

# CTPAT Forced Labor Requirements

## Frequently Asked Questions



Last Updated: July, 2022

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*The below questions and answers are intended to aid CTPAT partners' in preparing for the new Forced Labor requirements.*

**Question (Q): Which CTPAT partners do the new forced labor requirements apply to?**

Answer (A): All CTPAT Security and Trade Compliance partners are responsible for upholding the existing and new forced labor laws and regulatory requirements put forth by CTPAT and US Customs and Border Protection (CBP). CTPAT's Forced Labor Requirements are located in the Importer's Minimum Security Criteria (MSC), Section 3.9. The forced labor requirements will change from a "should" to a "must" in January 2023.

CTPAT Trade Compliance partners will be required to adhere to the additional program requirements, which will be announced in July 2022.

**Q: When do CTPAT's forced labor requirements go into effect?**

A: CTPAT's Trade Compliance forced labor requirements will go into effect starting August 1, 2022. CTPAT Security will adjust the MSC requirements that will go into effect starting in January 2023.

**Q: How long will it take partners to receive information from CBP after they submit their admissibility packages?**

A: CTPAT Trade Compliance partners who notify the Center receiving the admissibility package of their program partnership will receive prioritized package reviews by the Center to the best of the Center's ability. The actual length of time until the partner will receive information from the Center varies based on the nature of the review. *The CTPAT Trade Compliance Headquarters team does not assist with the admissibility package review, this is the responsibility of the Center.*

**Q: When will partners need to submit proof of compliance with program requirements?**

A: Existing partners will need to submit proof of compliance with the newly established forced labor requirements within 12 months of the requirements being enforced. New applicants to the program must meet the requirements at the time of application.

**Q: What are the CTPAT program requirements for CTPAT Trade Compliance partners?**

A: The six program requirements are:

1. **Risk Based Mapping:** To ensure the supply chain is free from the use of forced labor, partners are required to conduct a risk-based mapping of their business with suppliers that outlines their supply chains in their entirety and are to include regions, suppliers, etc. that the importer feels are at the highest risk for forced labor. Importers are required to determine within their organization what imports are considered high risk to their particular business model but should take into consideration information that CBP provides publicly on CBP.gov. If at any time CBP determines the information is needed, CBP may request unredacted proof of supply chain mapping regarding a particular supply chain. A commitment to Business Mapping should be included in the Code of Conduct demonstrating supporting efforts to end the use of forced labor.
2. **Code of Conduct:** Partners must create a Code of Conduct statement that represents their position against the use of forced labor within any part of their supply chain. The Code of



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Conduct statement must be uploaded to the CTPAT online portal and published publicly. Partners must have policies and procedures in place that operationalize the Code of Conduct, as well as evidence of the implementation of those policies. The Code of Conduct statement must be included in the company's social compliance program that focuses on forced labor, as outlined in the CTPAT Security MSC.

3. **Evidence of Implementation:** Partners must provide CBP with evidence of implementation of their social compliance program, as required by CTPAT Security Minimum Security Criteria. As part of the social compliance program, partners must be able to identify the parts of their supply chain most at risk and provide CBP with this information, if requested. Examples of evidence include (but are not limited to) unredacted audits of high-risk supply chains related to forced labor, internal training programs for employees on identifying signs of forced labor, and mechanisms taken to show the supply chain is completely free of the use of forced labor.
4. **Due Diligence and Training:** Partners must provide training about the social compliance program requirements to their suppliers that identifies the specific risks and helps identify and prevent forced labor in the supply chain. The training should exemplify the company's position against forced labor as stated in their Code of Conduct. Proof of this training must be available to CBP, upon request. Training requirements are determined by the partner but must ensure that the suppliers' business model and Code of Conduct expressly state that they will not partner with any business that uses forced labor.
5. **Remediation Plan:** Partners must maintain a remediation plan for their organization in the event forced labor is identified in their supply chains, and provide this information to CBP upon request. This plan must include the process for disclosing the identification to CBP and outline the necessary steps for the organization's employees and suppliers to undertake to correct the issue.
6. **Shared Best Practices and Path Forward:** Partners will share best practices with the CTPAT Trade Compliance program, as appropriate, to help mitigate the risk of forced labor.

### **Q: What are the CTPAT program requirements for CTPAT security partners?**

A: Section 3.9 of the Importers Minimum Security Criteria states, "CTPAT Partners should have a documented social compliance program in place that, at a minimum, addresses how the company ensures goods imported into the United States were not mined, produced or manufactured, wholly or in part, with prohibited forms of labor, i.e., forced, imprisoned, indentured, or indentured child labor." Currently, this section is a "should". Having a documented social compliance program will become a "must" in January 2023.

### **Q: What documentation is necessary to show CBP that you are compliant with all CBP forced labor requirements?**

A: Importers must upload a copy of the evidence of implementing a social compliance program addressing the prevention of forced labor as well as a copy of the company's Code of Conduct to their trade compliance account and/or application.





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**Q: What happens if an existing CTPAT partner is no longer compliant after the forced labor requirements go into effect?**

A: If any existing partner is no longer compliant after CTPAT's forced labor requirements go into effect, the partner may be subject to suspension or removal based on the suspension and removal guidance outlined in the CTPAT Trade Compliance Handbook.

**Q: What is a CTPAT partner's responsibility for forced labor relating to the [Uyghur Forced Labor Prevention Act \(UFLPA\)](#)?**

A: Forced labor can happen anywhere in the world and there are laws preventing wares, articles, and merchandise that were mined, produced, or manufactured, wholly or in part, from entering the United States. Historically, this process was managed through Withhold Release Orders (WROs). WROs will continue for all parts of the world, separate from the UFLPA.

The UFLPA is a new law that assists the United States with the prevention of forced labor and establishes a rebuttable presumption that the importation of any goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of the People's Republic of China, or produced by certain entities, is prohibited by Section 307 of the Tariff Act of 1930 and that such goods, wares, articles, and merchandise are not entitled to entry into the United States.

**Q: What is the difference between the requirements for WROs vs. UFLPA?**

A: Detentions under UFLPA are more highly scrutinized compared to WRO detentions. This means that under UFLPA, importers need to provide CBP with a much higher level of evidence to convince them to release their goods. Companies have 30 days to appeal a detention under UFLPA. For more information on the difference between WROs vs UFLPA, please visit [CBP's forced labor website](#).

**Q: Where can partners go to find more information on UFLPA?**

A: For more information regarding UFLPA, please visit the [CBP website](#). Additionally, more information on UFLPA can be found in the [UFLPA fact sheet](#). To read the legislation, please visit [congress.gov](#).

**Q: Who to contact for more information?**

A: For more information on CTPAT and CBP's Forced Labor Requirements please use the following resources:

- CBP's forced labor division: [forcedlabor@cbp.dhs.gov](mailto:forcedlabor@cbp.dhs.gov)
- CBP's forced labor web page: [Forced Labor | U.S. Customs and Border Protection \(cbp.gov\)](#)
- CBP's UFLPA web page: [Uyghur Forced Labor Prevention Act | U.S. Customs and Border Protection \(cbp.gov\)](#)
- UFLPA inquiries can directed to: [UFLPAInquiry@cbp.dhs.gov](mailto:UFLPAInquiry@cbp.dhs.gov)
- CTPAT program page: [CTPAT: Customs Trade Partnership Against Terrorism | U.S. Customs and Border Protection \(cbp.gov\)](#)

