

DHS Updates the Uyghur Forced Labor Prevention Act ("UFLPA") Entity List to Add Metals and Food Producers

Entity List Additions

The DHS has added 29 companies to the Uyghur Forced Labor Prevention Act Entity List due to allegations of using forced labor or participating in forced labor schemes. Among these companies, several operate in the metals sector, which includes the mining, smelting, and processing of various metals. The other companies are food companies.

The metal sector companies added to the UFLPA Entity List are:

- Western Gold Co., Ltd.
- Western Gold Hami Gold Mine Co., Ltd.
- Western Gold Karamay Hatu Gold Mine Co., Ltd.
- Xinjiang Nonferrous Metals Industry Group Co., Ltd.
- Xinjiang Zhonghe Co., Ltd. (also known as Xinjiang Joinworld Co., Ltd.)

According to DHS, the first four entities that are listed mine and process raw metallic materials, such as copper, lithium, beryllium, nickel, manganese, gold, chromium ore and iron ore. The fifth entity is involved in the research, development, production and sales of electronic materials and aluminum and alloy products, which are used in electronic equipment, wires, and cables in a wide range of downstream products, including household appliances, automobiles, and aerospace applications.

The FLETF also added Xinjiang Daqo New Energy Co., Ltd. (also known as Xinjiang Great New Energy Co., Ltd.; Xinjiang Daxin Energy Co., Ltd.; and Xinjiang Daqin Energy Co., Ltd.), a producer of high-purity polysilicon materials, to the UFLPA Entity List because the US Government has reasons to believe it sources silicon powder from the XUAR.

In addition, the FLETF removed the alias "Xinjiang Nonferrous" from listed party Xinjiang East Hope Nonferrous Metals Co., Ltd., which is a company located in the XUAR that manufactures nonferrous metals, nonferrous metal alloys products, and metal materials.

Points to Know About the UFLPA Entity List

Under the UFLPA, entities on the list are subject to a rebuttable presumption that their goods, wares, articles, or merchandise are produced with forced labor. This presumption prohibits the importation of such items into the United States under Section 307 of the Tariff Act of 1930 unless importers provide to CBP clear and convincing evidence to the contrary. Violating the UFLPA's import restrictions is costly and companies face significant reputational, legal, and financial risks if implicated. There are now 107 companies flagged by the FLETF for using forced labor or sourcing materials from the XUAR.

Recommended Actions

As enforcement intensifies, companies engaged in international trade should evaluate and reinforce their compliance programs. Steps to consider include:

- *Enhanced Supply Chain Due Diligence:* Audit your suppliers to identify links to existing and newly listed entities or the XUAR region.
- *Contractual Review and Amendments*: Update agreements to include representations prohibiting sourcing from forced labor-related entities and the XUAR.
- *Documentation and Monitoring*: Obtain and maintain robust records to rebut the forced labor rebuttable presumption, if necessary.

As always, should you have any questions or require assistance regarding the UFLPA or other international business or trade matters, please do not hesitate to contact Jon P. Yormick (jon@yormicklaw.com; M: +1.216.216.5138), Pavit Arora (parora@yormicklaw.com; M: +1.774.571.9028), or Alexandre Heuzé (aheuze@yormicklaw.com; M: +1.216.410.9388).

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