

US Customs promised increased IUU focus before taking article down

'CBP is more than ever committed to combating illegal fishing because of its direct implication to very serious crimes, like forced labor, drug trafficking, money laundering and wildlife trafficking'

By [Jason Huffman](#) | Nov. 7, 2022 17:07 GMT

US Customs and Border Protection (CBP) advised in an article published online Friday morning (Nov. 4) that it would be stepping up its crackdown on illegal, unreported and unregulated (IUU) fishing. Then, within hours, it took the article down, leaving [a dead link](#).

"CBP will enhance its targeting tools; increase its targeting activities, and enforcement operations; train its workforce; and work with the trade community to increase awareness about the urgent need to stop products from IUU fishing from entering the US," the agency had advised in the article, a copy of which *Undercurrent News* was able to secure after it was removed from the website.

CBP, a division of the Department of Homeland Security, has yet to respond to a request from *Undercurrent* made Friday for an explanation behind the article and why it was taken down. It's possible it was simply published before proper copy editing was done. The article included some incorrect fonts and featured a graphic unrelated to IUU.

Regardless, Jessica Rifkin, an Illinois-based senior attorney specializing in trade and customs issues for Benjamin L. England & Associates, believes the seafood industry should take notice.

"Let's say they decide to do more [withhold release orders, or WROs], you have a lot of commingling on those big supply vessels where there's no way to tell where the product came

from," she said, referring to the authority CBP has to prevent the import of seafood or other goods when forced labor is believed to be involved.

"Customs has been saying over and over to the trade, this is how you fight forced labor. You do your supply chain mapping, identifying where the product is grown or caught or whatever, and every single supplier in the chain must give commercial assurances that they're not using forced labor."



📷 An undated photo of a US Coast Guard vessel preparing to board another boat.

CBP has continued its crackdown on forced labor in recent times, even through the change of presidential administrations. Its website lists six seafood-related WROs since 2019.

Undercurrent reported in May 2021 how CBP issued a WRO against Dalian Ocean Fishing Co., a giant Chinese-based fishing company, over forced labor concerns. In its withdrawn memo, the agency notes that all 11 forced labor indicators were found in the case, and "at least six workers died on the Dalian fishing fleet due to abusive working conditions". It accused Dalian vessels of committing wildlife crimes by practicing shark finning, removing the fins of the creature before dumping them back into the ocean to die -- a practice that is prohibited in many countries.

Later, in January 2022, CBP issued [a rare "finding" against the Taiwanese tuna vessel Da Wang](#) that it used convict, forced or indentured labor, requiring its products be seized upon entry at a US commercial port.

The pandemic made things worse

IUU frequently goes hand-in-hand with forced labor, the CBP said in its recently withdrawn article.

"In many cases, crew members are recruited under false pretenses and trapped in debt bondage," the agency said. "For instance, recruitment agencies may charge exorbitant fees. To pay for those

charges, crew members usually take a loan from the recruitment agency, which deducts their wages towards the loan balance."



📷 A vaquita porpoise.

Because they are so isolated, other serious mistreatment, including physical abuse and excessive overtime, are common aboard deep-sea IUU vessels, CBP advised. Also, IUU fishing often kills endangered species, like the sea turtle, totoaba and vaquita porpoise found in the Gulf of California, off the Mexico coast, the agency noted.

"CBP is more than ever committed to combating illegal fishing because of its direct implication to very serious crimes, like forced labor, drug trafficking, money laundering and wildlife trafficking," the agency said. "It is critical to protect endangered species and to stop overfishing to preserve the ocean ecosystem and biodiversity."

The pandemic made things worse.

"Poaching and overfishing have increased as a result of the COVID-19 pandemic which has pushed more local fishers and people living in poverty into IUU practices due to limited economic opportunity," CBP said.

CBP said it's working with the National Oceanic and Atmospheric Administration (NOAA), US Fish and Wildlife Services, the US Department of Agriculture and the seafood supply chain "to safeguard the sustainability and integrity of seafood in the US marketplace".

NOAA, in its biannual report presented to Congress in August 2021, criticized 31 countries, including Mexico, for not doing enough to end IUU to end or reduce the bycatch of protected species, as reported by [Undercurrent](#).

In July 2022, NOAA issued a proposal to tweak existing anti-IUU rules to "harmonize" legal enforcement provisions relating to forced labor. It was a change that big tuna producer Bumble Bee

Foods among others opposed, saying IUU and forced labor are different issues that require different solutions, as reported by [Undercurrent](#).

Where you find one, you find the other


CBP has paired IUU fishing with forced labor for years, Rifkin said.

"Forced labor and IUU fishing naturally are partners; where you have one very often you're going to find the other," she said. IUU harvesters are "renegades" who reside "outside of the legal parameters of oversight. It's very easy to treat the fishers on your boat terribly because no one's looking."

CBP has been "pretty quiet on the WRO front" since earlier this year, Rifkin noted, which she believes may be due in part to the agency's recent implementation of the Uyghur Forced Labor Prevention Act (UFLPA), signed into law by president Joe Biden in December. It's a big undertaking and "a real scramble to get it up and running", she said.

"That being said, I think CPB is definitely still interested in reaching out to the seafood community and making sure that they're aware of this issue and being proactive about not having forced labor in their supply chain," Rifkin said.



 Trade attorney Jessica Rifkin

The trade attorney revealed she is to be part of a panel with CBP officials at the Boston seafood show, in March 2023, where they plan to talk about their efforts to combat IUU.

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