



WITHHOLD RELEASE ORDER (WRO)

Since the Tariff Act of 1930, the U.S. has prohibited the importation of goods determined to be mined, produced, or manufactured, in whole or in part, by the use of forced labor, including prison labor, forced labor, or indentured child labor. The 1930 Tariff Act included a “consumptive demand” clause (19 U.S.C. § 1307), which allowed the import of goods made with forced-labor, IF the goods were not produced in the U.S. in quantities that met the consumptive demands in the U.S. The Trade Facilitation and Trade Enforcement Act ([TFTEA](#)) of 2015 removed the consumptive demand clause, strengthening CBP’s ability to target, restrict, and issue WROs to detain or exclude suspect shipments.

GOODS DETAINED ON ENTRY

Once a WRO is issued, Importers can still receive their goods if they are able to prove that their goods are not made with forced labor. Importers have three (3) months to submit a certificate of origin and convincing evidence substantiating that the merchandise was not produced with forced labor. Documentation may include factory visit and audit reports including photos of work and living spaces, supply chain maps, and evidence of the implementation of policies that protect human rights. CBP has posted a [Fact Sheet](#) for providing substantiation for the admissibility of your goods. If CBP is not able to establish the admissibility of your goods, the detained shipment will be subject to seizure and excluded from entry into the U.S. per 19 U.S.C. § 1307.

RESPONSIBLE BUSINESS PRACTICES

Importers must make every effort to know their supply chain and have established strong business practices to remove any possibility of the use of forced or indentured labor in the production of your goods.

Know Your Supply Chain – Be able to map or define your supply chain from raw materials through to the finished good and establish an assessment for potential risk of forced labor. Visit or work with a third-party auditor to visit the factory, and document those visits. If factory visits are not feasible, request a Production Record, which is a set of documents from your supplier that includes everything from the



sourcing, shipping, and receipt of raw materials, line production records, overhead records, to shipping/export docs. It is an extensive set of records but will demonstrate the supply chain and where the raw materials and finished goods were produced.

Include Forced Labor in Your Purchase Terms: Contact your manufacturers now. Ask them for certificates of origin including the specific, country, region, province or state and statements or affidavits that the goods are not produced with forced, indentured or child labor. Clearly state in your purchase terms or contracts that Forced Labor is prohibited in the production of your merchandise.

Corporate Policy and Training – Establish a corporate policy and documented procedures that include every component of the supply chain. Provide staff and supplier training and communicate the policy to all staff. Build internal controls that include risk assessments and audits of the supply chain.

Once issued, Withhold Release Orders are in effect until revoked or modified, so knowing your supply chain is a critical business practice that should be supported from the top down.

Make sure you are part of the solution to actively protect workers in your supply chain from human rights abuses.

RESOURCES

- CBP Forced Labor Website: <https://www.cbp.gov/trade/programs-administration/forced-labor>
- U.S. Department of Labor, Bureau of International Labor Affairs (ILAB) provides additional information and reports on forced and child labor (<https://www.dol.gov/agencies/ilab>)