

**USA**

### UK seafood industry imports from USA 2018\*

Fish type	Value, £	Weight, tonnes
Salmon	44,238,845	6,638.7
Pollack	9,931,714	5,093.6
Scallops	5,121,984	410.9
Dogfish/Shark	897,944	268.7
Squid	921,946	263.2
Hake	494,736	223.2
Haddock	566,143	221.5
Lobster	2,290,166	140.0
Other Fish	89,2782	92.6
Ornamental	58,2446	36.6
Caviar	590,473	17.4
Cod	49,705	13.5
Skates/Rays	15,652	12.2
Monkfish	57,518	7.8
Warm Water Shrimps & Prawns	151,136	7.6
Other Flat Fish	127,556	7.5
Mixed	40,021	4.9
Aquatic Invertebrates	59,450	3.8
Prepared And Preserved Shrimps And Prawns	28,878	3.5
Octopus	16,296	3.0
Other Shellfish	73,464	2.8
Tuna	2,736	1.0
Crabs	14,369	0.6
Offal	9,356	0.4
Trout	3,119	0.0

\*Source: Her Majesty's Revenue and Customs (HMRC).

## Introduction

This report is part of a series of country risk profiles that are designed to provide an understanding of the social risks associated with source countries that play a key role in the UK's seafood industry. Each report covers risks related to the production and processing of wild catch and aquaculture seafood products.

This report covers issues such as forced and child labour, working conditions, and impacts of the industry on local communities, and the mitigation efforts and regulatory frameworks put in place to address these issues.

This country risk profile has been compiled by Verisk Maplecroft on behalf of Seafish. Information on issues has been collated from publicly available sources, varying from international rankings and ratings, research by academics and other organisations, through to media articles. It has been prepared for general information only. You should not rely solely on its contents; always verify information from your own suppliers in your own supply chain. References for all information sources are provided.

## Overview

According to the World Atlas, the United States ranks as the 5th largest seafood producing country and the 4th highest seafood exporting country, with a total annual export value of USD 5.1 billion.<sup>1</sup> Despite this, 80% of seafood consumption in the United States is imported, leaving the country in a seafood trade deficit of approximately USD 14 billion.<sup>2</sup> Its major exports to the UK include: salmonids, salmon, Alaskan pollock, homarus, scallop, other marine fish, dogfish and squid.

## Social Risks

### **Informal, migrant workforces within the US seafood industry are potentially at higher risk of labour exploitation.**

According to the New American Economy, 62% of seafood processing workers within the US are migrant workers, either on temporary and/or seasonal visas or undocumented.<sup>3</sup> As of 2014, more than half of the 628 workers in Alaska's fish processing industry were on H-2B visas, which allow US employers to hire migrant workers to fill temporary non-agricultural roles in the US. Informal migrant workforces likewise make up a large portion of the workforce for wild catch salmon, cod and tuna industries within the US,<sup>4</sup> including forming a significant component of the US distant water tuna fleet.<sup>5</sup>

Migrant workers are more likely to be exploited on issues like wage and passport withholding, labour broker fees and harassment,<sup>6, 7</sup> and find themselves in working conditions characteristic of modern slavery.<sup>8</sup> Two additional vulnerable groups present in the US seafood industry are Native Americans and women, who comprise a large portion of the Alaskan cod industry and East Coast lobster industry, respectively.

**Instances of forced labour have been reported within the US seafood industry.** In September 2016, two Indonesian employees onboard a US long-line fishing vessel, the Sea Queen II, filed a TVPRA and ATS lawsuit involving human trafficking and forced labour in the U.S. District Court for the Northern District of California. The vessel contracted with offshore recruiters to obtain foreign crew members where, once placed onboard the Sea Queen II, were paid less than contracted, forced to perform hazardous work for up to 20 hours a day without adequate protective equipment, denied medical treatment, and had their passports withheld. Instances of verbal abuses and bribery were also involved.<sup>9</sup> The case entered into a precedent settling settlement in January 2018.

**Seafood caught under forced labour conditions and associated abuse has the potential to enter the US via foreign suppliers.** A Human Rights Watch report in 2014 found that prawns sourced from Thailand and Indonesia using forced labour and human trafficking were being sold to US supermarkets and retailers, including Walmart and Costco. Relatedly, large quantities of fish caught in American waters are exported to China for re-processing, creating traceability issues and exposing re-importers to worker abuses in Chinese factories.<sup>10</sup>

**Workers across the US seafood industry are exposed to potentially hazardous working conditions.** Workers in the US aquaculture industry are at an elevated risk of work-related fatalities as a result of drowning, electrocution, head injuries and gas poisonings, and are likely to frequently suffer from various illnesses like work-related musculoskeletal disorders and respiratory problems.<sup>11</sup> From 2011-2016, seafood processing workers had the highest injury/illness rate of any US maritime workers. For example, in 2014, an employee at a New Bedford seafood processing plant died from head trauma after being caught in a shucking machine that he was cleaning, resulting in nine Occupational Safety and Health Administration (OSHA) violations and a fine of USD25,460 against the company.<sup>12</sup>

**At-sea, vessel disasters are the main source for workplace injuries and fatalities.** A 2010 National Institute for Occupational Health and Safety report found that the cod and ground fish industry accounts for the second most fatalities in both the Atlantic and Pacific regions, and that fishing on the east coast has more total fatalities than the entire Alaskan seafood industry. In both regions, vessel disasters were the most common accident.<sup>13</sup> Between 2000-2015, nearly half of all fatalities in the commercial fishing industry (354 out of 724 fatalities) occurred after a vessel disaster.<sup>14</sup> Health and safety hazards are exacerbated by the lack of or only basic medical care aboard fishing vessels; the only link to land based medical care is often tenuously supplied through faulty phone connections.<sup>15</sup>

## Regulations and risk mitigation

**The US government has stepped up efforts to mitigate forced labour within the seafood industry.** Agencies like USAID, the Department of State and the Department of Labor have implemented programmes geared at combatting slavery risks in the US seafood supply chain. For example, USAID has implemented its “Supply Unchained” initiative, in conjunction with its Development Innovation Accelerator, to better identify and deter human trafficking in global supply chains. It does so through real-time data collection and communications platforms. One partnership to come out of Supply Unchained is USAID’s work with the Issara Institute in Thailand looking specifically at human rights abuses onboard fishing vessels and, more broadly, the entire seafood supply chain.

In 2015, former US President Barack Obama signed the Trade Facilitation and Trade Enforcement Act, allowing stricter enforcement by US Customs and Border Protection, of seizing shipments where forced labour was suspected and to block further imports. It also closed a loophole within the Tariff Act of 1930 that allowed goods to enter the US regardless of how they were produced if there was not sufficient supply to meet domestic demand.<sup>16</sup>

And in 2017, Congress passed the Sustainable Fishing Workplace Protection Act, which establishes a non-immigrant renewable three-year visa for alien crew members on Hawaii-based long-line fishing vessels, sets employer petition requirements and responsibilities, and gives authority to the Coast Guard to perform dockside examinations of ships employing D-3 aliens to ensure compliance with related Occupational Safety and Health Administration (OSHA) laws and regulations.<sup>17</sup>

Civil society actors within the US are developing tools to help government agencies, seafood importers and retailers combat seafood slavery. The Monterey Bay Aquarium Seafood Watch programme, the Sustainable Fisheries Partnership and Liberty Asia have created a Seafood Slavery Risk Tool to inform businesses about the risks of forced labour, human trafficking and hazardous child labour in fisheries. Duncan Jepson, founder of Liberty Asia, an NGO that focuses on preventing human trafficking says that the incentive for businesses to use the new Seafood Watch tool is obvious, stating: “From our perspective, the question now is, do you want to be involved or exposed to people earning their profits from these types of environments?”<sup>18</sup>

## International conventions and rankings

The following tables indicate which international labour conventions the United States has ratified. The ratification of these conventions is a good indicator of a source country’s commitment to enforcing internationally accepted best practices in the seafood industry when combined with thorough national legislation and well-resourced enforcement mechanisms.

International Labour Organization (ILO) Conventions	Ratification
Freedom of Association and Protection of the Right to Organise (No. 87)	No
Right to Organise and Collective Bargaining (No. 98)	No
Forced Labour (No. 29)	No
Abolition of Forced Labour (No. 105)	Yes
Equal Remuneration (No. 100)	No
Discrimination (Employment and Occupation) (No. 111)	No
Minimum Age (No. 138)	No
Worst Forms of Child Labour (No. 182)	Yes
Hours of Work (Industry) (No.1)	No
Weekly Rest (Industry) (No.14)	No
Protection of Wages (No. 95)	No
Minimum Wage Fixing (No.131)	No
Occupational Safety and Health (No. 155)	No
Occupational Health Services (No. 161)	No
Labour Inspection (No. 81)	No
Maritime Labour Convention (No. 186)	No
Work in Fishing Convention (No. 188)	No
Private Employment Agencies (No. 181)	No
Maritime Labour Convention (No. 186)	No
Work in Fishing Convention (No. 188)	No

United Nations (UN) Conventions	Ratification
Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Yes
Convention against Transnational Organized Crime	Yes
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others	No
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No
Convention to Suppress the Slave Trade and Slavery	Yes
FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Yes
Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery	Yes

Other Conventions	Ratification
FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Yes

## Rankings in global indices

### US Department of State Trafficking in Persons Report

The TIP report is released annually by the US Department of State and offers a summary of the laws and enforcement efforts of various countries with respect to human trafficking. Specifically, it ranks countries based on a '3P paradigm' of prosecuting traffickers, protecting victims and preventing crime. Scoring on these elements is then collated to give each country a ranking. The rankings range from Tier 1 which indicates governments of countries that fully comply with the Trafficking Victims Prevention Act (TVPA) minimum standards for the elimination of trafficking to Tier 3 for the governments of countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

#### Rating: Tier 1

According to the US Department of State's 2019 Trafficking in Persons report, the American government fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts.<sup>19</sup>

### Global Slavery Index

The 2018 Global Slavery Index measures the extent of modern slavery country by country, and the steps governments are taking to respond to this issue, to objectively measure progress toward ending modern slavery.

There are two rankings:

1. Rankings of countries by prevalence of the population in modern slavery. Rankings range from 1 to 167 - with 1 the worst and 167 the best, in terms of the prevalence of slavery.
2. Rank of countries in terms of Government response to the issue. This is an indication of how governments are tackling modern slavery. This ranking ranges from AAA at the top to D at the bottom, with AAA denoting the most effective and comprehensive Government response.

#### For prevalence the United States' ranking is: 158/167 (where a ranking of 1 indicates highest risk).<sup>20</sup>

In terms of government response, the United States ranks BBB. This indicates that the authorities have implemented key components of a holistic response to some forms of modern slavery, with victim support services, a strong criminal justice response, evidence of coordination and collaboration, and protections in place for vulnerable populations. There is also evidence – as outlined above – to suggest that certain government policies and practices may criminalise and/or cause victims to be deported.

## EU Illegal, Unreported and Unregulated Fishing Watch List

Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter this activity may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures.

The United States is not on the EU IUU watch list.

## Endnotes

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For further information see the Seafish ethics in Seafood web page.  
Available at: <https://www.seafish.org/article/ethics-in-seafood>