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US forced labor case against Taiwanese tuna vessel ripens into rare 'finding'

By [Jason Huffman](#)

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📷 A longline tuna vessel offloading in Chinese Taipei. Credit: Ocean Outcomes

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US Customs and Border Protection (CBP) on Friday published notice in the [Federal Register](#) that it has issued a rare "finding" that the Da Wang, a Taiwanese tuna vessel, has used convict, forced or indentured labor and, as a result, its products are to be immediately seized upon entry at US commercial ports.

CBP, an agency within the Department of Homeland Security, has continued its crackdown on forced labor in recent times even through the change of presidential administrations, as previously reported by [Undercurrent News](#). Its website lists six

withhold release orders (WRO), the traditional method of enforcement, against commercial fishing vessels, since 2019.

Undercurrent reported in May 2021 how CBP had issued a WRO against Dalian Ocean Fishing Co., a giant Chinese-based fishing company, over forced labor concerns. The Chinese government responded by calling the action grandstanding by the administration of US president Joe Biden.

CBP previously issued a WRO on seafood harvested by the Da Wang, a vessel owned by Yong Feng Fishery, on July 31, 2020, that went into effect on Aug. 18, 2021. But the ripening of the case into a finding represents a "significant escalation", said Jessica Rifkin, an Illinois-based senior attorney specializing in trade and customs issues for Benjamin L. England & Associates.

"The primary significance of a finding is that, unlike a WRO, in which covered goods are detained on arrival in the US, goods falling within the scope of a finding are subject to seizure on arrival," she explained. "Also, while an importer can reexport goods covered by a WRO from the US, CBP's position is that option goes away once a finding is issued. The only option for the importer is to try to prove to CBP that the goods weren't made with forced labor."



 Jessica Rifkin

CBP's website shows only 10 examples of findings dating back to 1953, involving the import of furniture from Mexico, tea from China and disposable gloves from Malaysia, for example, but there are no prior examples of seafood.

The Da Wang "flies a Vanuatu flag but has a Taiwanese beneficiary", CBP noted in its *Federal Register* notice. The order prevents the import of mostly tuna products sourced from the Da Wang, according to the notice. The items affected come under the harmonized tariff schedule codes: 0304.87.0000 (tuna, non-specific, fillet, frozen), 0304.99.1190 (Tuna, frozen in bulk or in immediate containers weighing with their contents over 6.8 kg each), 1604.14.4000 (Tuna, not in airtight containers, not in oil, over 6.8 kg.) and 1604.14.3059 (Tuna, albacore, not in oil, other, over quota).

Simultaneous to its seafood-related finding, CBP also has issued a *Federal Register* notice that it has made a finding against a Malaysian company exporting palm oil.

Rifkin, who is expected to address the CBP's crackdown on forced labor in a session at the upcoming Boston seafood show in March, told *Undercurrent* that she believes

the two finding cases demonstrate a further "change in posture" at the agency.

Contact the author jason.huffman@undercurrentnews.com

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