



AUG 13 2010

CIVILIAN AGENCY ACQUISITION LETTER 2010-04

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:

Edward Loeb
EDWARD LOEB
CHAIRMAN
CIVILIAN AGENCY ACQUISITION COUNCIL

SUBJECT:

Department of Labor Updated List of Products Requiring
Federal Contractor Certification as to Forced or
Indentured Child Labor

This Memorandum informs Civilian Agencies other than NASA of the Department of Labor's (DoL) final Rule that updates the list required by Executive Order 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.

Federal contractors who supply products on this list are required to certify, among other things, that they have made a good faith effort to determine whether forced or indentured child labor was used to produce the item.

Background:

Executive Order 13126 (EO) declared that it was "the policy of the United States Government, . . . that the executive agencies shall take appropriate actions to enforce the laws prohibiting the manufacture or importation of goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part by forced or indentured child labor."

The EO required the Department of Labor, in consultation with the Departments of State and Treasury (now Homeland Security), to publish and maintain a list of products, by country of origin, which the three Departments have a reasonable basis to believe, might have been mined, produced or manufactured by forced or indentured child labor. The original list was published on January 18, 2001, on the same day as the original FAR rule. The list only contained products from Burma and Pakistan.

Under FAR Subpart 22.15 contracting officers must place the child labor clause in solicitations purchasing the items on the list, and identify the product and

country. The clause requires contractors to certify that they have made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture that product in a country on the list for that product. There is an exception for some of the designated countries, listed in the FAR at 22.1503. Contracting officers should check to ensure that the Contractor certified before making award.

Revised list:

On July 20, 2010 the Department of Labor published a final rule in Federal Register (75 FR 42164) updating the EO 13126 list. The final rule provides an updated list of products, by country of origin, which the Departments of Labor, State and Homeland Security believe might have been mined, produced, or manufactured by forced or indentured child labor. The final rule contains a list of 21 countries and 29 products as shown below.

| Product | Countries |
|-----------------------------|--|
| Bamboo | Burma |
| Beans (green, soy, yellow) | Burma |
| Brazil Nuts/Chestnuts | Bolivia |
| Bricks | Burma, China, India, Nepal, Pakistan |
| Carpets | Nepal, Pakistan |
| Charcoal | Brazil |
| Coal | Pakistan |
| Coca (stimulant plant) | Colombia |
| Cocoa | Cote d'Ivoire, Nigeria |
| Coffee | Cote d'Ivoire |
| Cotton | Benin, Burkina Faso, China, Tajikistan, Uzbekistan |
| Cottonseed (hybrid) | India |
| Diamonds | Sierra Leone |
| Electronics | China |
| Embroidered Textiles (zari) | India, Nepal |
| Garments | Argentina, India, Thailand |
| Gold | Burkina Faso |
| Granite | Nigeria |
| Gravel (crushed stones) | Nigeria |
| Pornography | Russia |
| Rice | Burma, India, Mali |
| Rubber | Burma |
| Shrimp | Thailand |
| Stones | India, Nepal |
| Sugarcane | Bolivia, Burma |
| Teak | Burma |

| | |
|----------------|--------|
| Tilapia (fish) | Ghana |
| Tobacco | Malawi |
| Toys | China |

If you have questions or need additional information regarding the substance of this letter, please contact Ernest Woodson, Procurement Analyst, Acquisition Policy Division at (202) 501-3775 or email at ernest.woodson@gsa.gov. You may also check the DoL website, listed in the FAR at www.dol.gov/ilab, under the heading of Executive Order 13126.