



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JAN 28 2011

The Honorable Deborah Stabenow
Chairman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
328-A Russell Senate Office Building
Washington, D.C. 20510

Dear Madam Chairman:

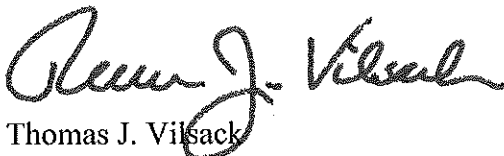
Section 3205(h) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), requires the Department of Agriculture (USDA) to submit an annual report describing the activities of the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products (hereinafter referred to as the Consultative Group).

On June 18, 2010, I submitted the annual report for 2010 and informed you that USDA expected to receive the Consultative Group's recommendations soon, and I would convey them to Congress once they became available. The Consultative Group forwarded its recommendations to me on December 21, 2010. Therefore, I am transmitting those recommendations in this report to Congress as a supplement to my earlier report.

As required by the statute, this report is being submitted to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Additionally, as requested in the Joint Explanatory Statement accompanying the Omnibus Appropriations Act, 2009, this supplement is provided to the Committees on Appropriations of the House of Representatives and the Senate.

Similar reports are being sent to Senators Cochran, Roberts, and Kohl; Congressmen Peterson, Lucas, Berman, Kingston, and Farr; and Congresswoman Ros-Lehtinen.

Sincerely,


Thomas J. Vilsack
Secretary

Enclosure

REPORT

Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products

Including Recommendations for a standard set of practices for independent, third party monitoring and verification for the production, processing, and distribution of agricultural products or commodities, to reduce the likelihood that such products or commodities imported into the United States are produced by forced labor or child labor

December 15, 2010

Table of Contents

1. Executive Summary	2
1.1. Introduction	2
1.2. Background on Child Labor and Forced Labor in Agriculture.....	2
1.3. Consultative Group Deliberations	2
1.4. Recommendations.....	2
2. Introduction.....	3
2.1. The Farm Bill of 2008 Mandate.....	3
2.2. The Consultative Group.....	4
2.3. The Consultative Group Process	4
3. Definitions.....	5
3.1. Child Labor	5
3.2. Forced Labor.....	5
3.3. Agricultural Products.....	6
4. Consultative Group Deliberations.....	6
4.1. Import Data for Agricultural Goods Identified by DOL’s TVPRA List of Goods Produced with Child Labor or Forced Labor	6
4.2. Variation in Agricultural Supply Chains.....	7
4.2.1. Concentration of Production	7
4.2.2. Complexity of Supply Chains.....	7
4.2.3. Employment Relations in the Agriculture Sector	7
4.3. Risk Factors.....	8
4.3.1. Risk Factors for Child Labor in Agriculture.....	8
4.3.2. Risk Factors for Forced Labor in Agriculture.....	8
4.4. Relevant U.S. Government Programs.....	9
4.4.1. USDA/AMS Audit Programs	9
4.4.2. U.S. Government Programs to Address Child Labor and Forced Labor in the Agriculture Sector.....	10
4.5. Public Meeting Input on Relevant Models and Systems	12
4.6. Other Key Issues	13
5. Recommendations.....	15
5.1. Definitions.....	15
5.2. Company Program Elements.....	16
5.2.1. Foundation Elements	16
5.2.2. Communications and Monitoring	17
5.2.3. Continuous Improvement and Accountability	18
5.3. Independent Third-Party Review	19
5.3.1. Independent Third-Party Monitoring.....	20
5.3.2. Independent Third-Party Verification.....	20
6. Next Steps.....	21
ANNEX 1: Section 3205 of the Food, Conservation and Energy Act of 2008	22
ANNEX 2: <i>Federal Register</i> notice, “Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products - Notice of Public Meeting”	24

1. Executive Summary

1.1. Introduction

The Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products (“Group”) was established by section 3205 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246 or “Farm Bill”). The Group is charged with developing recommendations relating to guidelines for a standard set of practices for independent, third party monitoring and verification for the production, processing, and distribution of agricultural products or commodities, to reduce the likelihood that such products or commodities imported into the United States are produced by forced labor or child labor. Within one year following receipt of these recommendations, the Farm Bill mandates that the Secretary of Agriculture release guidelines (Guidelines) for a standard set of practices.

1.2. Background on Child Labor and Forced Labor in Agriculture

The Farm Bill defines child labor as the internationally-recognized “worst forms of child labor,” which include child slavery or practices similar to slavery; commercial sexual exploitation of children; the use of children in illicit activities; and work which is harmful to children’s health, safety or morals. The Farm Bill defines forced labor as work or service exacted from any individual under menace of any penalty, and which is not offered voluntarily or is performed as a result of coercion, debt bondage, involuntary servitude, or by a person in a severe form of trafficking in persons.

1.3. Consultative Group Deliberations

Through the course of its meetings, the Group discussed a number of issues that would have bearing on its final recommendations. In order to get an indication of the range of imported agricultural products possibly produced with child labor or forced labor, the Group examined U.S. import statistics for agricultural products included in the Department of Labor’s 2009 report, *List of Goods Produced by Child Labor or Forced Labor* (“List”). An examination of U.S. import statistics (official U.S. Census data) for products and countries included in the List showed that the top imported products where some forced or child labor had been found were sugar, coffee, tomatoes, palm oil, cocoa, melons, cucumbers and bananas. However, the information in the report is not precise enough to allow us to estimate the share of those imports actually produced with child labor or forced labor. The Group also discussed the various dimensions on which agricultural production varies globally, including concentration of production, complexity of supply chains, and employment relationships. Given these widely varying situations, the Group agreed to structure recommendations that can be adapted to individual company and industry situations. The Group also discussed relevant monitoring and verification programs and models from both the public sector and private sector, and held a public meeting to gather input from interested parties.

1.4. Recommendations

In order to meet the Farm Bill objective to reduce the likelihood that imported agricultural products are produced with the use of child labor or forced labor, the Group recommends a set of program elements

for inclusion in the voluntary company guidelines to be issued by the Secretary of Agriculture. These program elements are grouped into the broad categories of Foundation Elements, Communications and Monitoring, and Continuous Improvement and Accountability. Specific recommendations for companies implementing the Guidelines include:

- Setting standards on child labor and forced labor that meet or exceed relevant International Labor Organization standards or national law, whichever is more stringent;
- Mapping supply chains, beginning with the producers of each agricultural product or commodity, and identifying areas of child labor/forced labor risk along these chains;
- Communicating the company's standards, rights, expectations, monitoring and verification programs, remediation policies, and complaint process to suppliers (managers, supervisors, staff) throughout its supply chain as appropriate, including to workers, unions, producers, civil society groups and other relevant stakeholders;
- Ensuring that a safe and accessible channel is available to workers and other stakeholders to lodge complaints, including through independent monitors or verifiers.
- Monitoring of company supply chains through periodic auditing by competent and qualified auditors, with a special emphasis on identified areas of risk;
- Developing and implementing a remediation policy/plan that addresses remediation for individual victims as well as remediation of company and/or suppliers' systems and processes;
- Periodically conducting internal reviews to check the company's results against its own program goals; and
- Making available to the public information on the company's monitoring program and its process to remediate/improve performance.

In addition, the Group recommends that companies adopting the Guidelines should seek independent, third-party review as outlined in Section 5.3.

2. Introduction

2.1. The Farm Bill of 2008 Mandate

The Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products ("Group") was established by section 3205 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246 or "Farm Bill"). The text of section 3205 is attached as Annex 1 to this report.

The Group is charged with developing recommendations relating to a standard set of practices for independent, third party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor. Within one year following receipt of these recommendations, the Secretary of Agriculture is mandated to release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.). This mandate complements activities mandated to the Department of Labor (DOL) in the 2005 Trafficking Victims Protection Reauthorization Act (22 U.S.C. 7103(b)(1)) ("TVPRA"), including creation of a standard set of practices to reduce child and forced labor in the production of goods, and consultation with other agencies of the U.S. Government to reduce

forced and child labor internationally and ensure that products made by such labor are not imported into the United States.

2.2. The Consultative Group

Secretary of Agriculture Thomas J. Vilsack named the members of the Group on September 23, 2009. As required under section 3205(d) of the Farm Bill, the Group is composed of a total of 13 members, including two officials from USDA; the Department of Labor's Deputy Undersecretary for International Affairs; and one representative from the Department of State. Non-government members include three individuals representing agriculture-related enterprises; two individuals representing institutions of higher learning and research institutions; one individual representing an organization that provides independent, third-party certification services for labor standards, and three individuals representing charitable organizations with expertise on the issues of international child labor and forced labor. The members of the Group and their affiliations are listed below:

1. Darci Vetter (Chairperson), Deputy Under Secretary, Farm and Foreign Agricultural Services, U.S. Department of Agriculture
2. Ann Wright, Deputy Under Secretary, Marketing and Regulatory Programs, U.S. Department of Agriculture
3. Sandra Polaski, Deputy Undersecretary for International Affairs, U.S. Department of Labor
4. Michael Posner, Assistant Secretary of State for Democracy, Human Rights and Labor, Department of State
5. Bama Athreya, Executive Director, International Labor Rights Forum
6. Eric Edmonds, Associate Professor of Economics, Dartmouth College
7. Kimberly Elliott, Senior Fellow, Center for Global Development, Visiting Fellow, Peterson Institute
8. Bill Guyton, President, World Cocoa Foundation
9. Rachelle Jackson, Director, Research and Development, STR Responsible Sourcing
10. Dennis Macray, Senior Sustainability Advisor, Theo Chocolate Company
11. Edward Potter, Director, Global Workplace Rights, Coca-Cola Company
12. Margaret Roggensack, Senior Advisor for Business and Human Rights, Human Rights First
13. Aurret Van Heerden, President and CEO, Fair Labor Association

2.3. The Consultative Group Process

The Group held its first meeting on November 16, 2009. It then met monthly from January through May of 2010 to hear presentations about various monitoring, verification and certification models and to discuss how to interpret and implement the Group's mandate. A public meeting was held on March 29, 2010 to provide an opportunity for public input. See section 4.5. for more information about the public meeting.

3. Definitions

3.1. Child Labor

Child labor is defined in the Farm Bill as “the worst forms of child labor as defined in International Labor [Organization] Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.” This definition is also codified in U.S. Law in the Trade and Development Act, (19 USC 2467(6)).

According to International Labor Organization (ILO) Convention 182, the worst forms of child labor are comprised of: “a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

ILO Recommendation 190 on Convention 182 provides guidance as to the conditions that should be considered when determining types of work that are referred to in Article 3(d) of ILO Convention 182 (commonly known as “hazardous work”):

- Work which exposes children to physical, psychological, or sexual abuse;
- Work underground, under water, at dangerous heights or in confined spaces;
- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

3.2. Forced Labor

Section 3205 of the Farm Bill defines forced labor as “all work or service (A) that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which the work or service is not offered voluntarily; or the work or service is performed as a result of coercion, debt bondage, or involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); and (B) by 1 or more individuals who, at the time of performing the work or service, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).” This definition is derived from ILO Convention 29 (Forced Labor).

For ease of use, the above referenced definitions are included here. The term “coercion” means threats of serious harm to or physical restraint against any person; any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or the abuse or threatened abuse of the legal process. The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her

personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. The term “involuntary servitude” includes a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint. The term “severe forms of trafficking in persons” means sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3.3. Agricultural Products

For the purposes of the Group, the World Trade Organization definition of agricultural products will be used. This includes goods in chapters 1-24 of the Harmonized System, other than fish, as well as a few additional products outside of those chapters, including raw cotton, raw wool, hides, skins, proteins and essential oils.

4. Consultative Group Deliberations

Through the course of its meetings, the Group discussed a number of issues that would have bearing on its final recommendations, including the various ways in which agricultural production varies globally, and the lessons that can be drawn from existing monitoring and verification systems in agriculture and other sectors.

4.1. Import Data for Agricultural Goods Identified by DOL’s TVPRA List of Goods Produced with Child Labor or Forced Labor

In order to get an indication of the range of imported agricultural products potentially produced with child labor or forced labor the Group examined U.S. import statistics for agricultural products included in DOL’s 2009 report, *The Department of Labor’s List of Goods Produced by Child Labor or Forced Labor* (“List”). To prepare the List, which is mandated under the TVPRA, DOL collected data from U.S. embassies, foreign governments, international and nongovernmental organizations, technical assistance and field research projects, academic research and the media. The List names 122 goods from 58 countries that DOL has reason to believe may be produced by child labor, forced labor, or both, in violation of international standards. Of the 122 goods identified, 60 are agricultural products. USDA reviewed U.S. import statistics (official U.S. Census data) for these products from countries included in the List by both value and quantity. The top imported products were sugar, coffee, tomatoes, palm oil, cocoa, melons, cucumbers and bananas.

This data is only indicative of the range of agricultural imports produced with child labor or forced labor. There are a number of data limitations which preclude use of this data for any strict monitoring purpose. Most importantly, the data is limited both because the List is not exhaustive in terms of country coverage and because trade data does not distinguish between production within a country

where child labor or forced labor is used and where it is not used. Furthermore, the DOL report does not provide specific data on the extent of child labor or forced labor for the products and countries cited. In addition, the basis for the product definitions in the List is different from the import data. Products on the List are based on observations of production systems, usually at the farm/plantation level, while import statistics are based on traded products using U.S. tariff schedule categories. For example, the List includes sugarcane produced by child labor and/or forced labor in various countries. However, sugarcane is not a traded product, so imports of raw and refined sugar were used to measure trade. Further processed products such as sugar confectionery, which may also contain sugar from the same cane fields, were not included in the import data.

4.2. Variation in Agricultural Supply Chains

A Subgroup consisting of several Group members was formed to discuss, among other topics, variation in agricultural supply chains across different commodities. The Subgroup identified key variables for different types of commodities in order to have an illustrative sample of the complexities that exist across the agricultural sector. The Group as a whole then discussed this sample, and the various dimensions on which agricultural production varies globally.

4.2.1. Concentration of Production

Agricultural production systems vary widely from commodity to commodity and, for the same commodity, from country to country. Production can be highly concentrated, either in terms of number of operations or in terms of geographic location or it can be highly dispersed. For example, cut flowers are produced on about 500 farms in Ecuador, which are concentrated in two provinces in the mountains near the capital and its airport. The labor force involved is estimated to be about 50,000 workers. In contrast, tobacco in Malawi is grown on more than 20,000 estates as well as on many small farms spread throughout the country with a labor force approaching 2,000,000 workers. Additionally, production units can range from large plantations with significant numbers of wage laborers to small farms employing mainly family members.

4.2.2. Complexity of Supply Chains

Supply chains for agricultural products also vary considerably. Some chains are very short with growers selling directly to retail outlets in the United States or, more commonly, to U.S. distributors. Other chains have many intermediate aggregators and processors between growers and U.S. purchasers. This is especially the case for more highly processed foods which may be made from several intermediate ingredients, many of which are already processed when imported. In addition, ownership patterns span a wide range with U.S. importers owning plantations in some cases, while in other cases they simply buy commodities at market places far removed from actual growers.

4.2.3. Employment Relations in the Agriculture Sector

Just as agricultural production varies from subsistence farms operating in the informal sector to semi-commercial farms to large commercial plantations, employment relationships range from family labor to long-standing permanent workforces. Some small producers hire workers on a seasonal or casual, even daily basis; some pool together to exchange labor; some form relationships with worker cooperatives

which may have worker protections in place. On larger farms or plantations there may be a representative union with a collective bargaining agreement or the ability to negotiate with management. In some countries, a union may represent workers in an entire agricultural industry, such as bananas, or there may exist a framework agreement for the sector covering both small-scale producers and workers in more formal settings. Yet another type of employment relationship is contract farming in which a multinational contracts directly with small-scale local farmers.

Among the most vulnerable agricultural workers are migrants, who are often in casual employment relationships with few protections, compounded by language and/or cultural barriers. In some countries, foreign workers are not given the same legal protections as citizens; for instance, some countries prohibit foreign workers from joining unions. In addition, despite land and social reform efforts, traditional social stratification systems still exist in some parts of the world that can lead to forced labor and other exploitive situations in rural agricultural areas.

4.3. Risk Factors

4.3.1. Risk Factors for Child Labor in Agriculture

According to the ILO, approximately 215 million children age 5 -17 years were in child labor in 2008, of which approximately 115 million were in hazardous work. (It is important to note that neither of these figures reflects the number of children in all worst forms of child labor as defined by ILO Convention 182; the ILO does not provide estimates of children in the worst forms.) Of the 215 million children in child labor, approximately 60 percent were working in the agricultural sector. Children work in a variety of farm settings, including family farms, medium-scale enterprises, and large commercial plantations.

The reasons children enter the labor force include both supply factors and agricultural industry demand for cheap, unskilled labor. The majority of the world's poor reside in rural areas and the poverty of agricultural households is the most salient source of pressure leading to the supply of child labor. Research has documented that production processes that require the use of abundant unskilled labor can also create demand for child labor. During months that require concentrated work, such as planting and harvesting seasons, shortages in adult labor can increase the demand for child labor.

These fundamental supply and demand factors are often reinforced by factors such as a lack of adequate access to education, inadequate employment potential for those who do receive education, exclusionary social attitudes based on caste or ethnicity, and cultural attitudes about work and education.

4.3.2. Risk Factors for Forced Labor in Agriculture

The number of forced laborers in agriculture has not been quantified on a global level, but due to a broad range of factors it is generally understood that agriculture is a high-risk sector for this type of exploitation. The ILO estimates that a minimum of 12.3 million people were trapped in forced labor in 2005, the most recent year for which such an estimate is available. This includes forced commercial sexual exploitation as well as forced labor in household domestic work and in manufacturing and agricultural settings.

Until the 20th century, most forced labor worldwide was rooted in traditional social stratification systems and patterns of discrimination, agrarian and other production structures, as well as conquest, colonialism, and the slave trade. Certain groups have long been vulnerable to forced labor: tribal, caste, and religious minorities and indigenous peoples have been at greater risk. Some governments continue to perpetuate these traditional patterns by forcing vulnerable groups to carry out infrastructure projects, produce certain crops, and other mandates - indeed, the ILO estimates that 20 percent of forced labor worldwide is state-imposed.

New populations have become vulnerable to forced labor due to global economic migration. Migrants seeking economic opportunities in other countries – or in other parts of their own country – are vulnerable to labor recruiters and other intermediaries, organized crime syndicates, and employers offering false contract terms and other fraudulent schemes. Poverty is often a push factor for labor migration that at the same time limits the social and economic resources migrants may have, to protect themselves from being drawn into forced labor. Workers become trapped in debt or find themselves involuntarily confined to workplaces, either literally or through various forms of physical and psychological coercion.

Agriculture has been noted as a sector that is particularly vulnerable to forced labor. Worksites may be located at remote rural locations, from which workers have no means to leave, and where forced labor can be imposed through violence and coercion, unobserved by the authorities. Casual and seasonal farm labor is mostly performed by migrants, who are at heightened risk for trafficking into forced labor. In the case of tenant farming and sharecropping, there is a risk that the terms of tenancy may lead to a cycle of debt bondage to the landlord that entraps an entire family in forced labor.

4.4. Relevant U.S. Government Programs

4.4.1. USDA/AMS Audit Programs

The Managers Report on Section 3205 of the Farm Bill specifically recommends that a representative of the Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture (USDA) participate as a Member of the Group since AMS currently operates a number of audit and accreditation programs. For that reason, an overview of those programs is included below.

AMS provides a number of audit and accreditation programs based on International Organization for Standardization (ISO) Standards and/or Hazard Analysis and Critical Control Point (HACCP) Principles and Guidelines. These programs provide producers and suppliers of agricultural products the opportunity to assure customers of their ability to provide consistent quality products or services. USDA/Agricultural Marketing Service audit programs include the USDA International Standards Organization (ISO) Guide 65 Program, the USDA National Organic Program, the USDA Process Verified Program, and the USDA Good Agricultural Practices and Good Handling Practices (GAP/GHP) Program.

The USDA ISO Guide 65 Program specifies the general requirements that a third-party operating a product or service certification system shall meet if it is to be recognized as competent and reliable. Adherence to the USDA ISO Guide 65 Program ensures that the certification body operates a third-party

certification system in a consistent and reliable manner. Certification bodies may be accredited to certify to a multitude of standards. Products produced by the certified operations are produced according to specified standard(s). Currently, 20 certification bodies are accredited to a variety of standards including the Global Organic Textile Standard (GOTS) which includes social responsibility requirements. An Official Listing of accredited certification bodies is maintained and made public via the internet. The USDA ISO Guide 65 Program is based on *ISO/IEC Guide 65:1996, General requirements for bodies operating product certification systems*.

The USDA National Organic Program (NOP) is based on the National Organic Program regulation (7 CFR Part 205). The regulation outlines the requirements for accredited certifying operations. Products produced by the certified operations are produced according to the NOP production standards. Products may carry the "USDA Organic" or "Made with" labels in accordance with the regulation. Lists of accredited certification agents and certified operations is maintained and made public via the internet.

The USDA Process Verified Program provides companies that supply agricultural products or services the opportunity to assure customers of their ability to provide consistent quality products or services that meet specified process verified points. The specified process verified points are identified by the company. Companies with approved USDA Process Verified Programs are able to make marketing claims associated with their process verified points, including age, source, feeding practices, or other raising and processing claims. Companies may also market themselves as "USDA Process Verified" with the use of the "USDA Process Verified" shield and term. An Official Listing of approved programs is maintained and made public via the internet. The USDA Process Verified Program (PVP) is based on *ISO 9001:2000, Quality management systems requirements*.

The USDA GAP & GHP Audit Program evaluates practices throughout the agricultural supply chain. Good agricultural practices are examined at the farm. Good handling practices are examined at packing facilities, storage facilities and wholesale distribution centers. In addition, food defense protocols are examined throughout the food chain. A list of participating companies is maintained and made public via the internet.

While AMS has significant expertise in operating auditing and accreditation programs, it will not be possible for AMS to take the lead in implementing the Guidelines and making them operational for a number of reasons. The most significant reason is lack of statutory authority and funding to create a new USDA program based on the Guidelines. AMS does have authority to audit industry standards on a fee-for-service basis, but not to create a whole new international auditing program based on the Guidelines. Such a program would require substantial resources that are currently not available. Furthermore, AMS has no expertise in monitoring child or forced labor since the mission of the Agency is to facilitate the competitive and efficient marketing of U.S. agricultural products.

4.4.2. U.S. Government Programs to Address Child Labor and Forced Labor in the Agriculture Sector

DOL/ILAB's Office of Child Labor, Forced Labor and Human Trafficking (OCFT) and the U.S. Department of State's Office of International Labor and Corporate Social Responsibility (DRL/ILCSR) and Office to Monitor and Combat Trafficking in Persons (G/TIP) engage with foreign governments,

international and inter-governmental organizations, and civil society to promote worker rights and combat exploitative labor practices, including child labor, forced labor, and trafficking for the purpose of forced labor. The following are a few illustrative examples.

Since 2001, when they signed the “Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182” (Harkin-Engel Protocol), the Governments of Cote d’Ivoire and Ghana and the international cocoa industry have worked to address the issues of exploitative child labor in cocoa-growing areas. On September 13, 2010, these parties reaffirmed their commitments by signing a *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol*. The Declaration establishes a Framework of Action to coordinate the activities of the two governments, donors, chocolate and cocoa processing firms, producers, labor unions, and other civil society groups toward the common goal of eradicating exploitative child labor from the industry. The Framework of Action sets an overarching goal of reducing the worst forms of child labor in the production of cocoa in Ghana and Cote d’Ivoire by 70 percent by 2020 through the joint and coordinated efforts of all key stakeholders, including the governments, industry groups, donors, NGOs, and the communities that produce cocoa.

OCFT’s role in this process has included convening and providing technical support to stakeholders and providing over 18 million dollars in technical assistance grants and contracts. In fiscal years 2002 and 2009, OCFT funded grants for direct services to children withdrawn or prevented from the worst forms of child labor in the cocoa sector in Cote d’Ivoire, Ghana, Cameroon, Guinea, and Nigeria, and in fiscal years 2006 and 2009, OCFT funded contracts with Tulane University for research and oversight of activities undertaken to implement the Protocol. In an effort to encourage greater dialogue on the issue of eliminating the worst forms of child labor in the cocoa sector in West Africa, the Department of State also hosted several Multi-Stakeholder Cocoa Forums to bring together key stakeholders from government, international organizations, the private sector, non-governmental organizations, and civil society to raise awareness of and engage constructively and collaborate with one another on the worst forms of child labor in the cocoa sector. DOL is also cooperating closely with West African Governments on the development of a new \$10 million project that will be implemented by ILO-IPEC to significantly reduce the worst forms of child labor in this sector. This project will work with the governments to improve the livelihoods of cocoa producing households and to provide education services to reduce or prevent children from being engaged in the worst forms of child labor, including by helping the governments implement their national action plans to accomplish these goals.

Additionally, the Department of State has partnered with major apparel brands and retailers, socially responsible investment firms, and non-governmental organizations over the past few years to eliminate the worst forms of child labor in Uzbekistan’s cotton sector. In response to concerns voiced by major U.S. firms and a variety of non-governmental organizations, a multi-stakeholder effort was initiated to explore possible collaborative approaches to addressing the issues of child and forced labor in the Uzbek cotton sector. This initiative brought together dozens of representatives from multiple government agencies; major U.S. firms; and several labor, human rights, and corporate social responsibility non-governmental organizations. As a result of the meeting, a working group on child labor in the Uzbek cotton industry was established.

In the area of technical assistance, The Department of State funds programs to address trafficking in persons for the purpose of forced labor in the agricultural sector. Over the last nine years, G/TIP has

supported more than 450 projects in 109 countries to combat modern slavery. Several of these projects address forced labor; build the capacity of labor unions and worker rights advocates to prevent human trafficking among migrant laborers; and enhance service provision and improve access to justice for labor trafficking victims.

For example, in Kenya, G/TIP is funding a program to combat trafficking of children in the agricultural sector. The program uses innovative activities to bring together key stakeholders in the agriculture sector, including unions, community organizations, employers, and government officials, to develop joint solutions. The program creates anti-trafficking committees at workplaces and empowers such committees with a plan of action, resources, increased capacity, monitoring and reporting mechanisms, and access to services.

Since 1995 OCFT has been appropriated over \$720 million to fund programs to withdraw and prevent children from entering the worst forms of child labor around the world. Many of these programs have targeted children working in the agriculture sector, and some have collaborated directly with growers and other private sector actors. For instance, from 2001-2009 OCFT funded a project in which the ILO's International Program on the Elimination of Child Labor, the government of El Salvador, and the Association of Sugarcane Producers collaborated to withdraw or prevent thousands of children from work in sugarcane. The project also raised awareness of child labor among parents, community leaders and sugarcane sector organizations; provided technical assistance to improve the quality and relevance of educational services in target communities; and provided services to improve the sustainability of community-based child labor monitoring mechanisms. In addition, the project supported the Sugar Producers' Association in developing and adopting an improved industry code of conduct.

4.5. Public Meeting Input on Relevant Models and Systems

On March 29, 2010, the Group held a public meeting to receive information relevant to its work from organizations and the general public. In a *Federal Register* notice [75 Fed. Reg. 11512 (March 11, 2010)] announcing the meeting (see Annex 2), the Group requested public input on the following issues:

- (a) Examples of identification, monitoring, verification, and/or certification systems, or other models, that have been successful in reducing child labor and/or forced labor in global supply chains within the agricultural sector or other industries;
- (b) The roles and responsibilities that may be appropriate for the business sector and other stakeholders (governments, unions, nongovernmental organizations, and others) in establishing independent, third-party monitoring and verification systems for the production, processing, and distribution of agricultural products or commodities;
- (c) Other information that would be useful to the Consultative Group in meeting its mandate to develop recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

In all, representatives of nine companies, organizations and foreign governments testified at the meeting, and fourteen additional foreign governments, organizations and individuals provided written statements. These contributors represented a broad range of interests and views, but several common themes emerged.

Many statements pointed to broad development issues that often underlie child labor and forced labor, such as poverty, lack of educational facilities and other social services, and lack of a functional rule of law. Commenters urged the Group to take these issues into account in carrying out its mandate. Some suggested that multi-stakeholder initiatives, public-private partnerships, and other cross-sectoral collaborative efforts are effective ways to address these issues.

Some commenters emphasized that different types of agricultural supply chains require different approaches, highlighting in particular the differences between smallholder production and larger, more industrialized farms. Some suggested that a program designed for commodities raised on smallholder farms should make every effort to take a community-based approach.

Many commenters offered insights from existing monitoring, verification and/or certification programs. Several made the point that monitoring and verification are critical steps, but these measures alone do not fix problems. Many commenters emphasized the importance of capacity-building of company management, of suppliers, of government officials, and of many other national and local stakeholders. Many stated that an emphasis on capacity building and continuous improvement was the most effective way to make progress toward reducing child labor, forced labor and other labor violations.

Another recurring theme was transparency. Several commenters emphasized the importance of companies making their supply chain information publicly available, even if child labor and forced labor are found.

Several commenters pointed to specific initiatives undertaken by their organizations or governments to address child and/or forced labor. For example, the Group heard from an industry association sponsoring a variety of direct educational and social services for child workers and their families; a government with laws, enforcement, and data collection mechanisms in place to tackle child labor; a company with unique requirements in place for any supplier that employs contract labor; an industry initiative with a specific protocol for withdrawal and remediation of children found in workplaces; and a union offering specific guidance for an anonymous complaint process available to all stakeholders.

Many commenters thanked the Group for the opportunity to provide input, and urged the Group to continue to provide such opportunities. A full transcript of the meeting and copies of all statements provided can be found at: http://www.fas.usda.gov/info/Child_labor/Childlabor.asp.

4.6. Other Key Issues

One issue that arose in deliberations was whether the Group should make recommendations aimed at reducing child and forced labor in imported agricultural products, or eliminating these problems altogether. The Group agreed that “reducing the likelihood,” as the legislation directs, is a step toward the ultimate goal of elimination, and that a feasible aim for the Guidelines is reduction, not elimination.

The Group also recalled, at various points throughout its deliberations, that it had been directed to address both child labor and forced labor, and that the issues are distinct and require targeted approaches.

A recurring theme at Group meetings was the goal of “doing no harm.” The Group agreed that although its goal was to reduce child labor and forced labor in agricultural supply chains, it must remain cognizant that children displaced from production of one crop may shift to producing another crop, possibly under worse conditions, or into a different form of child labor under worse conditions for the child’s health, safety or well-being generally.

At various points in its deliberations, the Group discussed the roles and responsibilities of the various stakeholders that must work together to reduce the likelihood of child labor and forced labor in imported agricultural products. There was clear consensus that business actors, although they are the focal audience of the Group’s recommendations and the Secretary’s ultimate Guidelines, cannot solve problems as complex and multi-faceted as these alone. The ongoing efforts of civil society groups and foreign governments, as well as ongoing diplomacy on the part of the U.S. Government to advocate for appropriate policies, continue to be critical parts of the solution. However, the Group’s recommendations do not attempt to define roles and responsibilities for actors other than those in the business sector.

Another area of discussion was the level of responsibility of a company for processed agricultural inputs it uses that are manufactured by other companies, particularly on whether a company should be required to conduct its own review of the supply channels of all its suppliers. The group agreed that the objective of these recommendations is to address labor practices at the raw product level, so that monitoring all major inputs down to that level is important. Therefore, companies that wish to use these Guidelines should encourage their suppliers to adopt them as well, so that the burden of implementing the Guidelines can be shared.

While there are a number of programs aimed at assuring that social responsibility standards are being implemented in the production of consumer goods, there is little empirical evidence regarding the effectiveness of any of these models in reducing the incidence of child labor or forced labor, particularly in the agricultural sector. Also, as noted above, there are a wide variety of circumstances and relationships in commercial systems in the agricultural sector. Therefore the Group has focused its efforts on trying to identify essential elements of monitoring and verification systems that should be present in any program. It will be up to individual companies to adapt these elements to their specific circumstances.

Many members of the Group believe it is important to establish a process for independent monitoring and oversight related to the use of the Guidelines over the long term. During discussions of this idea, it became clear that AMS will not be able to be the focal point for such a program. Some members expressed an interest in continuing to meet, following issuance of the Guidelines, to identify an appropriate process.

5. Recommendations

In order to meet the objective of the Farm Bill to reduce the likelihood that imported agricultural products are produced with the use of forced labor or child labor, the Group recommends that the following program elements be included in the Guidelines ultimately issued by the Secretary of Agriculture and implemented by companies and independent third-party reviewers. These Guidelines would be voluntary and would be available to any entity involved in the production, processing and/or distribution of imported agricultural products.

Section 5.1 below provides relevant definitions for the recommendations to follow; section 5.2 outlines the elements that should be included in company programs; and section 5.3 describes the role that the Group recommends for independent third-party reviewers.

5.1. Definitions

Given the variety of existing programs and the varying use of terms from one to another, the Group agreed on the following operating definitions for its recommended program.

Agricultural Products - Goods in chapters 1-24 of the Harmonized System, other than fish, as well as a few additional products outside of those chapters, including raw cotton, raw wool, hides, skins, proteins and essential oils.

Child Labor - The worst forms of child labor as defined in ILO Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

Company - An entity involved in the production, processing and distribution of agricultural products or commodities; or an entity which uses such products or commodities as inputs into further processed goods.

Forced Labor - All work or service that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which the work or service is not offered voluntarily; or the work or service is performed as a result of coercion, debt bondage, or involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); and by 1 or more individuals who, at the time of performing the work or service, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).

Independent Third Party Monitoring - Process of evaluating the implementation of standards on child labor and forced labor by a company's supplier(s) through announced and unannounced audits conducted on randomly selected suppliers carried out by independent monitors.

Producer - Source(s) of raw agricultural materials used by companies; could be individual farms or groups of farms organized into an association or cooperative.

Remediation - Activities or systems that a company puts in place to address non-compliance with the child labor and forced labor standards identified through monitoring and/or verification. The remedies may apply to individuals adversely affected by the non-compliant conduct or to address broader systematic processes and/or those of its suppliers.

Supplier - Any organization or individual in the supply chain of a particular agricultural product or commodity.

Supply Chain - All organizations and individuals involved in producing, processing, and/or distributing an agricultural product or commodity from its point of origin to the company.

Verification - Process by which a company is evaluated to determine compliance with its documented program, including standards on child labor and forced labor. Includes an evaluation of (1) data gathered through monitoring activities to ensure results are reliable and process is credible; and (2) the system established to remediate violations to determine if remediation is implemented and effective.

Violation - An instance where the use of child labor and/or forced labor has been identified and/or non-compliance with the company's standards on child labor and forced labor.

5.2. Company Program Elements

Company programs should include the elements outlined below. Further detail on these elements will be elaborated in the Secretary of Agriculture's final Guidelines released in 2011. Once a company has implemented its program, it should seek independent third-party monitoring and verification in accordance with section 5.3.

Company programs should be based upon management systems, capable of supporting and demonstrating consistent achievement of the elements outlined below. Companies can find information on the requirements for such systems in recognized ISO Standards, such as ISO 17021, ISO Guide 65, ISO 9001, and ISO 19011, or other relevant standards. These standards cover issues such as, impartiality and confidentiality, documentation and record control, management reviews, personnel qualification criteria, audit procedures, appeals, and complaints.

Additionally, companies adopting the Guidelines are expected to engage with governments, international organizations, and/or local communities to promote the provision of social safety nets that prevent child and forced labor and provide services to victims and persons at risk. Companies may also carry out activities that may not be in the Secretary's Guidelines but would nonetheless help them achieve their goal of reducing the likelihood of child labor and forced labor in their supply chains. For example, companies may choose to partner with other companies in their industry to share standards, tools, audit reports, or to pool remediation resources for greater potential impact.

5.2.1. Foundation Elements

Standards on Child Labor and Forced Labor

- Standards should meet or exceed ILO standards as summarized below:

- No person shall be involved in the worst forms of child labor, which include child slavery; sale/trafficking of children; debt bondage; serfdom; forced/compulsory labor; child soldiering; all forms of commercial sexual exploitation; use of children in illicit activities; and work which harms the health, safety or morals of children. For purposes of this definition, a child is anyone under the age of 18
- No person shall be subjected to work or service exacted under the menace of any penalty and for which the person has not offered himself voluntarily
- No person shall be subjected to work imposed as a means of political coercion or education; as a punishment for holding or expressing political views; as a method of mobilizing labor for economic development; as a means of labor discipline; as a punishment for participation in strikes; or as a means of racial, social, national or religious discrimination
- Where national laws on child labor are equal to or more stringent than ILO standards, company standards should meet or exceed national laws
- Standards may be articulated through a variety of means, such as codes of conduct, multi-stakeholder codes in which the company participates, labor/human rights policies, collective bargaining agreements, framework agreements and others
- Standards should be made available to the public
- Company may choose to set additional standards relevant to its operations, such as standards on non-working children accompanying parents to worksites or treatment of foreign contract workers

Supply Chain Mapping and Risk Assessment

- Company should map its supply chain(s), beginning with the producer
- Company should identify areas of child/forced labor risk along chains; this may be done by:
 - Collecting available information on child/forced labor prevalence in industry in areas where product is sourced
 - Consulting with local stakeholders on social, economic and cultural factors, crop cycles, migration patterns, labor recruitment practices, access to judicial systems and processes, government policies and policy gaps, producer financial exposure, and any other relevant issues
 - Examining impact of company's own pricing and procurement policies on child/forced labor risks
- Company should focus its program efforts (Monitoring, Continuous Improvement and Accountability) on those areas identified to be most at risk for child and/or forced labor
- Company should update its risk assessment periodically based on experience operating its program
- Companies should implement systems to trace commodities to the producer level where feasible

5.2.2. Communications and Monitoring

Communications

- Company should communicate child labor and forced labor standards, rights, expectations, monitoring and verification programs, remediation policies, and complaint process and process for redress to:
 - Suppliers through training for managers, supervisors and other staff

- Workers (including unions where they exist) and producers
- Other levels of supply chain as appropriate (traders, middlemen, processors, exporters)
- Civil society groups and other relevant stakeholders in the country/geographic locations of sourcing
- Company should ensure that a safe and accessible channel is available to workers and other stakeholders to lodge complaints, including through independent monitors or verifiers. Company should also ensure that a transparent and accessible communications protocol is in place to notify victims and other affected stakeholders of complaints received and outcomes, with appropriate safeguards to protect victims privacy
- All communications should include regular consultation as well as clear channels for reporting of immediate issues, and be conducted in a language(s) and manner that is understood by workers

Monitoring

- Company should develop monitoring tools based on its standards on child labor and forced labor (see Section 5.2.1)
- Company may have internal staff of auditors and/or hire a credible organization to carry out monitoring activities
- Auditors should be competent, should have knowledge of local contexts and languages, and should have the skills and knowledge appropriate for evaluating and responding to child and forced labor situations
- First round of monitoring should be used to establish baseline data on incidence of child/forced labor throughout the company's supply chain
- Monitoring should occur on a continuous basis, as well as in response to any whistleblower allegations, with special emphasis on those areas identified to be most at risk
- Monitoring results should be tracked and updated to identify trends and persistent challenges
- Monitors should check that suppliers are maintaining appropriate traceability documentation
- When violations found, company should remediate (see Section 5.2.3)

5.2.3. Continuous Improvement and Accountability

Remediation

- In consultation with relevant stakeholders, company should develop and put in place a remediation policy/plan that addresses remediation for individual victims as well as remediation of broader patterns of non-compliance caused by deficiencies in the company's and/or suppliers' systems and/or processes
- Company remediation plan should take into consideration all findings reported by independent third party monitors and verifiers
- Remediation for individual victims:
 - Should include protocols for appropriate immediate actions, such as referral to law enforcement or appropriate authorities in cases where, auditors discover specific violations of applicable child or forced labor laws
 - Should also include resources for victim services such as rehabilitation, education and training, employment, appropriate housing, counseling, restitution for lost wages and other material assistance
- Remediation of company's and/or suppliers' systems and processes:

- Should include working with suppliers in situations where non-compliance with child labor and/or forced labor standards have been found to develop and implement systems to correct these violations and to build systems aimed at reducing child and/or forced labor on a systematic basis
- Could include provision of technical assistance to help suppliers with known violations to address specific issues; can also include technical assistance on broader labor issues that underlie child/forced labor (e.g. workplace cooperation, quality assurance, health and safety, productivity, working conditions, and human resource management)
- Could include positive incentives for suppliers in appropriate cases such as creation of a preferred suppliers list, a price premium, purchase guarantees, access to financing, inclusion in national or country of origin trade promotion/registries, and/or regular public reporting that rewards compliance
- Could include negative incentives in cases where suppliers have performed poorly and have had repeated non-compliance with company child and/or forced labor standards. The negative incentives may include termination, suspension or reduction of contracts. These steps should only be taken after other remediation and engagement efforts have been explored and failed to achieve the desired results

Internal Process Review

- Company should periodically check its own progress against its program goals including determining the effectiveness of its program to reduce the overall incidence of child labor or forced labor in its supply chain
- Company should address areas where goals have not been met
- Where remediation has been undertaken, company should confirm that remediation has been implemented and is effective

Public Availability of Information

- Company should make information available to the public on its monitoring program and process to remediate/improve performance;

5.3. Independent Third-Party Review

Companies developing programs in accordance with the Guidelines should seek independent, third party review of their program implementation. Independent review assures the company's customers that the company is meeting the standards on child labor and forced labor and relevant requirements outlined within its own program. There are two possible methods of conducting independent review. The *independent third-party monitoring* model utilizes independent external monitoring organizations and monitors to evaluate conditions at the facilities of the company and its suppliers. The *independent third-party verification* model utilizes accredited certification bodies to verify the company's ability to implement and maintain a program that ensures its suppliers meet its standards on child labor and forced labor. There are advantages and disadvantages with each of these models. For example:

- Independent third-party monitoring may include unannounced and announced on-site visits to evaluate a company's suppliers to determine compliance with child labor and forced labor

standards . The monitor identifies violations of child labor and forced labor when observed. However, independent third-party monitoring will not necessarily include an evaluation of the company's entire documented program.

- Independent third-party verification includes an evaluation of the company's entire documented program to determine compliance to the program as well as to the standards for child labor and forced labor. It includes witnessing the company evaluating its suppliers. The verifier does not conduct independent evaluations of suppliers. However, the verifier does identify violations of child labor and forced labor when observed.

Companies may choose whichever model is most appropriate for their circumstances; however a comprehensive program should include a combination of the two models. It should be noted that, while these review methods can verify that companies have robust systems in place to reduce the likelihood that child or forced labor is being used in their supply chains, neither model guarantees the absence of child or forced labor. Key elements of the two models are described below:

5.3.1. Independent Third Party Monitoring

- Monitors should be accredited to conduct independent, third party monitoring. Monitors should have expertise on labor standards and possess knowledge of local workplace conditions and prevailing industry practices. Monitors should have experience and demonstrate competence in the execution of onsite evaluations of labor standards compliance in an agricultural setting
- Independent monitoring should be conducted by an entity external to the company and should demonstrate independence and impartiality as a precondition for participating in the monitoring process
- Monitoring should consist of on-site visits to a representative sample of farms and/or agricultural worksites and should occur on a continuous basis focusing on times of higher risk of use of child labor and/or forced labor in order to determine if child labor and forced labor standards are being respected and enforced. Unannounced visits are necessary to carry out this function fully. Announced visits may also be useful when it is necessary to have access to specific personnel or documentation
- Suppliers should be randomly selected. However, such selection should focus on suppliers that are identified to be at most risk
- Monitors should provide the company (ies) with a report outlining the findings and may make recommendations for remediation measures a company should take to address any incidences where the supplier did not implement the company's standards on child labor and/or forced labor

5.3.2. Independent Third Party Verification

- Verifiers should be accredited certification bodies, complying with either ISO/IEC 17021:2006 or ISO/IEC Guide 65:1996 or other relevant systems. ISO/IEC 17021 contains principles and requirements for the competence, consistency, and impartiality of an audit and the certification of management systems of all types and for bodies providing these activities. ISO/IEC Guide 65 contains the general requirements that a third party operating a product or service certification system shall meet in order to be recognized as competent and reliable. Verifiers should have qualified and competent personnel with the appropriate skills and knowledge in child labor and forced labor standards
- Third Party verification should be conducted at least annually
- Audits should include testing of audit data to confirm that company data systems are reliable

- Audits should include witness audits where the Verifier observes the company's monitoring activities
- Announced audits are important when it is necessary to have access to specific personnel or documentation. Unannounced audits may also be useful in verifying that company policies are being implemented appropriately. Verifiers should provide the company with a report identifying weaknesses found in the company's program and program implementation
- Verifiers should require the company to implement remediation measures to address the weaknesses, and these remediation efforts should then be audited to confirm that they were implemented and effective
- Verifiers should approve companies whose programs and program implementation are found to be in conformance to the requirements of the Guidelines
- Each verifier auditing companies to the Guidelines should provide the public a list of companies under review, approved, suspended, and/or withdrawn

6. Next Steps

The Group believes that its recommendations constitute a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities as mandated by the Farm Bill. These recommendations form a solid basis for the Guidelines that will ultimately be issued by the Secretary of Agriculture for public comment. However, since the Guidelines will be, by necessity, general in nature, further work by interested parties will be necessary to develop detailed programs that can be implemented by specific companies or industry groups. Therefore, during the remainder of its mandated term, the Group intends to publicize the Guidelines and encourage their use. In addition, interested members will develop a plan to establish a credible process for independent monitoring and oversight of the use of the Guidelines over the long term. The Group will identify and engage with potential stakeholders in the non-profit, business and certification services communities as it conducts these activities. The Departments of Labor and State, which have existing offices/agencies dedicated to international labor issues, express a willingness to provide resources for such a process.

ANNEX 1: FOOD, CONSERVATION AND ENERGY ACT OF 2008 (P.L.110-246)

SEC. 3205. CONSULTATIVE GROUP TO ELIMINATE THE USE OF CHILD LABOR AND FORCED LABOR IN IMPORTED AGRICULTURAL PRODUCTS.

(a) Definitions.--In this section:

(1) Child labor.--The term ``child labor'' means the worst forms of child labor as defined in International Labor Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.

(2) Consultative group.--The term ``Consultative Group'' means the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products established under subsection (b).

(3) Forced labor.--The term ``forced labor'' means all work or service--

(A) that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which--

(i) the work or service is not offered voluntarily; or

(ii) the work or service is performed as a result of coercion, debt bondage, or involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

(B) by 1 or more individuals who, at the time of performing the work or service, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).

(b) Establishment.--There is established a group to be known as the ``Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products'' to develop recommendations relating to guidelines to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor and child labor.

(c) Duties.--

(1) In general.--Not later than 2 years after the date of enactment of this Act and in accordance with section 105(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)), as applicable to the importation of agricultural products made with the use of child labor or forced labor, the Consultative Group shall develop, and submit to the Secretary, recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

(2) Guidelines.--

(A) In general.--Not later than 1 year after the date on which the Secretary receives recommendations under paragraph (1), the Secretary shall release

guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(B) Requirements.--Guidelines released under subparagraph (A) shall be published in the Federal Register and made available for public comment for a period of 90 days.

- (d) Membership.--The Consultative Group shall be composed of not more than 13 individuals, of whom--
- (1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;
 - (2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;
 - (3) 1 member shall represent the Department of State, as determined by the Secretary of State;
 - (4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers, and producers, of whom at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;
 - (5) 2 members shall represent institutions of higher education and research institutions, as determined appropriate by the Bureau of International Labor Affairs of the Department of Labor;
 - (6) 1 member shall represent an organization that provides independent, third-party certification services for labor standards for producers or importers of agricultural commodities or products; and
 - (7) 3 members shall represent organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have expertise on the issues of international child labor and do not possess a conflict of interest associated with establishment of the guidelines issued under subsection (c)(2), as determined by the Bureau of International Labor Affairs of the Department of Labor, including representatives from consumer organizations and trade unions, if appropriate.
- (e) Chairperson.--A representative of the Department of Agriculture appointed under subsection (d)(1), as determined by the Secretary, shall serve as the chairperson of the Consultative Group.
- (f) Requirements.--Not less than 4 times per year, the Consultative Group shall meet at the call of the Chairperson, after reasonable notice to all members, to develop recommendations described in subsection (c)(1).
- (g) Non applicability of FACA.--The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Consultative Group.
- (h) Annual Reports.--Not later than 1 year after the date of enactment of this Act, and annually thereafter through December 31, 2012, the Secretary shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities and recommendations of the Consultative Group.
- (i) Termination of Authority.--The Consultative Group shall terminate on December 31, 2012.

ANNEX 2: *Federal Register* notice, "Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products - Notice of Public Meeting"

Federal Register /Vol. 75, No. 47 /Thursday, March 11, 2010 /Notices 11512

DEPARTMENT OF AGRICULTURE Foreign Agricultural Service Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products.

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture (USDA) will be holding a public meeting of the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products (Consultative Group) on March 29, 2010. The sole purpose of the meeting is to solicit input from the public regarding the Consultative Group's statutory mandate to develop recommendations relating to a standard set of practices for independent, thirdparty monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor. The notice sets forth the process for requesting to appear at the meeting, and for submitting written statements. On June 18, 2008, the President signed into law the Food, Conservation, and Energy Act of 2008 (the Act), also known as the 2008 Farm Bill. The Act provides for the creation of the Consultative Group.
DATES: *March 18, 2010*—Due date for submission of requests to make an oral statement at the public meeting. (See Requirement for Submissions and Meeting Procedures below.)
March 22, 2010—Due date to notify intention to attend the public meeting without making a statement or to request special accommodations.
March 29, 2010—Public meeting for the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products, Room 104-A, Jamie L. Whitten Building, 12th and Jefferson Drive, SW., Washington, DC 20250, beginning at 9:30 a.m.
April 30, 2010—Final date for submission of written statements.

ADDRESSES: You may make written

submissions by any of the following methods: by mail to the Office of Negotiations and Agreements, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1040, 1400 Independence Ave., SW., Washington, DC 20250; or by hand (including DHL, FedEx, UPS, etc.) to the Office of Negotiations and Agreements, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4133-S, 1400 Independence Ave., SW., Washington, DC 20250; or by e-mail to: Steffon.Brown@fas.usda.gov; or by fax to (202) 720-0340.

FOR FURTHER INFORMATION CONTACT: The Office of Negotiations and Agreements by phone on (202) 720-6219; by e-mail addressed to Steffon.Brown@fas.usda.gov; or by mail addressed to the Office of Negotiations and Agreements, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1040, 1400 Independence Ave., SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION: In written submissions and statements to the Consultative Group as part of this public meeting, parties are asked to provide information or comment on the following issues:
(a) Examples of identification, monitoring, verification, and/or certification systems, or other models, that have been successful in reducing child labor and/or forced labor in the global supply chains within the agricultural sector or other industries;
(b) The roles and responsibilities that may be appropriate for the business sector and other stakeholders (governments, unions, nongovernmental organizations, and others) in establishing independent, third-party monitoring and verification systems for the production, processing, and distribution of agricultural products or commodities;
(c) Other information that would be useful to the Consultative Group in meeting its mandate to develop recommendations relating to a standard set of practices for independent, thirdparty monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural

products or commodities imported into the United States are produced with the use of forced labor or child labor. Section 3205 of the Food, Conservation, and Energy Act of 2008 (Farm Bill, Pub. L. 110-246) created the *Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products* to develop recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor. Recommendations developed by the Consultative Group are to be submitted to the Secretary of Agriculture by June 18, 2010. By June 18, 2011, the Secretary is required to release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*). The guidelines must be published in the *Federal Register* and made available for public comment for a period of 90 days. The Consultative Group will terminate on December 31, 2012. On September 23, 2009, Secretary of Agriculture Thomas J. Vilsack appointed 13 members to the Consultative Group. The group consists of both government and nongovernment members, including members from USDA; the U.S. Department of Labor; and the U.S. Department of State. Non-government members include three members from the agriculture-related private sector; two members from institutions of higher education and research; one member from an organization providing independent, third-party certification services for labor standards; and three members from non-profit organizations with expertise on international child labor and forced labor issues.

Requirements for Submissions and Meeting Procedures

Submissions in response to this notice must be made in English with any written submission not to exceed 30 single-spaced standard letter-size pages

in 12-point type, including attachments. By March 18, 2010, all interested parties wishing to make an oral statement at the meeting must submit the name, address, telephone number, facsimile number, and e-mail address of the attendee(s) representing their organization by email to *Steffon.Brown@fas.usda.gov*. Requests to present oral statements must be accompanied by a written statement which, at a minimum, identifies key issues to be addressed in the oral statement. Depending on the number of identified participants, oral statements before the Consultative Group may be subject to time limits in order to accommodate all participants. The meeting will be open to the public, and a transcript will be made available for public inspection or can be purchased from the reporting company. USDA is a controlled access facility. Therefore, individuals who wish to attend the meeting without making a statement must also register with the Consultative Group so that arrangements can be made for them to be allowed to enter the facility. Persons who wish to register or to request special accommodations for a disability or other reasons must submit a notification by e-mail to *Steffon.Brown@fas.usda.gov* by March 22, 2010. No electronic media coverage will be allowed. Press inquiries should be directed to the USDA, Office of Communications at (202) 720-4623. Signed at Washington, DC on March 4, 2010.
John D. Brewer,
Administrator, Foreign Agricultural Service.
[FR Doc. 2010-5227 Filed 3-8-10; 4:15 pm]