



NATIONAL CONSUMERS LEAGUE

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[Docket No. DOL-2007-0004]

Bureau of International Labor Affairs, Department of Labor

RE: Notice of Proposed Procedural Guidelines for the Development and Maintenance of the List of Goods From Countries Produced by Child Labor or Forced Labor Pursuant to the Trafficking Victims Protection Reauthorization Act of 2005

Federal Register, October 1, 2007 (volume 72, Number 189, pp 55808-55811)

The National Consumers League (NCL) is pleased to comment on the U.S. Department of Labor's (DOL) proposed procedural guidelines for the submission, review, and reporting of information that will be evaluated by DOL in its development and maintenance of a list of goods from countries that are produced by child labor or forced labor. Our comments are provided to augment DOL's efforts to provide non-governmental organizations, consumers, and others with transparency, a participatory process, and objective and accurate information with respect to commodities harvested or mined and goods produced or manufactured by child labor or forced labor.

NCL, founded in 1899, is a private, nonprofit membership organization. Its mission is to protect and promote social and economic justice for consumers and workers in the United States and abroad. NCL works on a variety of issues: child labor and other abusive labor practices, food safety and nutrition, healthcare, telemarketing and Internet fraud, and protecting personal information, privacy, and security. NCL co-chairs and coordinates the Child Labor Coalition, the leading national coalition comprised of 30 non-governmental and labor organizations which are committed to protecting working children and ending child labor exploitation in the U.S. and abroad.

Proposed Procedural Guidelines

A. Sources of Information and Factors Considered for the Development of the List.

Related to Number 5. *Significant incidence of child labor or forced labor*: DOL provides scenarios as examples to explain how DOL would likely weigh information in relation to its possible placement on the List. Although NCL understands DOL's explanation of isolated incidents vs. significant incidence, such determinations are at the crux of creating

a useful and accurate List. NCL recommends that DOL develop a more precise guideline, thus reducing subjectivity.

Additionally, DOL's proposed guidelines stipulate that "if child labor or forced labor was only used in the extraction, harvesting, assembly, or production of raw materials or component articles, and these are subsequently used under non-violative conditions in the manufacture or processing of a final good, only the raw materials/component articles and the country/ies where they were extracted, harvested, assembled, or produced, as appropriate, may be placed on the List."

NCL recommends that if child labor or forced labor was used in the extraction, harvesting, assembly, or production of raw materials or component articles, that a list be provided to the public of **industries** that utilize the raw materials or component articles. Consumers care not only about the presence of child labor and forced labor in finished products, but also in the raw materials incorporated into the products they use and buy. A few examples follow:

- According to the U.S. Department of Labor's report, *2004 Findings on The Worst Forms of Child Labor*, children in Brazil are found working in sisal. Sisal is not a commodity that resonates with most consumers, yet it can be used in a wide variety of products that consumers use. Sisal is commonly used in the shipping industry (for mooring small craft, lashing, and handling cargo). Apart from rope, twine and general cordage, sisal is used in buffing cloth, carpets, dartboards, mattresses, handicrafts and specialty paper. It is also used as the fiber core of the steel wire cables of elevators, being used for lubrication and flexibility purposes.
- According to reports from the BBC, the Democratic Republic of Congo is home to 80 percent of the world's coltan reserves, and child labor is prevalent in its mining/extraction. This ore, when refined, is essential in the manufacture of electrical components known as pinhead capacitors -- a core component in the electronics industry, especially in the manufacturing of mobile phones, laptop computers, and pagers. Coltan is unknown to most of the public.
- According to a recent report (September 2007) from the International Labor Rights Forum (ILRF), along with international partners including OECD Watch, India Committee of the Netherlands, Deutsche Welthungerhilfe and Eine Welt Netz NRW, roughly 416,460 children, out of which 224,960 are under the age of 14, are still working on cottonseed farms in the four major producing states in India, representing an increase from the 2003-2004 harvest season. U.S. textile mills presently consume approximately 7.6 million bales of cotton a year. Eventually, about 57% of it is converted into apparel, more than a third into home furnishings (such as bedspreads, towels, and window shades), and the remainder into industrial products, such as wall coverings, bookbindings and zipper tapes. The biggest cotton users in this category, however, are medical supplies, industrial thread and tarpaulins.

The usefulness of this list to consumers and business would be enhanced if the connection were made between raw materials/component articles and industries that use them. Moreover, identifying this connection strengthens DOL's ability to meet its obligation under TVPRA, as outlined in the *Federal Register* notice, p 55809 (D) to "Work with persons who are involved in the production of goods on the list...to create a standards set of practices that will reduce the likelihood that such persons will produce goods using the labor described..."

B. Maintenance of the List.

Number 6, related to entries removed from the DOL List: NCL recommends that before an entry is removed from the List that DOL's intention to remove be published in the *Federal Register* with an opportunity for interested parties to review the new information -- upon which the intention to remove from the list is based -- and comment.

C. Key Terms Used in the Guidelines.

DOL defines "goods" to mean goods, wares, articles, materials, items, supplies, and merchandise.

NCL strongly urges that DOL include in its definition of "goods," the specific wording of "agricultural commodities." More of the world's working children are employed in agriculture than in any other sector. Moreover, according to the ILO report, *A Global Alliance Against Forced Labour* (2005), almost two thirds of total forced labor in Asia and the Pacific is private-imposed for economic exploitation, mostly debt bondage in agriculture and other economic activities. Given the prevalence of child labor and forced labor in agriculture, specific reference should be included in the definition of "goods."

NCL appreciates the opportunity to provide comments. If you have any questions on this submission, please contact the person identified below at 202-835-3323.

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