

# United States Senate

WASHINGTON, DC 20510

July 12, 2019

The Honorable Kevin McAleenan  
Acting Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, D.C. 20528

Dear Acting Secretary McAleenan:

We write to express our ongoing concern that imports of cocoa made with forced labor, including forced child labor, continue to enter the United States, and we urge you to take all necessary action to ensure the U.S. is not complicit in indentured child labor in the cocoa sector. Specifically, we urge you to instruct Customs and Border Protection (CBP) to use its authority under 19 USC 1307 to investigate and block cocoa imports made with forced labor from entering the U.S. market and, where appropriate, pursue criminal investigations related to the use of forced labor to produce goods being imported into the United States.

In the global cocoa industry, children perform the back-breaking work of wielding machetes, carrying heavy loads, and other onerous tasks. The prevalence of exploitative child labor has been a defining characteristic of the sector for decades. More than 20 years ago, the Department of Labor (DOL) and Congress worked with large chocolate companies to develop a framework to eradicate child labor from their supply chains in West Africa, which sources the vast majority of cocoa worldwide. These companies committed to eradicating child labor from cocoa production in West African countries, including the Ivory Coast, by 2005. Unfortunately, they missed that deadline and several subsequent ones, and the widespread use of child labor in the sector persists. According to DOL, more than two million children continue to perform the hazardous work of harvesting cocoa in West Africa.

The global cocoa trade is significant, and the U.S. is a large importer of cocoa products. In 2018 alone, the U.S. imported \$608 million of cocoa beans from the Ivory Coast, in addition to \$100 million of cocoa paste. Given the prevalence of forced child labor in the Ivory Coast's cocoa sector, it is clear at least some, if not a significant portion of those imports, were produced with forced child labor. It is time the U.S. took more aggressive action to combat forced child labor in the cocoa sector and to fully enforce Section 1307 as Congress intended.

Section 1307 prohibits the importation of merchandise mined, produced or manufactured wholly or in part in any foreign country by convict, forced or indentured labor, including forced child labor. As stated on CBP's website, when information that reasonably indicates that merchandise covered by Section 1307 is being imported, the CBP Commissioner can issue a withhold release order (WRO) to prevent those goods from entering the U.S. market. *The Washington Post*

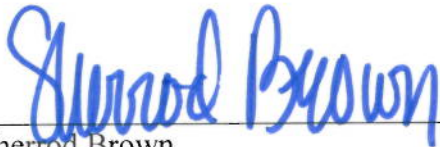
investigative report, “Cocoa’s child laborers” published June 5, 2019<sup>1</sup> appears to verify with firsthand accounts and photographic proof that the Western Africa cocoa supply chain is reliant on indentured child labor.

In light of this overwhelming evidence – which more than meets the evidentiary standard outlined in regulations at 19 CFR 12.42(e) – we urge you to work with CBP to quickly issue a WRO against cocoa products from the Ivory Coast that are not demonstrated to be from sources free of child labor. Forced child labor is too ingrained in that country’s industry to attempt to single out specific cocoa farms or producers as bad actors. In addition, we ask you to coordinate these enforcement efforts with the Immigration and Customs Enforcement (ICE) to determine whether a criminal investigation is warranted.

Congress amended Section 1307 in 2015 to eliminate any exceptions to the ban on forced labor imports, and you have since committed to adopting a zero tolerance policy on its enforcement. We urge you to use the strengthened authority under Section 1307 to take immediate steps to stop the flow of cocoa produced with forced child labor into our country. The last 20 years demonstrate that the travesty of forced child labor in the global cocoa supply chain cannot be solved by chocolate companies’ self-regulation. Nor can it be addressed with lax or nonexistent enforcement. It is time to pursue a comprehensive, aggressive enforcement agenda to eradicate forced child labor in the cocoa sector. The welfare of two million children depend on it.

We look forward to working with you to fully enforce Section 1307 and to ensure the U.S. plays no role in the continuation or tolerance of forced child labor in the world’s cocoa sector.

Sincerely,



Sherrod Brown  
United States Senator



Ron Wyden  
United States Senator

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<sup>1</sup> Whoriskey, P. and Siegel, R. (2019, June 5). Cocoa’s child laborers. *The Washington Post*. Retrieved from [https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/?utm\\_term=.80b4e53f43ce](https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/?utm_term=.80b4e53f43ce).