

Testimony of Ian Urbina before the Congressional-Executive Commission on China
“From Bait to Plate – How Forced Labor in China Taints America’s Seafood Supply Chain”

Thank you to Chairman Smith and Chairman Merkley and thank you to the rest of the Commission for inviting me to speak. I will briefly talk about a four-year [investigation](#) that my news organization, The Outlaw Ocean Project, conducted in collaboration with the New Yorker, focused on China’s role in human rights and environmental concerns tied to the world’s seafood supply chain.

Seafood is a distinct global commodity. It is the world’s last major source of wild protein. It is the largest globally-traded food commodity by value.

Seafood is also harder to track than many other products. It is typically harvested offshore, often on the high seas, where there is limited national jurisdiction and little enforcement of what few murky rules exist. Labor spot checks on ships at sea are rare. These workplaces stay in constant motion. Deckhands are often undocumented. They tend to come from poorer nations. Their access to political capital and legal recourse in the form, say, of lawyers, advocates, journalists, or unions, is minimal.

And, between bait and plate there are an inordinate number of handoffs of this product. It goes from fishing ship, to refrigeration ship, to port, to processor, to cold storage, to exporter, to US importer, to distributor or food service company, and then, finally, to restaurant, grocery store, or to public food pantry, military base, or public school. These many handoffs make it tougher to trace the true origin of the catch and to ensure that there is no forced labor or other environmental crimes in the supply chain. Worse still, the few auditing entities that exist, what certification regimes that have emerged in the private sector, whether they focus on environmental or labor concerns, do a very poor job even at identifying and countering such crimes in these supply chains.

China plays a unique role. It is the undisputed superpower of seafood because its distant water fishing fleet, which is to say those vessels in foreign or international waters, is vastly bigger than that of any other country. So too is China’s processing capacity: even seafood caught by U.S.-flagged vessels, in our own waters, is often shipped to China to be cleaned, cut and packaged before being sent back to American consumers.

China matters, and was the focus of our investigation, not just because it is the global lynchpin of the seafood production, but also because China is the most opaque of settings, the most prone to illegal fishing practices and, come to find out, the most dependent on forced labor when it comes to seafood.

This forced labor occurs in two distinct realms: at sea and on land – on the fishing ships and in the processing plants.

At sea, the problem of forced labor is endemic and varied. Debt bondage. Human trafficking. Beating of crew. Criminal neglect in the form of beriberi. Passport confiscation. Wage withholding. Denial of timely access to medical care. Death from violence. We found a widespread pattern on Chinese ships. The investigation revealed that almost half of the Chinese squid fleet, 357 of the 751 ships we studied, were tied to human-rights or environmental violations.

On land, the problem of forced labor is deep and consistent. Especially after the start of the global pandemic led to severe labor, logistical and supply chain problems in China, the government there began helping its massive seafood industry keep production and exports up and running. It did so by moving thousands of workers across the country from Xinjiang, a landlocked and subjugated region in the far west, to Shandong, a coastal eastern province in the far east where much of the seafood infrastructure is based.

Most of the global seafood industry is impacted. The investigation found that since 2018, more than a thousand workers from Xinjiang have been forcibly relocated to at least ten seafood processing plants in Shandong that supply dozens of major U.S. seafood brands, as well as brands in at least twenty other countries.

I need not tell this commission about China's "labor transfer" programs and the ways in which this state-run effort has been legally defined as "state-sponsored forced labor" because the ethnic minorities pressed into service do not have an option to say no to these jobs.

I also do not need to remind this commission that under the Uyghur Forced Labor Prevention Act, there are very clear and strict prohibitions of any products in part or whole being imported to the U.S. that rely on Xinjiang labor.

Lastly, I do not need to tell the people gathered here that, if credible evidence is brought forward, as I think our investigation has, indicating the existence of Xinjiang labor in a particular supply chain, then this federal law, the UFLPA, puts the onus on industry, on the companies themselves, to prove that they do not in fact have Uyghurs or other ethnic minority Xinjiang labor tied to their products and until they do, the US Customs and Border Protection, are supposed to block shipments of this import. U.S. Companies responding by simply saying that their partners in China at the plants have reassured them that no forced labor exists in their plants is probably not sufficient evidence that they are free from forced labor. Similarly, relying on social or marine auditing firms that inspected these plants but, by their own admission, were not actually looking for the presence of Xinjiang workers is also not sufficient evidence that they are free from forced labor.

The Chinese seafood industry and government has already responded that using Xinjiang workers is not illegal under Chinese law and that the use of these workers does not constitute forced labor because they receive proper living conditions, a salary, vocational training, and fair treatment. But U.S. seafood companies need to understand that this misses the point. Under U.S. law, any use of Xinjiang workers is deemed illegal because it occurs in the context of a larger government-run and coercive program, and whether these workers are paid or they tell auditors or state media that they are happy to have the job is not relevant. Think, here, for comparison, of the use of child laborers in other countries, which may be legal or defined distinctly in those nations, but regardless of their laws, it is not legal for those products to come into the U.S.

As an aside, I will mention that I am intentionally refraining, for the time being, from discussing the additional set of processing plants in China that our investigation found tied to U.S. seafood importers and that rely on another form of state-sponsored forced labor, namely North Korean workers. As you know, imports to the U.S. associated with this demographic of forced labor is also strictly prohibited by federal law. We will soon publish more about those findings.

But for now, I will humbly encourage the public to take a deep look at the broken nature of the labor auditing of the seafood industry and why seafood companies have been allowed for too long to operate in a place where they have culpable deniability because to operate there they have to agree to not look too hard at thorny issues like human rights.

In fairness to industry, the world was not previously aware of how much Xinjiang labor had tainted the global seafood supply chain. The world was also not aware also of how pervasive forced labor on Chinese fishing ships themselves.

That moment has passed. We now see that hundreds of seafood companies are tied to these Chinese ships

and these Chinese factories. The question is what will industry and government do about it? The laws on the matter, at least in the U.S., are pretty clear. The issue is whether they will be enforced.

Thank you for your time today.