Congress has banned the import of seafood made from forced and child labor.

Last week history was made in the USA with the signing of a bill closing a loophole on products tied to slaves. This raises the following key questions for the seafood sector:

What does the new law mean? A food executive asked the question when the news broke.

The U.S. Tariff Act of 1930 gave Customs and Border Protection the authority to seize shipments where forced labor is suspected and block further imports. Surprisingly, it has been used only 39 times in 85 years in large part because of an exemption that said goods made by children, prisoners or slaves can be allowed into the U.S. if consumer demand for some products cannot be met without them. This is the "consumptive demand" exception, which was eliminated in the new law.

Other goods that weren't exempted are inspected by Homeland Security and Customs and Border Protection agents. What is required is traceability and agents say their efforts are only as good as they have cooperation to trace back with the host government.

Seafood is one of the goods that previously fell within the "consumptive demand" loophole. It's reasonable to expect that inspections will continue and now expand to seafood.

Why now? What about enforcement? A team of federal experts is deciding how they will use the available data and information to help enforce the ban on seafood made from forced labor -- now that the exemption from fish is being closed. The Department of Labor "List of Goods Produced by Forced and Child Labor' is the test.

The authorities have already determined what's high risk.

If you've looked at the Department of Labor's new Sweat and Toil app (google and download it on your phone), and go to Goods, the list of countries currently associated with forced labor, child labor and forced child labor in seafood are:

Fish = Cambodia, Ghana, Indonesia, Kenya, Peru, Philippines, Thailand, Uganda, Yemen;

Shrimp = Bangladesh, Burma, Cambodia, Thailand; and

Shellfish (farmed) = El Salvador & Nicaragua.

Currently, the ratings are for the country where the good was procured. For example, if there is an incident of fishing boat slavery by a Korean fleet in New Zealand waters, it will be counted as a good made by forced labor in New Zealand.

How are data used to determine if a good is tied to slave labor? Definitions for forced and child labor are set by an international committee of experts convened by the International Labour

Organization every 5 years to standardize forced labor measurement worldwide (International Conference of Labor Statisticians). The child labor definition was resolved in 2013 and recent efforts are into how to measure forced labor in a more standard manner (UNODC and ILO started work on this in 2014).

The main question is the threshold for putting a country on the list. When there is sufficient evidence to believe that the incidents are not isolated, that meets the threshold and a country is included.

This is based on the amount of evidence and information they receive but they require direct, public evidence in order to list a country. It's a high bar, meaning the evidence has to be very strong and consistent to get a country onto the list. That said, given the media and other attention to these issues in fisheries worldwide, it's reasonable to anticipate that new countries and products may soon join the list.

What can the seafood industry and their associations or NGO partners do? Download the Sweat and Toil app and start looking into the risks of slave labor in seafood from countries on the list, as these products are now flagged for possible inspection. For a wide heads up with total coverage worldwide, please check out the new Social Responsibility Tool for Fisheries sponsored by Seafish, Monterey Bay Aquarium and Sustainable Fisheries Partnership. It ties directly into what the authorities at the US Department of Labor, US Department of State, and International Labour Organization have determined to be high risk origins for slavery in seafood production.

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More info:
The Labor Safe Screen
The DOL toolkit for responsible business
The Guardian: Exploitation of migrant workers increasingly a top risk to business