

July 11, 2011

Office of Agreements and Scientific Affairs  
Foreign Agricultural Service  
U.S. Department of Agriculture  
Stop 1040  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Re: **Guidelines for Eliminating Child and Forced Labor in  
Agricultural Supply Chains**

Dear Sir or Madam:

The organizations represented below appreciate the opportunity to submit comments on the Guidelines for Eliminating Child and Forced Labor in Agricultural Supply Chains (the Guidelines) developed by the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products (the Consultative Group).

Our organizations appreciate USDA's leadership of the Consultative group in developing these guidelines and we strongly support efforts to eliminate the use of child and forced labor in the supply chains of imported agricultural products. Already individual companies and organizations, along with governments and international agencies, have sponsored a range of initiatives to eliminate child and forced labor in the agricultural sector throughout the developing world.

We understand that these guidelines are voluntary and they are intended to represent a "menu" of options that companies can choose to select. Nevertheless, the guidelines represent an exceedingly prescriptive approach to reducing the likelihood of child and forced labor in supply chains. As a whole, the guidelines appear onerous and especially costly to implement. The result is that it is unlikely that companies will view implementing the guidelines as realistic.

While well-intentioned, certification that farms are not using child labor will be nearly impossible in the case of products or commodities produced on a large number of small, remote farms. Furthermore, for farming systems where a monitoring and audit program may be feasible, the USDA guidelines represent one more potential audit, when others already exist (SA 8000, sponsored by the UN as well as ISO 26000, BRC and a

myriad other country or regional certification programs), adding unnecessary costs to the supply chain.

Perhaps most disturbing is that promotion and adherence to the Consultative Group guidelines would divert valuable resources away from programs that are most effective at identifying and reducing child and forced labor. Many of these initiatives are community-level programs – ranging from farmer education to promote better crop yields and therefore improved livelihoods to community level victim identification and protection services to investment in community level infrastructure and education programs. We believe these programs have a proven track record and need to be expanded and promoted as models to be emulated.

The Guidelines do not take into account their potential impact on developing country economies and on origin country governments' efforts to eradicate child and forced labor. These impacts need to be carefully considered. The cooperation of origin country governments is essential to any effective effort to eradicate child and forced labor.

Furthermore, we are concerned about any proposed linkage between the Consultative Group's Guidelines and the product listings by the U.S. Department of Labor under the Trafficking Victims Protection Reauthorization Act (TVPRA) and Executive Order 13126. Any such linkage raises additional concerns for certain commodities imported to the U.S. and the potential for retaliatory actions against U.S. agricultural exports.

A U.S. government certification or accreditation program involving child and forced labor could be counterproductive if it doesn't recognize the important link between globalization and reducing child labor. Great care must be taken to make sure that certification programs don't limit the participation of some developing countries in international supply chains and thereby reduce economic opportunities that are a vital link to reducing child labor.

A U.S. government-endorsed certification that a product complies with guidelines to avoid the use of child and forced labor would not be like other voluntary certifications, such as "organic" and "fair trade" certifications. Because child and forced labor are considered so objectionable by most Americans, the lack of such certification would likely be seen as stigmatizing. Commercial and consumer pressures could make such a certification de facto mandatory, even if nominally voluntary. Pressures could easily extend to U.S. agricultural products in addition to imported goods.

As industries concerned with ensuring that our supply chains are responsible to all concerned—workers and their families, our companies and our consumers—we are

constantly seeking the “best practices” with respect to sourcing. The Consultative Group’s Guidelines do not represent the best or most effective practices for addressing child labor or forced labor in imported agricultural goods. Thus, while we appreciate the Guidelines are well-intentioned, we will oppose any attempt to make these voluntary guidelines mandatory, impose a U.S. government-led accreditation program, or conduct a pilot accreditation program.

We appreciate USDA’s consideration of our views.

Respectfully submitted,

Emergency Committee for American Trade  
Grocery Manufacturers Association  
National Coffee Association  
National Confectioners Association  
Peanut and Tree Nut Processors Association  
Sweetener Users Association  
United Fresh Produce Association  
U.S.-ASEAN Business Council  
U.S.-India Business Council