018); and Qingdao Color Extract Co., Ltd. (Dec. 23, 2019).⁹

Despite refusing to allow the FDA to access its facility, Rongcheng Sanyue nevertheless recently attempted to send a shipment of Argentine Red Shrimp into the U.S. market through the port of Long Beach.¹⁰ But for the FDA's identification of this shipment as being subject to the detention without physical examination called for by Import Alert 99-32, this shrimp would have entered the U.S. market. Even with the intentional effort to enter merchandise into the United States in violation of law, this shrimp was likely returned to Rongcheng Sanyue to permit further sale. In sum, after refusing to allow a routine inspection of its facility by the federal agency responsible for ensuring the safety of food offered to American consumers, Rongcheng Sanyue is nevertheless still attempting to export shrimp to this market.

Remarkably, since the FDA's refusal of Rongcheng Sanyue's shipment, a review of bill of lading data indicates that there have been three additional containers of Argentine Red Shrimp shipped by Rongcheng Sanyue to the port of Seattle.¹¹ These shipments all name Pecheries Oceanic Fisheries Inc. as the consignee, a Quebec-based company identified by *The Outlaw Ocean Project* as being tied to three Shandong-based seafood processors believed to be using Uyghur forced labor.¹²

Outside of the active export of Argentine Red Shrimp to U.S. ports, Rongcheng Sanyue participates in international seafood product expos where the company markets their goods to global purchasers, including U.S. importers. For example, earlier this year, Rongcheng Sanyue participated in the Global Seafood and Seafood Processing Expo in Barcelona.¹³ Rongcheng Sanyue's marketing does not include disclosures that the company has refused routine inspections of its facility by the FDA, nor does there appear to be any public awareness of the

⁹ There are a total of forty-two Chinese facilities currently listed on Import Alert 99-32, ten of whom appear in Google Search results to be involved in seafood production and/or export of seafood products (Dalian East Coast Aquatic Product Co., Ltd., Dandong Yilin Food Co., Ltd., Fujian Cereals, Oils, & Foodstuffs Import & Export (Group) Corp., Hainan Allied Pacific Biotech Co., Ltd., Hunan Yihecun Food Co., Ltd., Qingdao Hairong Foodstuff Co., Ltd., Rongcheng Sanyue Foodstuff Co., Ltd., Shandong Hongda Group, Xinfazhan Foodstuff Co., Ltd., and Zhangzhou Tongfa Foods Industry Co., Ltd), of which four are located in Shandong province and two are located in Liaoning province (Dalian East Coast Aquatic Product Co., Ltd., and Dandong Yilin Food Co., Ltd.). In comparison, no country outside of China has more than four facilities – producing any type of FDA-regulated product – currently listed on Import Alert 99-32 (Mexico has four facilities listed; India has three).

¹⁰ Bill of lading number QYILHJY24080117.

¹¹ Bill of lading numbers YFICYTFX2409050; SAACAGTAO443084; and QLHLSE2024100231.

¹² <https://www.theoutlawocean.com/investigations/china-the-superpower-of-seafood/bait-to-plate/importers/pecherries-oceanic-fisheries-inc/>

¹³ Global Seafood, “2024 Floor Guide,” at 24 and 4, <https://www.seafoodexpo.com/global/2024-floor-guide/>.

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company's ties to the labor programs that have placed Uyghurs in seafood processing plants throughout Shandong province.

SSA appreciates that the FLETF has a rigorous process through which determinations are made regarding inclusion on the UFLPA's *Entity List*. SSA is grateful that the FLETF has identified seafood as a high priority sector for enforcement and that careful review of individual companies associated with the programs that have transferred Uyghurs to Shandong-based seafood processing facilities is being conducted. However, Rongcheng Sanyue represents a particularly egregious example of an entity that merits expedited treatment in any determination regarding its inclusion on the UFLPA's *Entity List* as the company flagrantly tried to slip its shrimp through the border in violation of the prohibition on such shipments ***caused by Rongcheng Sanyue's refusal to permit U.S. government officials access to its facilities***. In these specific circumstances, a strong response from the FLETF is warranted.

By not being included on the UFLPA's *Entity List*, Rongcheng Sanyue has been able to continue to promote and advertise its products internationally and ship Argentine Red Shrimp to the U.S. market without raising concern regarding the company's association with forced labor practices used to oppress members of the Uyghur minority. While shipments of seafood are barred from importation into the United States by Import Alert 99-32, Rongcheng Sanyue is actively testing the FDA's ability to enforce that prohibition. Action by the FLETF to include Rongcheng Sanyue on the UFLPA's *Entity List* will ensure that the company does not benefit from egregious flaunting of U.S. law and violating basic principles of human rights.

I am available to address any questions you might have regarding this correspondence.

Sincerely,



John Williams
Executive Director

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