



## Southern Shrimp Alliance

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March 25, 2024

*Submitted Electronically*

Matthew Fraterman

Office of Child Labor, Forced Labor, and Human Trafficking (OCFT)

Bureau of International Labor Affairs

United States Department of Labor

200 Constitution Ave., NW

Room S-5315

Washington, DC 20210

Fraterman.matthew@dol.gov

**Re: Comments on Efforts by Certain Foreign Countries to Eliminate the Worst Forms of Child Labor; Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries; and Business Practices to Reduce the Likelihood of Forced Labor or Child Labor in the Production of Goods**

Dear Mr. Fraterman:

On behalf of the Southern Shrimp Alliance, we hereby provide information and comments on the three reports issued by the U.S. Department of Labor's Bureau of International Labor Affairs ("ILAB") regarding child labor and forced labor in certain foreign countries, in line with ILAB's request for comments.<sup>1</sup> Specifically, the comments herein address shrimp originating in India, a product that was not included in ILAB's 2022 List of Goods Produced by Child Labor or Forced Labor,<sup>2</sup> and is not currently listed in ILAB's List of Products Produced by Forced or Indentured Child Labor.<sup>3</sup>

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<sup>1</sup> See Efforts by Certain Foreign Countries to Eliminate the Worst Forms of Child Labor; Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries; and Business Practices to Reduce the Likelihood of Forced Labor or Child Labor in the Production of Goods, 86 Fed. Reg. 60,200 (Dept. of Labor, Oct. 4, 2022).

<sup>2</sup> See Bureau of International Labor Affairs, United States Department of Labor, 2022 List of Goods Produced by Child Labor or Forced Labor, <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods-print>.

<sup>3</sup> See <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products>.

**I. THE SOUTHERN SHRIMP ALLIANCE’S PRIOR SUBMISSIONS AND OUTSTANDING REQUESTS**

This is the fourth time that the Southern Shrimp Alliance has submitted written comments regarding ILAB’s List of Goods Produced by Child Labor or Forced Labor.

In 2020, the Southern Shrimp Alliance asked the agency to respond to extensive documentation of forced labor practices in the operations of distant water fishing fleets.<sup>4</sup> We are grateful for ILAB’s careful consideration of the comments received from a wide variety of parties regarding these fleets and the agency’s decision to include fish harvested from the distant water fleets in China and Taiwan in the 2020 List of Goods Produced by Child Labor or Forced Labor.<sup>5</sup>

In early 2022, the Southern Shrimp Alliance presented evidence and requested that ILAB add the following goods produced in India to the agency’s List of Goods Produced by Child Labor or Forced Labor: cardamom, cashews, flowers (floriculture), tea, and vegetable seeds.<sup>6</sup> In response, ILAB notified the Southern Shrimp Alliance that tea would be added to the List, but “that further research is needed to determine the inclusion of” the other goods requested.<sup>7</sup> While the Southern Shrimp Alliance appreciates ILAB’s decision to also identify tea as a good produced through forced labor in India, for the reasons set forth in our January 2022 letter, we continue to believe that cardamom, cashews, flowers (floriculture), and vegetable seeds also justify inclusion on the List.

Finally, in December 2022, the Southern Shrimp Alliance submitted formal comments and supporting evidence expressing concerns regarding the prevalence of forced labor within the fishmeal and fish oil (“FMFO”) sector from certain countries.<sup>8</sup> We have asked that the agency include FMFO in the 2024 List of Goods Produced by Child Labor or Forced Labor and reiterate that request here.

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<sup>4</sup> See Letter from the Southern Shrimp Alliance to the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT), Bureau of International Labor Affairs, United States Department of Labor (Jan. 13, 2020).

<sup>5</sup> See Bureau of International Labor Affairs, United States Department of Labor, 2020 List of Goods Produced by Child Labor or Forced Labor, at 33 (“*Dangerous Waters*”) [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/2020\\_TVPRAList\\_Online\\_Final.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAList_Online_Final.pdf).

<sup>6</sup> See Letter from the Southern Shrimp Alliance to the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT), Bureau of International Labor Affairs, United States Department of Labor (Jan. 14, 2022).

<sup>7</sup> See Letter from the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT), Bureau of International Labor Affairs, United States Department of Labor to the Southern Shrimp Alliance (Jan. 11, 2023).

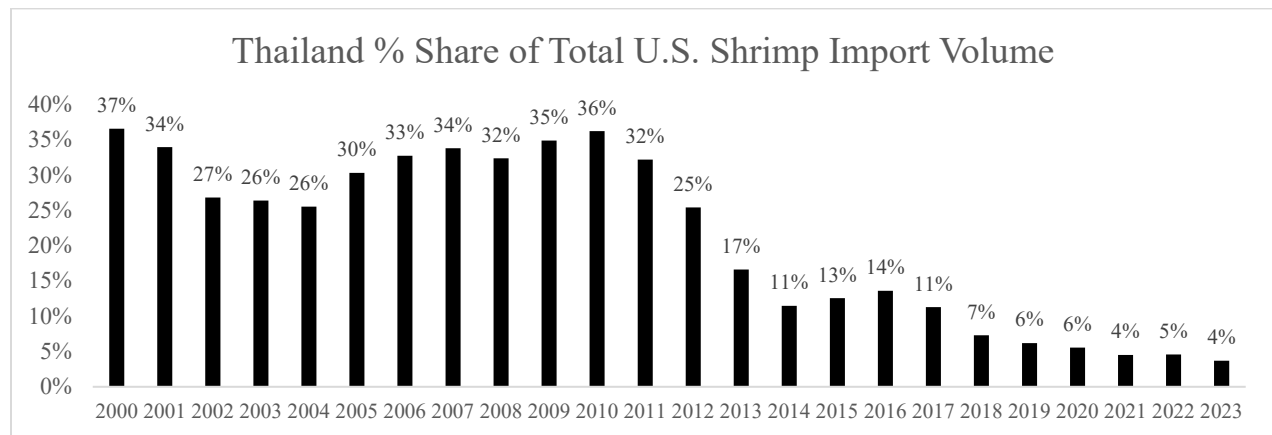
<sup>8</sup> See Letter from the Southern Shrimp Alliance to the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT), Bureau of International Labor Affairs, United States Department of Labor (Dec. 16, 2022).

We write now to request that ILAB consider newly developed information regarding forced and child labor practices at each level of the Indian shrimp supply chain, from hatcheries through shrimp farms through shrimp processing plants. This evidence was developed and obtained principally through the recent publication of the results of investigations into the industry by Corporate Accountability Lab and the Associated Press, as well as through an investigation by The Outlaw Ocean Project, derived partly from the courageous actions of a whistleblower, Joshua Farinella, who has made public extensive documentation indicating that an Indian exporter held workers against their will on the grounds of its processing facility.

These various reports and disclosures document both child and forced labor practices in the Indian shrimp industry. The 2022 *List of Goods* identified agricultural products as the category with the most goods produced with forced labor worldwide.<sup>9</sup> As the agency observed, “the Trafficking Victims Protection Reauthorization Act (TVPRA) mandates that the U.S. Department of Labor (USDOL) publish a list of goods that ILAB has ‘reason to believe’ are produced using forced or child labor in violation of international standards.”<sup>10</sup> For the purposes of the next scheduled update of the List of Goods Produced by Child Labor or Forced Labor in 2024, the Southern Shrimp Alliance requests that ILAB find that there is sufficient evidence to include shrimp produced in India in the 2024 List of Goods Report as a good produced through child and forced labor and, further, immediately include shrimp from India on ILAB’s List of Products Produced by Forced or Indentured Child Labor.

## II. THE INDIAN SHRIMP INDUSTRY WAS BUILT THROUGH THE RELOCATION OF LABOR ABUSE FROM THAILAND TO INDIA

At the turn of the century, Thailand was the dominant source of shrimp imported into the United States market. As shown in the chart below, between 2000 and 2012, Thailand accounted for over one out of every four pounds of shrimp imported into the United States.

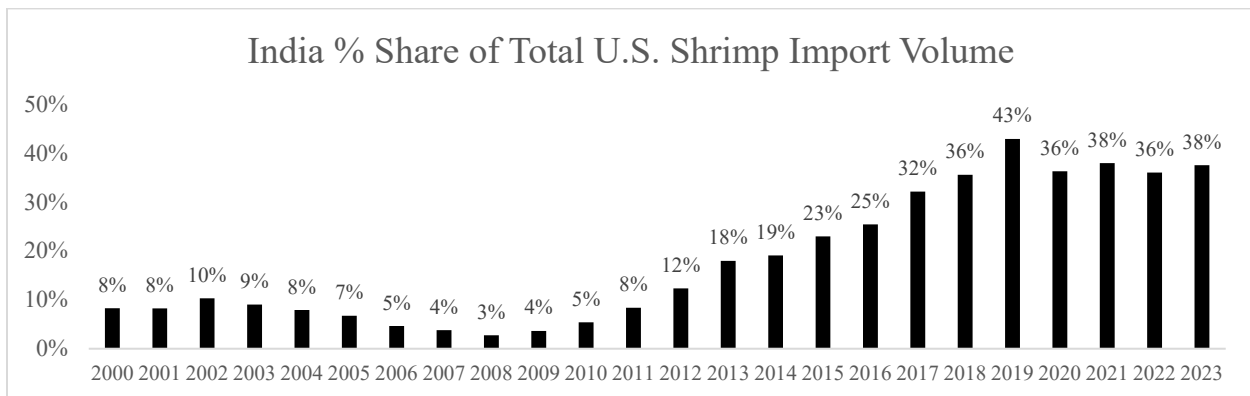


<sup>9</sup> See p. 29.

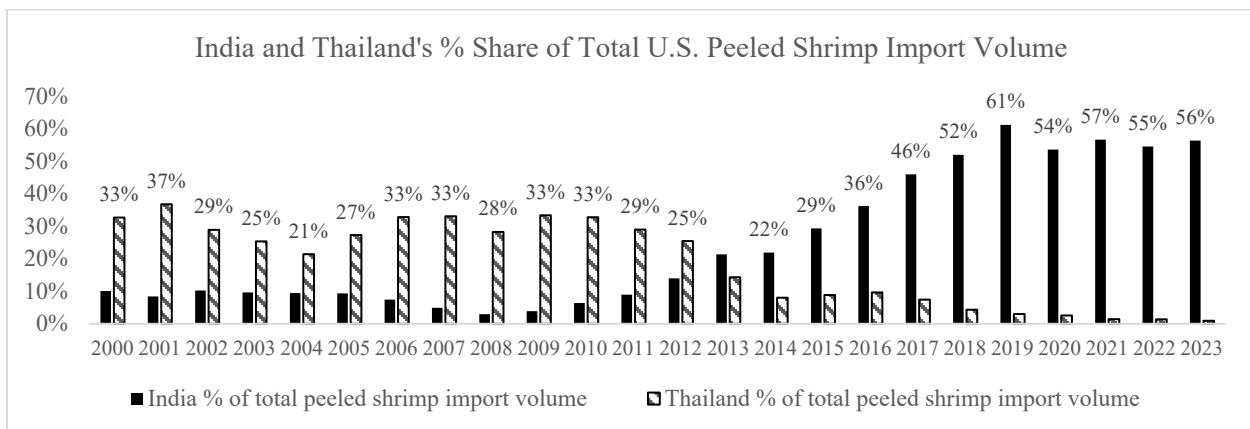
<sup>10</sup> *Id.* at p. 89.

But as disease spread through Thai shrimp farms and the exposure of forced labor practices involving the brutal exploitation of migrant labor in peeling sheds roiled the industry, the U.S. market presence of the Thai industry changed substantially. While Thailand continues to produce significant quantities of farmed shrimp, the industry has found itself pushed out of the market by lower cost suppliers who have dropped prices below what would support legal labor practices in Thailand. Last year, in 2023, the once mighty Thai shrimp industry accounted for just four percent of the volume of shrimp imported into the United States, an astonishing collapse for an industry that previously supplied us with a third of our imported shrimp.

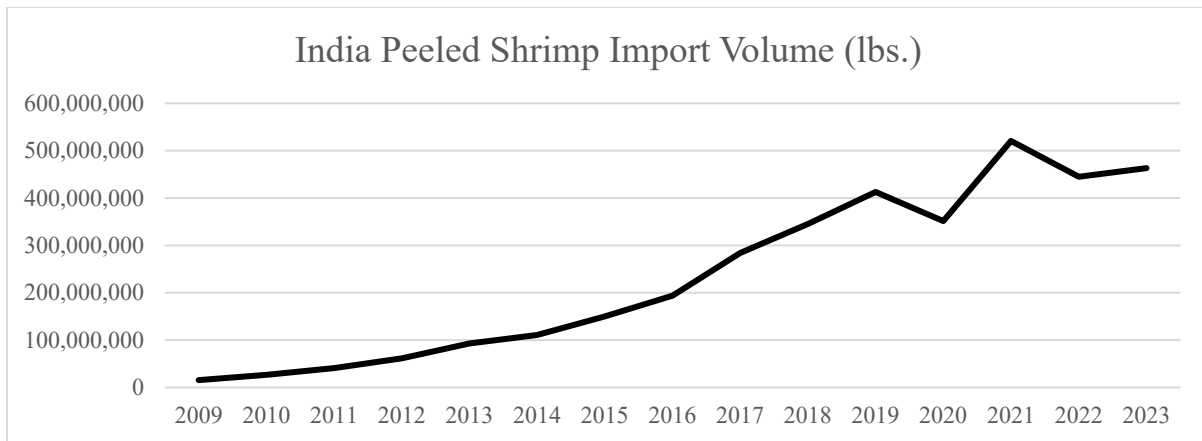
While Thai producers began exiting the U.S. market in 2012 and total shrimp import volumes declined over the first few years of this adjustment, by 2016 the United States was establishing new records of imported shrimp volumes. In the void created by Thailand's withdrawal, the Indian shrimp industry ascended. Over the second decade of the 21<sup>st</sup> century, India's shipments of shrimp exploded into the United States and American shrimp importers transitioned to a new supplier, achieving a dominance that even the Thai industry had not met.



The switch from Thailand to India was even more pronounced with respect to the product forms of shrimp that required the most labor intensive processing. Shrimp that had been peeled by Cambodian and Burmese migrants in Thai peeling sheds is now peeled by internal migrants in Indian peeling sheds, with American imported shrimp purchasers enthusiastically buying the product, as well over half of all peeled shrimp imported into the United States comes from India.



This incredible dominance developed alongside volumes of peeled shrimp that are so large they are difficult to fathom. After exporting just 15.8 million pounds of peeled shrimp to the United States in 2009, India shipped **463.1** million pounds of peeled shrimp to this country in 2023. All of this shrimp – all of it – had passed through the hands of an individual worker in India, some of whom toiled in contract peeling sheds that would be a familiar sight to those who saw labor abuse firsthand in Thailand.



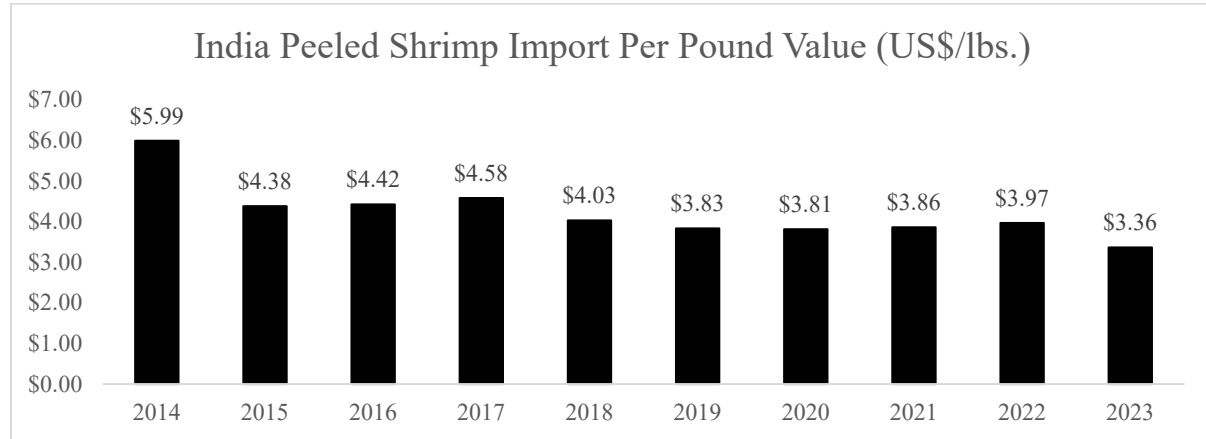
Incredibly, this shrimp, and its human toll, brings over a billion U.S. dollars to India each year. Producers who had formerly peeled and exported shrimp from Thailand invested in Indian production to lay their claim to the largesse.<sup>11</sup>



And even more incredibly, India’s exports of peeled shrimp to the United States have seen their per pound value decline substantially as their volumes exploded. As shown in the chart below, the per pound value of peeled shrimp imported from India is currently nearly half what it was a decade ago. As world-wide inflation has been a pressing concern over the last several years, the Indian shrimp industry has found ways to reduce its prices without automation

<sup>11</sup> See, e.g., Jason Holland, “Thai Union Buying Into Indian Shrimp Processor,” SeafoodSource (Mar. 29, 2016) (reporting on Thai Union’s purchase of a forty percent equity stake in Avanti Frozen Foods), <https://www.seafoodsource.com/news/supply-trade/thai-union-buying-into-indian-shrimp-processor>.

or technological innovation. Rather than machines or vertical integration for efficiencies, there has, instead, been a proliferation of unregistered shrimp farms and peeling sheds that operate in the shadows behind what the industry shows the public.



### III. THE UNITED STATES IS INDIA'S MOST IMPORTANT EXPORT MARKET FOR SHRIMP

The shift of peeled shrimp production from Thailand to India provides important context for understanding how child and forced labor practices have been allowed to proliferate through the Indian shrimp industry. Similarly, the fact that the United States is, far and away, India's most important market for its shrimp exports underscores the potential significance of the federal government's response to these practices.

According to the Indian Government, India's seafood exports reached an unprecedented peak in both volume and value during the fiscal year 2022-23, with the United States and China being the top importers.<sup>12</sup> Per the Marine Products Export Development Authority of India, the United States is the largest importer of Indian seafood, accounting for over a third of the exports, which totals USD 2.63 billion.<sup>13</sup> Notably, frozen shrimp makes up 92.7% of these imports' total value, making it India's "most significant item in the basket of seafood exports."<sup>14</sup> In the fiscal year 2022-23, frozen shrimp generated USD 5.48 billion to India's seaport export revenue, out of a total of USD 7.76 billion.<sup>15</sup>

The most recent data regarding India's exports of shrimp available from UN Comtrade covers 2022. In that calendar year, India exported a total of US\$5.5 billion in shrimp under the Harmonized Schedule subheadings of 0306.17, 1605.21, and 1605.29. Of this amount, 45.5

<sup>12</sup> See The Marine Products Export Development Authority of India, "India's seafood exports flying highest to USD 8.09 billion in FY 2022-23," (June 2023), <https://mpeda.gov.in/wp-content/uploads/2023/06/Marine-products-export-performance-2022-23-english.pdf>.

<sup>13</sup> See *id.*

<sup>14</sup> *Id.*

<sup>15</sup> See *id.*

percent was directed to the United States, which also accounted for 39.7 percent of the total volume of India's shrimp exports to the world. The next largest market for India's shrimp was less than half the size of the United States, as China accounted for 16.3 percent of the value and 19.9 percent of India's global shrimp exports. The drop to other markets was even more severe, with Japan receiving 6.0 percent of the value and 5.5 percent of the volume of India's shrimp exports, Vietnam accounting for 5.3 percent of the value and 6.5 percent of the value, and Canada comprising 3.4 percent of the value and 2.9 percent of India's shrimp volume. Further, although the Seafood Exporters Association of India (SEAI) has cited approvals received for its processing plants by the European Economic Community as evidence of the close monitoring and regulation of its industry,<sup>16</sup> Europeans do not comprise a significant part of India's shrimp export markets. In fact, the single largest European market for Indian shrimp was Belgium, constituting just 3.3 percent of the value and 3.4 percent of the volume of India's shrimp exports in 2022.

These data demonstrate that India's shrimp industry is a product of American's appetite for Indian shrimp. Access to our market has built the supply chain in India and, at the same time, has facilitated the proliferation of child and forced labor within that industry.

#### **IV. KEY FINDINGS OF FORCED LABOR PRACTICES WITHIN THE INDIAN SHRIMP SECTOR**

Responding to the claims made by Joshua Farinella as published by the Outlaw Ocean Project regarding the operations of Choice Canning Company in India, Jacob Jose, the Vice President of sales and procurement for the company, told a seafood industry source that "Forced labor doesn't exist in India."<sup>17</sup> Yet, ILAB's 2022 List of Goods Produced by Child Labor or Forced Labor specifically identifies no less than ten product categories that are produced through forced labor in India: tea, thread/yarn, bricks, carpet, cottonseed (hybrid), embellished textiles, garments, rice, sandstone, and stones.<sup>18</sup> Moreover, according to a recent report by the Australian-based non-governmental organization Walk Free, India has the largest number of

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<sup>16</sup> See Drew Cherry, "Indian Seafood Exporters Say Shrimp Investigations a 'Sinister' Campaign to Derail the Industry's Rapid Growth," IntraFish (Mar. 23, 2024), <https://www.intrafish.com/shrimp/indian-seafood-exporters-say-shrimp-investigations-a-sinister-campaign-to-derail-industrys-rapid-growth/2-1-1616995?abtest=b>.

<sup>17</sup> Cliff White, "Choice Canning's Jacob Jose Responds to Outlaw Ocean Project Allegations," SeafoodSource (Mar. 21, 2024), <https://www.seafoodsource.com/news/supply-trade/choice-canning-s-jacob-jose-responds-to-outlaw-ocean-project-allegations>. In a separate interview, Thomas Jose "a director of Choice Canning," asserted that "[c]aptivity is not a thing that exists in India . . . We have strict labor laws." Rachel Mutter, "'This Feels Like a Witch-Hunt': Indian Shrimp Exporter Denies Reports of Malpractice," IntraFish (Mar. 25, 2024), <https://www.intrafish.com/shrimp/this-feels-like-a-witch-hunt-indian-shrimp-exporter-denies-reports-of-malpractice/2-1-1616413>.

<sup>18</sup> See Bureau of International Labor Affairs, United States Department of Labor, 2022 List of Goods Produced by Child Labor or Forced Labor, at 26, <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods-print>.

people – 11 million – trapped in modern slavery.<sup>19</sup> As the Southern Shrimp Alliance has previously observed,<sup>20</sup> there is a heightened risk of child labor and forced labor in supply chains throughout India due to large populations of vulnerable people and abusive practices that have not been meaningfully addressed in large industries.

With respect to the shrimp industry specifically, opportunities for exploitation are evident at each stage of the supply chain. Indeed, even as the explosive findings of the investigations of Corporate Accountability Lab and the Associated Press were made public, and Joshua Farinella’s experience with an Indian shrimp company was detailed by The Outlaw Ocean Project, an academic study was published evaluating the health impacts of heavy workloads on shrimp cultivators at Indian shrimp farms.<sup>21</sup> This study underscored the long work hours required of those toiling on shrimp farms and high levels of stress associated with the financial risks posed by shrimp farm operations.

Before this month, ELEVATE (an LRQA company) published the results of its review of the Indian shrimp industry in a May 2023 report titled *Human Rights Impact Assessment: Farmed Shrimp in India*.<sup>22</sup> In its report, ELEVATE observed that “[w]orkers inability to leave sites or have full freedom of movement was reported as a concern in the farmed shrimp industry and elsewhere.”<sup>23</sup> ELEVATE further observed that it was “common” for workers to work overtime and that “[t]here is evidence of forced overtime without compensation and indications of falsified records of workers’ hours.”<sup>24</sup> From their site visits, ELEVATE found that workers housed in dorms, “often domestic migrant workers from Odisha State, were found to be working more hours than the limit or what was reported in management records. In some cases, workers reported that workdays were typically 12 hours long, from 6 a.m. to 6 p.m., without overtime wages.”<sup>25</sup> ELEVATE also found that timesheets were inaccurate and “that many sites are aware of the legal requirements but may hide certain practices to evade detection and maintain high production levels.”<sup>26</sup> They also reported that the payment of recruitment fees was a common

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<sup>19</sup> See, e.g., AFP, “With 1.1 Crore Under Forced Labour, India Tops Nations Driving People to ‘Modern Slavery’: Report,” Deccan Herald (May 25, 2023), <https://www.deccanherald.com/india/with-11-crore-under-forced-labour-india-tops-nations-driving-people-to-modern-slavery-report-1221775.html>.

<sup>20</sup> See Letter from the Southern Shrimp Alliance to the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT), Bureau of International Labor Affairs, United States Department of Labor (Jan. 14, 2022).

<sup>21</sup> See Chandan Kumar Swain, Himanshu Sekhar Rout, and Mihalo Jakovljevic, “Health Hazard Among Shrimp Cultivators in India: A Quantitative Burden of Disease Study,” *Int. J. Gen. Med.*, 2024; 17:1101-1116, <https://www.dovepress.com/health-hazard-among-shrimp-cultivators-in-india-a-quantitative-burden-peer-reviewed-fulltext-article-IJGM>.

<sup>22</sup> See ELEVATE (an LRQA company), *Human Rights Impact Assessment: Farmed Shrimp in India* (May 2023), [https://www.thekrogerco.com/wp-content/uploads/2023/06/EVT\\_Kroger\\_Lidl\\_HRIA-Shrimp-India\\_May-2023-Final-Report.pdf](https://www.thekrogerco.com/wp-content/uploads/2023/06/EVT_Kroger_Lidl_HRIA-Shrimp-India_May-2023-Final-Report.pdf).

<sup>23</sup> *Id.* at 19.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*



practice in order to obtain jobs in the Indian shrimp industry, presenting a risk of debt bondage.<sup>27</sup> ELEVATE observed that the use of contract workers in the Indian shrimp industry “is reportedly common” and that they saw evidence of workers arriving for evening shifts, and that “these workers did not appear on any timesheets, payrolls, or other documentation . . .”<sup>28</sup> Summarizing their experience, ELEVATE underscored substantial discrepancies in the reporting regarding employment at sites visited within the industry.<sup>29</sup> The severity of the issues identified led ELEVATE to issue extensive recommendations and conclude that “[t]he findings above indicate that most remediation and preventative action will need to be done at a collective level other than retailer by retailer.”<sup>30</sup>

ELEVATE’s call to action was not heeded and recent reports by Corporate Accountability Lab, the Associated Press, and The Outlaw Ocean Project, published on March 20, provide an updated, even more troubling overview of India’s shrimp industry. In its March 2024 report, “*Hidden Harvest: Human Rights and Environmental Abuses in India’s Shrimp Industry*,” Corporate Accountability Lab (“CAL”) presents compelling evidence of forced labor, child labor, and other exploitative practices and environmental destruction in India’s shrimp industry.<sup>31</sup> CAL summarized its findings regarding “dangerous working conditions throughout the supply chain” in the following:

“{W}orkers on shrimp farms handle hazardous chemicals without appropriate protective gear, leading to injuries. Workers in the processing sector endure frostbite and rashes from prolonged contact with frozen shrimp, chemicals, and brine – a problem exacerbated by the inability to take time off work to allow their injuries to heal. Working hours in the shrimp supply chain are also excessively long; in hatcheries and shrimp farms, workers report working more than twelve hours a day. In the processing sector, workers live in overcrowded and often unsanitary conditions under the careful surveillance of company guards. They are rarely allowed to leave the premises, sometimes as infrequently as once a month. When they do leave with express permission, it is for a limited time, often just a few hours. Workers, especially in the processing sector, describe excessive verbal abuse, and women experience gender discrimination and harassment. Workers report feeling intimidated and threatened, fearing retaliation if they speak to anyone outside the company.”<sup>32</sup>

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<sup>27</sup> *Id.* at 19-20.

<sup>28</sup> *Id.* at 21.

<sup>29</sup> *Id.* at 22.

<sup>30</sup> *Id.* at 27.

<sup>31</sup> See “Hidden Harvest: Human Rights and Environmental Abuses in India’s Shrimp Industry,” Corporate Accountability Lab (March 20, 2024) (“CAL Report”), <https://static1.squarespace.com/static/5810dda3e3df28ce37b58357/t/65fae8e7d0d8d90d2ecea975/1710943181785/Hidden+Harvest+Full+Report.pdf>.

<sup>32</sup> See *id.* at 2 (emphasis added).

In addition, CAL found that “hazardous child labor is common in the Indian shrimp sector.”<sup>33</sup> Children work in various segments of the supply chain, from shrimp farms to processing plants, often undertaking tasks similar to adult workers.<sup>34</sup> CAL’s interviews with local employees further highlight the prevalence of hazardous child labor within India’s shrimp industry:

“One peeling shed in East Godavari in Andhra Pradesh, locally referred to as the ‘Police Raju shed,’ is well-known for using children in its shrimp processing operations. Even the supervisor at the shed confirmed that the children, whose parents are migrant workers from West Bengal, work full-time peeling shrimp and do not attend school. According to a worker at a nearby peeling shed, ‘The migrant workers get on the workstation as pairs. One cleans, while the kids do the cutting. Young children also work at his shed.’ CAL’s field investigators verified that several children – some of whom looked to be as young as twelve – worked at the Police Raju peeling shed.”<sup>35</sup>

Based on the indicators of forced labor established by the International Labour Organization (“ILO”) and the available evidence, CAL identified the presence of seven indicators of forced labor within India’s shrimp industry:

“{1.} **Abuse of vulnerability:** Workers in processing plants and units are often vulnerable to forced labor due to the fact that many are migrants from other regions in India, Dalits or Adivasis, and have few, if any, other options for employment. Moreover, the informal nature of workers’ employment – including companies’ failures to provide workers with written contracts or pay slips – increases their vulnerability. Processing facilities take advantage of a large group of vulnerable workers who have traveled far from home for work and ensnare them in exploitative working conditions and, in some cases, debt bondage.

{2.} **Debt bondage:** Recruiters for the shrimp processing sector act as intermediaries between workers and companies, often providing loans to workers who must continue working to pay them off, resulting in debt bondage. Recruiters work on behalf and behest of companies that charge recruiters with finding workers. Recruiters often target impoverished rural areas with few employment options, luring workers to Andhra Pradesh for processing work. Loans for migrant workers can be as much as 100,000 INR (USD 1,240), a large sum for someone earning INR 250-340 (USD 3.01-4.11) to pay back. Such loans prevent workers from being able to leave their jobs until they have paid off their loans with interest.

{3.} **Abusive living conditions:** Many migrant workers live in company-owned hostels located near processing facilities and units. Living conditions in these

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<sup>33</sup> See *id.* at 44-5 (emphasis added).

<sup>34</sup> See *id.* at 44.

<sup>35</sup> See *id.* at 44-5 (emphasis added).

hostels are generally unhygienic and overcrowded. Workers live in cramped rooms. There are often not enough restrooms for the occupants, and the restrooms that are provided are often dirty and unsanitary, impeding access to safe and adequate sanitation.

{4.} **Restriction of movement and isolation:** Migrant workers who live in company-owned hostels have their freedom of movement severely restricted. Workers reported that they are only allowed to leave the hostels once or twice a month – men generally can more often than women – and that guards or wardens control access into and out of the hostels. In many cases, men and women, even if married, live in separate buildings and are rarely allowed to see each other. Some workers also mentioned that there are video cameras in the hallways of the women’s dormitories. CAL’s investigations revealed that companies also try to keep tabs on workers after they leave the facilities. In one case, workers complained that autorickshaw drivers who took them to town were constantly monitoring them. Even if a worker is sick or injured and must go to the hospital, the company often has the worker’s recruiter accompany them off-site.

{5.} **Abusive working conditions:** Working conditions in processing facilities are often abusive and dangerous, posing high risks of injury. Workers complained about working in cold processing plants where low temperatures exacerbate breathing conditions such as asthma. Workers directly handle raw frozen shrimp to de-head, peel, devein, and sort it, which often leads to frostbite as well as rashes and sores. There are also reports of women fainting, likely due to malnourishment or dehydration while on the job. Additionally, there have been reports of ammonia leaks, which can cause a variety of injuries to workers. Workers also report being verbally abused by supervisors – if they slow down, use the bathroom for too long, talk to one another, or otherwise assert their autonomy.

{6.} **Excessive working hours and withholding of wages:** Multiple workers reported working weeks on end with no days off, as many as 30 days in a row. Workers, especially migrant women workers, also reported that they are not always paid for overtime work.

{7.} **Intimidation and threats:** CAL’s field investigators found that workers were visibly scared to speak to outsiders, especially near company facilities when guards could see them. Even when far from company premises, workers were often apprehensive about speaking to CAL’s field investigators. Workers are often told not to speak to anyone outside the company about their jobs, even when they are in their hometowns. After CAL’s field investigators visited one village where numerous workers are originally from, the recruiter was informed and warned the workers not to tell the company about the interviews. The recruiter

threatened the workers, saying that if they mentioned speaking to the investigators, they would lose their jobs.”<sup>36</sup>

The ILO explained that “the presence of a single indicator in a given situation may in some cases imply the existence of forced labour,” and that several indicators taken together may point to a forced labor case.<sup>37</sup> CAL’s findings, coupled with corroborative evidence and validation from multiple sources outlined below, conclusively establishes the presence of both child labor and forced labor within India’s shrimp industry.

Further, in February 2024, the Associated Press visited shrimp hatcheries, ponds, and processing facilities in southeast India to document working conditions in the shrimp industry.<sup>38</sup> The field investigators found “women working in unsafe and unsanitary conditions” to the point that “workers’ hands were infected, and they lacked safety and hygiene protection required under Indian law.”<sup>39</sup> Dr. Sushmitha Meda, a dermatologist at a nearby government hospital, said that she sees four to five shrimp peelers each day who have nail fungus or frostbite, which in severe cases have resulted in amputations.<sup>40</sup> Despite the hazardous working conditions and the health risks involved, the compensation for these workers was found to be inadequate by law. These shrimp workers earn a daily income of \$3-4 dollars, which is below the minimum wage set in India, and they do not receive overtime compensation as mandated by law.<sup>41</sup>

The investigation further shed light on the disconnect between the presented image of the shrimp processing industry and the on-ground realities. American buyers might not see the dire conditions of exploited shrimp peelers because “large Indian exporters invite auditors into their own state-of-the-art facilities and use them as a ‘showcase to foreign buyers,’” that results in an inflated number of FDA-approved shrimp processing facilities.<sup>42</sup> The consequences of these practices extend beyond national borders, impacting international markets and consumer choices. Major U.S. retailers driven by the low prices of these imports, continue to stock Indian shrimp, inadvertently supporting a system rife with forced and child labor.<sup>43</sup>

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<sup>36</sup> *Id.* at 49; see also International Labour Organization, “ILO Indicators of Forced Labour,” (Oct. 1, 2012), [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_203832/lang--en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang--en/index.htm).

<sup>37</sup> ILO, “ILO Indicators of Forced Labour,” (Oct. 1, 2012).

<sup>38</sup> See Martha Mendoza, Mahesh Kumar, and Piyush Nagpal, “AP finds grueling conditions in Indian shrimp industry that report calls ‘dangerous and abusive,’” The Associated Press (Mar. 20, 2024), <https://apnews.com/article/india-shrimp-seafood-industry-labor-abuses-us-imports-e5b51878eafbb6e28977710b191eb7de>.

<sup>39</sup> *Id.*

<sup>40</sup> *See id.*

<sup>41</sup> *See id.*

<sup>42</sup> *Id.*

<sup>43</sup> *See id.*

Notwithstanding the observed findings by CAL and the Associated Press, perhaps the most damning evidence regarding the prevalence of forced labor in the Indian shrimp industry comes from the disclosures of Joshua Farinella regarding the operations of Choice Canning Company, as reported by The Outlaw Ocean Project. The documents, communications, and other materials obtained and disclosed by Mr. Farinella are summarized in “The Whistleblower,” and identify a myriad of labor abuses, deceptive practices, and significant health and safety violations within the Indian shrimp industry.<sup>44</sup> Mr. Farinella, a former general manager at a Choice Canning processing facility in India, described extensive fraudulent, disturbing practices within the plant:

“At the plant in India, he would find himself covering up overcrowding on the site by making plans to hide workers when inspectors came around. He found himself misleading customers about the provenance and quality of their shrimp, including its certification status or farm origin, and he said he was told to send off consignments of tainted shrimp to America.

At one point he stumbled across what he called a ‘hidden dormitory’ located above the ammonia compressors used for refrigeration, putting the workers in danger if there were a leak or a fire.

Once a manager emailed him a photo of bedbugs – part of an infestation that colonized more than 500 mattresses. Farinella found workers sleeping on the floor, using only their shirts as pillows. But he said he and others struggled to get authorization for the necessary changes.

A few weeks later Farinella discovered during a recorded conversation with a labor contractor for Choice Canning that 150 women workers had not had a day off in a year after two employees asked whether they could be released for an outing.”<sup>45</sup>

Choice Canning’s processing facility employs over 650 employees in Amalapuram, who, according to the documents and communications disclosed by Mr. Farinella, experienced overcrowded, insanitary, and abusive living and working conditions on a daily basis.<sup>46</sup> Concurrently, the plant was reported to be involved in fraudulent practices regarding shrimp sourcing and certification. Despite claims of adherence to Best Aquaculture Practices (“BAP”) standards, the plant in reality “never buy{s} shrimp from BAP farms” and only sources from “local, unregistered farms.” The manager advised Mr. Farinella that “India doesn’t have even 10 percent of the BAP farming capacity it claims.”

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<sup>44</sup> See “The Whistleblower | India Shrimp: A Growing Goliath,” The Outlaw Ocean Project (Mar. 20, 2024), <https://www.theoutlawocean.com/investigations/india-shrimp-a-growing-goliath/the-whistleblower/>.

<sup>45</sup> *Id.* (excerpts).

<sup>46</sup> *See id.*

The Outlaw Ocean Project has been releasing the extensive documentation made available by Mr. Farinella gradually, with additional disclosures anticipated. These disclosures are organized under the “Documents” tab of *India Shrimp: A Growing Goliath*.<sup>47</sup> In the aggregate, this material provides direct, clear evidence of forced labor practices within a major Indian shrimp processor and exporter to the U.S. market.<sup>48</sup>

CAL’s report urges the U.S. government to incorporate shrimp produced in India into the List of Goods Produced with Child Labor or Forced Labor.<sup>49</sup> By including Indian shrimp in the upcoming list, the agency would not only highlight the systemic issues of labor exploitation in the Indian shrimp industry, but also demonstrate a commitment to combating child labor and forced labor worldwide.

## V. INDIAN SHRIMP IS BEING SOLD IN DEFENSE COMMISSARIES

This is the first time that the Southern Shrimp Alliance has requested that ILAB add a product to the agency’s List of Products Produced by Forced or Indentured Child Labor.<sup>50</sup> At present, shrimp from Thailand is included on the List, as are six categories of goods produced in India (bricks, cottonseed (hybrid), embellished textiles, garments, rice, and stones). The Southern Shrimp Alliance believes that it is imperative that shrimp from India also be included in this List as soon as possible because there appears to be clear evidence that Indian shrimp is being sold in commissaries operated by the U.S. Department of Defense.

In particular, the brand “Freedom’s Choice” is a Commissary Store brand of food that has seafood offerings,<sup>51</sup> including farm-raised peeled and deveined shrimp.<sup>52</sup> Bills of lading information from ship manifests available through the subscription service Panjiva as released by the U.S. government (BOL #s: MEDUIF772590 and MEDUIF651604) and as released by the Indian government (BOL #s: 4755557, 4636588, 5241070, 5143788, and 2232372) indicate shipments of shrimp from Indian exporters (Royale Marine Impex Pvt. Ltd.; Nekkanti Sea Foods

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<sup>47</sup> See <https://www.theoutlawocean.com/investigations/india-shrimp-a-growing-goliath/>.

<sup>48</sup> Recognizing that reliance on bill of lading data is limited by the fact that certain information can be made confidential and that, for information that is publicly released, goods can be described in a manner that prevents capture in data searches, the Southern Shrimp Alliance’s review of bill of lading summaries from ship manifests made available by the U.S. government and accessible through the subscription service Panjiva indicates that Choice Canning was the fourth largest Indian exporter of shrimp to the United States from India in 2023, accounting for 3.5 percent of the total volume shipped last year, reflecting 19.5 million pounds of shrimp.

<sup>49</sup> See CAL Report at 7.

<sup>50</sup> See <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-products>.

<sup>51</sup> See <https://corp.commissaries.com/freedoms-choice>.

<sup>52</sup> See [https://shop.commissaries.com/shop/frozen/frozen\\_seafood/shrimp/freedom\\_s\\_choice\\_large\\_tail\\_off\\_cooked\\_shrimp\\_61\\_70\\_ct/p/1564405684710648698#!/?department\\_id=22331776](https://shop.commissaries.com/shop/frozen/frozen_seafood/shrimp/freedom_s_choice_large_tail_off_cooked_shrimp_61_70_ct/p/1564405684710648698#!/?department_id=22331776).

Matthew Fraterman

March 25, 2024

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Ltd.; Sandhya Aqua Exp. Private Ltd.; and Sandhya Marines Ltd.) in packaging labeled under the “Freedom’s Choice” label.

While the Southern Shrimp Alliance opposes the sale of any shrimp produced through forced labor in the U.S. market, the possibility that such shrimp may be sold at American military bases is particularly offensive. Subpart 22.15 of the Federal Acquisition Regulation prohibits the federal procurement of products produced through forced or indentured child labor and, where a product is included on ILAB’s List of Products Produced by Forced or Indentured Child Labor, establishes a certification process that must be met in order for such a good to be purchased. These steps, at a minimum, should be followed with respect to any federal procurement of Indian shrimp. ILAB’s inclusion of Indian shrimp on the List of Products Produced by Forced or Indentured Child Labor is a necessary prerequisite for implementing these certification requirements and, as such, action should be taken as quickly as possible.

## VI. CONCLUSION

As noted above, the Southern Shrimp Alliance’s review of labor conditions in the shrimp industry indicates that shrimp originating from India is produced through child labor and forced labor. As ILAB considers updates for the purposes of publishing the 2024 List of Goods Produced by Child Labor or Forced Labor, the Southern Shrimp Alliance requests that the agency take concrete action to include shrimp produced in India on the 2024 List. Moreover, the Southern Shrimp Alliance additionally requests that ILAB amend the agency’s List of Products Produced by Forced or Indentured Child Labor to include shrimp from India as soon as possible.

Thank you for any consideration you may provide to these comments and the supporting information referenced herein. I am available to address any questions you might have regarding this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "John Williams", written in a cursive style.

John Williams  
Executive Director