

March 4, 2024

The Honorable Robert Silvers  
Under Secretary for Strategy, Policy, and Plans  
US Department of Homeland Security  
On behalf of the Forced Labor Enforcement Task Force

Troy Miller  
Senior Official Performing the Duties of the Commissioner  
US Customs and Border Protection

Senator Ron Wyden, Chairman, Senate Finance Committee

Senator Mike Crapo, Ranking Member, Senate Finance Committee

Representative Jason Smith, Chairman, House Ways and Means Committee

Representative Richard Neal, Ranking Member, House Ways and Means Committee

**Re: Open Letter on Central Romana's Failure to Remediate Forced Labor**

Dear Under Secretary Silvers, Acting Commissioner Miller, and Members of Congress,

The undersigned human and labor rights organizations write to express our concern over apparent efforts by the Central Romana Corporation, Ltd. (Central Romana) to avoid the normal and expected remedial impact of an order issued under Section 307 of the Tariff Act of 1930. On November 23, 2022, US Customs and Border Protection (CBP) issued a Withhold Release Order (WRO) against raw sugar and sugar-based products from Central Romana's operations in the Dominican Republic, prohibiting their importation into the United States. In the sixteen months since, workers report that Central Romana's efforts to remediate the forced labor conditions CBP identified have been superficial, and that some improvements to working and living conditions that the company has publicly announced – including electrification of *bateyes* (company-provided housing) and provision of health insurance for all workers – have been overstated and unavailable to large numbers of sugarcane workers.

In contrast, the company's efforts to obtain modification of CBP's order through political pressure in lieu of comprehensive remediation, discussed below, have been substantial. If this strategy proves successful for Central Romana, it will not only harm and disillusion workers in this case, but it will also undermine the efficacy of Section 307 enforcement more generally,

incentivizing other companies whose supply chains are tainted by forced labor to focus on playing up superficial reforms.

CBP issued the WRO based on substantiated evidence of forced labor. Serious labor abuses have been extensively documented in Central Romana fields and *bateyes* by the US government, journalists, and civil society organizations for decades, and these conditions persist. CBP's WRO identified the presence of five of eleven possible indicators of forced labor: abuse of vulnerability, isolation, withholding of wages, abusive working and living conditions, and excessive overtime. The US Department of Labor's Bureau of International Labor Affairs has published seven periodic reports since 2013 on the hazardous working conditions and systemic labor rights abuse in the sector, following a damning complaint on labor rights abuses that was filed under a trade agreement mechanism more than a decade ago. Conditions in these fields and *bateyes* are so dire that special agents from the US Homeland Security Investigations have reportedly launched a criminal investigation.<sup>1</sup>

In the sixteen months since the WRO was issued, Central Romana has had ample opportunity to make meaningful and sustainable change, but it has failed to do so. While sugarcane workers identified some limited efforts to improve wages and access to health care in December 2023 interviews with Corporate Accountability Lab, additional evidence emerged demonstrating the depth and breadth of the abusive conditions that lie at the root of this matter. Workers and their families who live in *bateyes* owned by the company described the continued lack of access to potable water and electricity, the practice of forcing families and unrelated older workers to cohabitate in one- to two-room homes, demolition of entire *bateyes* without communities' consent, workers' inability to seek other employment because of statelessness and the possibility of deportation, long hours of back-breaking work in the fields, uncompensated and preventable workplace injuries, and continued denial of benefits owed to workers. Nearly every person interviewed in December 2023 stated that if they were able to leave, they would.

Rather than effectively addressing the indicators of forced labor, Central Romana appears to be investing its resources in pressuring Members of Congress and the Biden Administration to get on board with premature modification of the WRO. Such action would validate and perpetuate the abusive labor conditions that led CBP to take action in the first place.

In August of 2023, Alfonso Fanjul, who has played various roles within the corporate family including Central Romana CEO, sent a letter to Chris Dodd, Special Presidential Advisor for the Americas, asking him to intervene with the Biden administration to have the WRO lifted. Citing their long friendship, Fanjul told Dodd "he was 'terribly upset' by the forced labor allegations and asked for Dodd's help in "requesting (Customs and Border Protection) to lift its sanctions on

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<sup>1</sup> *Reveal*, Sandy Tolan and Michael Montgomery, "Federal Agents Investigating Sugar Exporter Over Allegations of Forced Labor in its Supply Chain," (Oct. 20, 2023), <https://revealnews.org/article/federal-agents-investigating-central-romana/>.

our company.”<sup>2</sup> Central Romana’s lobbying disclosures for 2023, discussed further below, indicate that this letter is a part of a broader campaign by the company to obtain premature modification of the order.

In 2023, Central Romana disclosed \$422,000 in lobbying expenditures paid to three firms: Akin Gump Strauss Hauer & Feld, Patino Brewster & Partners, LLC, and Barsa Strategies, LLC.<sup>3</sup> According to the disclosures, Patino Brewster was the largest recipient of lobbying funds, receiving a total of \$277,000 in 2023 to lobby on “[l]abor and migrant issues, including withhold release order and migrant documentation, in sugar sector.” Notably, James (Wally) Brewster, lobbyist for Patino Brewster, is the former US Ambassador to the Dominican Republic. Brewster’s spouse, Bob Satawake, previously served as Ambassador Brewster’s senior policy advisor and chaired various committees at the US Embassy in Santo Domingo. Additionally, John Barsa, head of Barsa Strategies, previously held a leadership position at the Department of Homeland Security, where his firm has now lobbied on Central Romana’s behalf regarding “trade compliance issues” and “[i]ssues around the importation to the US of agricultural products.” Akin Gump’s 2023 lobbying disclosures for Central Romana cite the “withhold release order on sugar” as the specific lobbying issue pursued. These firms list the United States Senate, House of Representatives, Department of State, Department of Transportation, and CBP as the entities lobbied on Central Romana’s behalf.

Additional disclosures from 2023 suggest that Central Romana’s lobbying for WRO modification or revocation without meaningful remediation might have been supplemented by other companies. For example, Florida Crystals Corporation, a company partially owned by the Fanjul Corporation (as is Central Romana), disclosed lobbying expenditures of \$1,280,000 in

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<sup>2</sup> *Id.*

<sup>3</sup> See 2023 disclosures reports for lobbying on behalf of Central Romana. Akin Gump Strauss Hauer & Feld, “Lobbying Report,” Q1 (pub. Apr. 20, 2023), <https://lda.senate.gov/filings/public/filing/b906b5cd-483a-4154-b251-01e81b589b58/print/>; Akin Gump Strauss Hauer & Feld, “Lobbying Report,” Q2 (pub. July 20, 2023), <https://lda.senate.gov/filings/public/filing/d474753c-1eff-43fd-a3b9-5817c491a671/print/>; Akin Gump Strauss Hauer & Feld, “Lobbying Report,” Q3 (pub. Oct. 20, 2023), <https://lda.senate.gov/filings/public/filing/45e97332-0c01-4893-8db5-95f65541ba50/print/>; Akin Gump Strauss Hauer & Feld, “Lobbying Report,” Q4 (pub. Jan. 19, 2024), <https://lda.senate.gov/filings/public/filing/b7bbc916-65b4-4e1f-81e0-63a23c9855ef/print/>; Barsa Strategies, LLC, “Lobbying Report,” Q4 (pub. Feb. 6, 2024), <https://lda.senate.gov/filings/public/filing/1fc3b22b-67be-4a62-a5de-8d017536636a/print/>; Patino Brewster & Partners, LLC, “Lobbying Report,” Q2 (pub. July 20, 2023), <https://lda.senate.gov/filings/public/filing/acadabd2-3d15-4a87-bd96-b08e87093d62/print/>; Patino Brewster & Partners, LLC, “Lobbying Report,” Q3 (pub. Oct. 31, 2023), <https://lda.senate.gov/filings/public/filing/3af10006-2692-4c22-969a-6b8ee0eb41cd/print/>; Patino Brewster & Partners, LLC, “Lobbying Report,” Q4 (pub. Jan. 22, 2024), <https://lda.senate.gov/filings/public/filing/3af10006-2692-4c22-969a-6b8ee0eb41cd/print/>.

2023, with \$1,240,000 spent on specific activities that included “trade issues affecting sugar or biofuels.”<sup>4</sup>

In the same timeframe, the Consorcio Azucarero de Empresas Industriales (CAEI), a Dominican sugar company and Central Romana competitor, disclosed a total of \$210,000 in lobbying payments, which may have been prompted by the issuance of the WRO.<sup>5</sup> The specific lobbying issues cited in CAEI’s 2023 lobbying disclosures are “[g]eneral issues related to sugar imports” and “labor compliance” before the US House and Senate, Department of Agriculture, Department of Labor, US Trade Representative, and again, CBP. CAEI and Central Romana, together with a third company, Consorcio Azucarero Central, are the largest sugar producers in the Dominican Republic and have historically dominated the Dominican Republic’s Tariff Rate Quota (TRQ) allocations for sugar imported to the United States – the largest sugar TRQ of any country.<sup>6</sup>

Of CAEI’s lobbying payments disclosed for 2023, \$170,000 went to private law firm Squire Patton Boggs and \$40,000 to Sorini, Samet, & Associates, LLC. Ron Sorini, principal at the latter, formerly held the role of Ambassador at the United States Trade Representative, one of the entities where his firm disclosed lobbying on CAEI’s behalf last year.

This overall strategic approach is, at best, in tension with the United Nations Guiding Principles on Business and Human Rights (UNGPs), which lay out responsibilities for companies in their

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<sup>4</sup> See 2023 disclosures reports for lobbying on behalf of Florida Crystals Corporation. Becker & Poliakoff, P.A., “Lobbying Report,” Q1 (pub. Apr. 19, 2023), <https://lda.senate.gov/filings/public/filing/60e6509a-d486-4611-ac71-5d1cb65c95d2/print/>; Becker & Poliakoff, P.A., “Lobbying Report,” Q2 (pub. July 19, 2023), <https://lda.senate.gov/filings/public/filing/f0e83ebb-fbeb-415b-89e7-6cd9e3ddb0cc/print/>; Becker & Poliakoff, P.A., “Lobbying Report,” Q3 (pub. Oct. 17, 2023), <https://lda.senate.gov/filings/public/filing/1cf0539f-6bb4-4afb-9031-565169ca4481/print/>; Becker & Poliakoff, P.A., “Lobbying Report,” Q4 (pub. Jan. 16, 2024), <https://lda.senate.gov/filings/public/filing/b0912313-787d-453b-8f35-f76d334bf23e/print/>.

<sup>5</sup> See 2023 disclosures reports for lobbying on behalf of CAEI. Sorini, Samet, & Associates, LLC, “Lobbying Report,” Q2 (pub. July 20, 2023), <https://lda.senate.gov/filings/public/filing/6e15e404-749b-4d70-8e29-f7d0b8bd5d5c/print/>; Sorini, Samet, & Associates, LLC, “Lobbying Report,” Q3 (pub. Oct. 20, 2023), <https://lda.senate.gov/filings/public/filing/af4d7028-b5ae-420d-b78b-9090a974f535/print/>; Sorini, Samet, & Associates, LLC, “Lobbying Report,” Q4 (pub. Jan. 22, 2023), <https://lda.senate.gov/filings/public/filing/007ca1dd-0a6f-4b39-a192-7691f9daa1d9/print/>; Squire Patton Boggs, “Lobbying Report,” Q2 (pub. July 20, 2023), <https://lda.senate.gov/filings/public/filing/35355731-0dce-4cc8-bc0b-00e090132a4d/print/>.

<sup>6</sup> Although Central Romana has far out-produced CAEI and CAC in the past, following the WRO, the Dominican sugar board reallocated Central Romana’s share of the TRQ and reported that Central Romana’s sugar would be absorbed by the domestic market. See US Dept. of Agri. and Global Agri. Info. Network, “Dominican Republic: Sugar Annual,” (Apr. 18, 2023), [https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Sugar%20Annual\\_Santo%20Domingo\\_Dominican%20Republic\\_DR2023-0004.pdf](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Sugar%20Annual_Santo%20Domingo_Dominican%20Republic_DR2023-0004.pdf), noting the Dominican sugar authority’s TRQ reallocation.

global operations. In fact, corporate lobbying that may be connected with adverse human rights impacts is the subject of a July 2022 report by the United Nations Working Group on Business and Human Rights (Working Group), whose mandate is to implement the UNGPs and the UN’s Protect, Respect and Remedy Framework. According to the Working Group, “when businesses engage political processes in support of aims that are inconsistent with their responsibility to respect human rights, and where States fail to regulate such engagement sufficiently, this can facilitate business-related human rights abuses.” The Working Group notes that such political engagement can take forms “including direct and indirect lobbying, contributions to political campaigns and ‘revolving-door’ hiring practices.” To comply with the UNGPs with respect to lobbying, businesses are expected to “ensur[e] that lobbying aims are limited to policies that will not lead to adverse human rights impacts.” Similarly, States should “ensure that any access they provide to business enterprises does not allow those enterprises to affect the initiation or outcome of State judicial and non-judicial processes intended to adjudicate responsibility and liability for alleged business-related human rights abuses. Businesses’ lobbying resources, relationships and expertise should have no bearing on how State mechanisms consider potential liability for adverse rights impacts.”<sup>7</sup>

Although CBP’s mandate is limited, the WRO modification process provides a unique opportunity for forced labor remediation. Evidence that the identified indicators of forced labor have been addressed, including verification from workers and civil society organizations, should be the only route for WRO modification. We believe that CBP is in alignment with this view. It is a testament to the strength of the US institutional framework that we have seen no indication to date that Central Romana’s efforts to obtain premature modification of the order have found traction within CBP. Those efforts are nevertheless deeply concerning.

We urge the Forced Labor Enforcement Task Force, US Customs and Border Protection, and Congress to reject efforts by any company to circumvent the Section 307 remedial framework, a framework that reflects fundamental institutional values as well as the UNGPs. The only way forward that is consistent with US law and public policy is a comprehensive remediation process, verified by workers and civil society organizations, followed by modification of the WRO to restore market access.

Sincerely,

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<sup>7</sup> UN Working Group on Business and Human Rights, “A/77/201: Report on corporate political engagement and responsible business conduct,” (July 22, 2022), <https://www.ohchr.org/en/documents/thematic-reports/a77201-report-corporate-political-engagement-and-responsible-business> at 8-23.

Acción Verapaz  
AFL-CIO  
ALER  
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Movilidad Humana  
Asociación Studium Pro Aequalitas  
Child Labor Coalition  
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Guzmán  
Corporate Accountability Lab  
Ciudad Alternativa  
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CC:

*Senator Thomas Carper, Chairman, Subcommittee on International Trade, Customs, and Global Competitiveness of the Senate Finance Committee*

*Senator John Cornyn, Ranking Member, Subcommittee on International Trade, Customs, and Global Competitiveness of the Senate Finance Committee*

*Representative Adrian Smith, Chairman, Subcommittee on Trade of the House Ways and Means Committee*

*Representative Earl Blumenauer, Ranking Member, Subcommittee on Trade of the House Ways and Means Committee*

*The Honorable Christopher Dodd, Special Presidential Advisor for the Americas*

*United States Trade Representative Katherine Tai*

*Acting Secretary Julie Su, Department of Labor*

*Thea Lee, Deputy Under Secretary for International Labor Affairs, Department of Labor*