November 12, 2026

Comments of the National Seafood Association

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest; United States International Trade Commission (ITC Docket No. 3945, 91 Fed. Reg. 69274 (Nov. 3, 2026)).

Dear Ms. Barton:

The National Seafood Association ("National Seafood") hereby submits comments in response to the International Trade Commission's solicitation of comments relating to the public interest in the above-captioned case, published on November 3, 2026.

Having rebranded from the National Fisheries Institute, National Seafood remains America's largest commercial seafood trade association, with member companies running the gamut from harvester to retailer and seafood restaurant, and every step in between. National Seafood member companies help power the U.S. food industry, generating—according to NOAA—1 million American jobs and contributing $175 billion to the nation's economy every year.[1] Of those jobs, approximately 512,000 or nearly 50% are attributable to globally sourced raw material.[2]

Complainants in this case, nominally, are two U.S. shrimp harvesters that claim they have suffered injuries cognizable under Section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337. Complainants point to alleged mistreatment of workers in the processing facilities of an India shrimp producer that supplies certain U.S. seafood providers, and argue that Section 337 was established to address just such allegations. Complainants also insinuate, without providing evidence, that all India shrimp is tainted by similar mistreatment. On this basis, Complainants seek to embargo first one company's shipments and

[1] *See* National Oceanic and Atmospheric Administration (NOAA), *Fisheries Economics of the United States 2024*, at 5.
[2] *Id*., at 6.

then, presumably, all India shrimp bound for the United States, thus removing from the U.S. 649 million pounds of the nation's most popular seafood item.

For the reasons described below, National Seafood urges the Commission to reject this unwise and unprecedented approach and instead to return the responsibility of detecting allegedly tainted goods to the Department of Homeland Security and associated agencies—where it belongs.

1. Congress decades ago tasked multiple Executive Branch agencies with the responsibility to assess, detect, and deter tainted goods entering the United States, and yet, evidently, the Federal government has never withheld or rejected a shipment of India shrimp because the goods were tainted by any form of proscribed labor.

The Department of Homeland Security and several of its component agencies variously surveil, assess, target, interdict, seize, and embargo allegedly tainted goods where particularized, substantiated evidence warrants action. DHS possesses comprehensive statutory authority to: interdict and refuse entry to violative shipments; criminally and civilly prosecute culpable overseas businesses and place them on various entity lists; punish U.S. businesses connected with demonstrated abuses; and "name and shame" targeted industries and nations, under federal statutes such as 19 U.S.C. § 1307 and others. For DHS components such as CISA, CBP, USCG, and USCIS, the forced labor mandate is not a secondary priority but is instead a core mission for a Department whose FY2026 budget was $161 billion.[3]

As DHS stated in its 2020 Human Trafficking and Force Labor Strategy,

> The United States has declared it a national priority to end human trafficking, the importation of goods produced with forced labor, and child sexual exploitation. The U.S. Department of Homeland Security is on the frontlines of this fight, protecting the country and collaborating with our partners to stop these crimes.[4]

[3] *See* Homeland Security and Further Additional Continuing Appropriations Act, 2026, Pub. L. No. 119-86, div. A, 140 Stat. 773 (2026); Secure America Act, Pub. L. No. 119-98, 140 Stat. 837 (2026).
[4] *See* U.S. DHS., *Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation* (Jan. 2020), at iv. (https://www.dhs.gov/publication/strategy-combat-human-trafficking-importation-goods-produced-forced-labor-and-child).

The strategy further directs DHS to prioritize,

> Leveraging DHS law enforcement and national security authorities to investigate, take enforcement action, and refer cases for prosecution.[5]

These directives remove any doubt about the commitment of the agency to fighting forced labor globally.

What is more, the federal government devotes considerable resources to commercial seafood supply chains in particular. The National Marine Fisheries Service in recent years has focused on worker treatment in commercial seafood supply chains through multiple initiatives, such as the 2020 Maritime SAFE Act Interagency Working Group on IUU Fishing; the 2022 Collaborative Accelerator for Lawful Maritime Conditions in Seafood policy accelerator; and the 2018 Seafood Import Monitoring Program. The latter program, known as "SIMP," requires commercial seafood businesses to continuously report the provenance of the fish they enter into the United States, to root out illegal, unreported, and unregulated, or "IUU" fishing, a concept that now includes worker treatment. SIMP uploads at the time of entry—and the forensic audits that often follow—give NMFS access to voluminous data concerning overseas supply chain arrangements, data that NMFS now routinely shares with CBP.

Even federal statutes and programs not principally intended to assess worker treatment can be—and often are—wielded to scrutinize just that. For instance, if employees in a given country are abused in a fashion that violates local law, then the Lacey Act may empower a United States Attorney to prosecute. The Department of the Treasury can sanction a foreign national for violating the labor rights of his or her workers, pursuant to the Countering America's Adversaries Through Sanctions Act and the Global Magnitsky Human Rights Accountability Act.[6] And the list goes on.

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[5] *Id*., at iv.

[6] *See* Global Magnitsky Human Rights Accountability Act, 22 U.S.C. § 10102; Exec. Order No. 13,818, 82 Fed. Reg. 60,839 (Dec. 26, 2017); U.S. Department of the Treasury, *Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order* (July 31, 2020) (announcing sanctions against the Xinjiang Production and Construction Corps, a major participant in China's agricultural and cotton sectors, and two officials for serious human rights abuses against ethnic minorities in Xinjiang).

Despite this web of laws, regulations, programs, and policies, National Seafood finds no evidence that the Federal government has *ever* detained or rejected a single pound of India shrimp, issued a Withhold Release Order ("WRO"), or taken similar action in connection with allegations that workers in the pertinent supply chain had been abused. Even following congressional repeal of the "consumptive demand" exception to Section 1307 in 2015, there has never been an WRO targeting Indian shrimp. Armed with wide-ranging authority and ample resources, the career civil servants tasked with forced labor detection and deterrence have never been able to identify and substantiate a genuine violation of Section 1307 or other applicable laws by India shrimp producers. This despite the fact that those laws—by contrast with Section 337—often do not require a showing of harm to domestic industry and therefore require *less* evidentiary support than does Section 337.[7]

2. Not content with the resources the Executive Branch deploys every day to address this challenge, and frustrated that those resources have not produced the bans and embargoes they yearn for, Complainants now seek to shoehorn worker treatment allegations into a statutory provision that for nearly a century has been used to remedy intellectual property infringement and antitrust violations—and virtually nothing else. Indeed, complainants and the industry group that is the *de facto* movant here have repeatedly sought to erect barriers to trade through one federal agency after another. The Commission should not play along with this transparent forum-shopping.

Congress in the Tariff Act of 1930 established Section 337 to address "claims regarding intellectual property rights, including allegations of patent infringement and trademark infringement by imported goods."[8] ITC has apparently never instituted a Section 337 case involving overseas worker treatment. Nor has Congress amended the provision to make clear that Section 337 *does* apply to claims of this nature or, indeed, to any claims beyond the two primary categories described above. If—contrary to its precedents and in the absence of congressional action to broaden the scope of this law—the ITC

[7] National Seafood and its member companies take seriously any legitimate allegation of abuse, whether the allegation pertains to overseas or domestic production. To address this challenge, the association and its members have taken numerous actions over several decades.
[8] About Section 337, International Trade Commission webpage (https://www.usitc.gov/intellectual_property/about_section_337.htm).

insists on instituting a case here, that decision will invite scores of copy-cat filings, and in the process will convert Section 337 into an open-ended trade litigation mechanism with no limiting principle.

3. In turn, if the Commission then recommends, and the President ultimately approves, exclusion orders targeting India shrimp, that decision will threaten U.S. jobs, raise prices for a consumer staple, and drive Americans away from seafood.

The economics of the situation are plain to see: Like a prohibitively high tariff, an exclusion order barring India shrimp from the United States will prompt immediate and significant price increases for the shrimp that remains in the market. American consumers love nutritious, wholesome seafood, but they respond to elevated prices not by buying the domestic like product, but instead by fleeing to other proteins. In this way, the Complaint could eventually lead to a "remedy" that in fact punishes working families who rely on inexpensive staples such as shrimp and who can ill afford still more food inflation.

National Seafood processors, distributors, cold storage providers, retailers, and seafood restaurants and their American workers will also be harmed. Deprived of an essential input on a major item, those companies will have less shrimp to bread, portion, freeze, deliver, and serve. Fewer orders mean fewer shifts, fewer deliveries, and ultimately fewer workers. National Seafood respectfully submits that these outcomes are not in the public interest.

For all these reasons, the Commission should reject the Complainants' brazen forum-shopping and should refuse to institute the case proposed here. Instead, the ITC should leave the responsibility to detect and deter forced labor to the DHS and other Executive Branch professionals that have worked on this priority for decades.

Respectfully submitted,



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Executive Vice President & General Counsel