



How Your Business Can Prepare for the UFLPA



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This whitepaper investigates how brands and retailers can prepare for the Uyghur Forced Labor Prevention Act (UFLPA), strengthen their supply chains, and protect their reputations.

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Disclaimer: The information contained or referred to in this document ("Information") is provided for general informational purposes only and does not constitute legal or professional advice. You should obtain legal or professional advice specific to your situation. All Information is provided "as is" and without warranty of any kind, express or implied. With respect to Oritain's isotopic testing, due to the nature of chemical analysis and statistics, the models deployed by Oritain have associated error rates (false positive rates / false negative rates). Oritain adopts multiple processes to reduce these errors and always ensure an emphasis is placed on optimising true positive and true negative rates. The specifics of these error rates can be disclosed upon request to clients.

UFLPA in full force: Importers must be prepared

All importers to the US must now demonstrate, through adequate and compulsory evidence, that there are no traces of forced labor in their supply chains.

UFLPA Detentions Statistics

As of December 2025, **\$96.6 million USD worth of apparel, footwear and textile shipments** were **detained by CBP**.¹



Understanding 'Reasonable Suspicion'

CBP only needs to develop a 'reasonable suspicion' threshold of evidence to detain a shipment and ensure that the shipment is compliant.

The 5-day examination rule

US regulations require CBP to determine within five days of goods being presented for examination, whether the goods will be released or not.

30 day deadline

Upon receiving a notice, the importer will have 30 days to provide clear and convincing evidence that the goods are not subject to UFLPA.

Be prepared. Be proven.

Once goods are detained by CBP, it becomes the importer of record's obligation to submit evidence to demonstrate that the goods are not made with forced labor.

Staying compliant with the UFLPA

To avoid detained shipments, all businesses must proactively conduct due diligence, audits, and supply chain tracing to verify that their supply chains are clean. This includes forensic/isotopic testing to verify the origin of the imports.

How can importers prepare for the UFLPA?

Signed into law in December of 2021, enforcement of the UFLPA took effect on June 21, 2022, meaning importers into the US are required to be more aware and in control of their supply chains than ever.

The US Government and US Customs and Border Protection (CBP) have made it very clear that any business wishing to import into the US must demonstrate, through adequate and compulsory evidence, that there are no traces of forced labor in their supply chains.

For such evidence to be considered, its reliability must be demonstrated; it must relate to the part of the supply chain for which the alternative evidence is being substituted, and the test results must be traceable to the specific import under CBP review.²

Isotopic testing has been specifically mentioned by the CBP as a means of performing supply chain due diligence in line with the UFLPA.³

Simply put, all importers must:



Establish and maintain a due diligence program, including auditing measures and supply chain tracing.

Carefully assess the potential for sourcing or manufacturing links to identified risk origins in their supply chain.

Mitigate exposure to forced labor risks.

Be prepared to respond to CBP inquiries and to demonstrate the goods are not produced, mined, or manufactured wholly or in part with forced labor.

“ While the guidance and requirements from CBP and the broader US federal government may appear extensive, many of the requirements are ones which companies undertake already as part of good supply chain and risk management. This new guidance reinforces the value proposition of having isotopic testing as part of importers’ due diligence processes. ”

Ana Hinojosa, Executive Director of Government and Regulatory Affairs, Oritain



² <https://research.hktdc.com/en/article/MTA5NTY2MDUzMA>

³ <https://www.cbp.gov/document/guidance/uflpa-operational-guidance-importers>

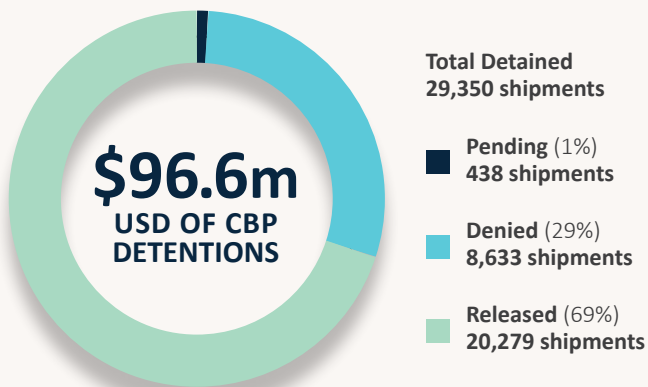
No compliance. No entry.

Since its enactment in June 2022, CBP has detained 29,350 apparel, footwear, and textile shipments under the UFLPA, valued at **\$96.6 million**.

Of those, 8,633 shipments (29% of the total in this industry) were denied. Just 20,279 shipments (69%) were released, while 438 (1%) are still pending.

If CBP determines that goods entering the USA are subject to detention under ULPFA restrictions, importers will have 30 days to provide adequate and convincing evidence that their goods are not made with forced labor.

UFLPA Detention Statistics for apparel, footwear and textiles goods



Visit the CBP UFLPA interactive dashboard for the latest statistics on detentions



What to expect if your goods are detained

The UFLPA was introduced to end forced labor as a moral, economic, and national security imperative.

US regulations require CBP to determine within five days of goods being presented for examination whether the goods will be released or not.

If the CBP determines that the goods are subject to UFLPA, CBP will issue a detention notice, exclusion notice, or seizure notice to the importer of record.

The importer will then have 30 days to provide clear and convincing evidence that the goods are not subject to UFLPA, or that they are not made with forced labor.



Requesting an exception

If an importer receives one of the above notices, they may request an 'exception' from the rebuttable presumption under the UFLPA by clearly stating this request as part of their response to the received notice, within the specified timeframes.

The exception request also must include:

- The importer's due diligence system information.
- Comprehensive details of their supply chain tracing information.
- Information about their supply chain management and oversight.
- Evidence that goods originating in risk origins were not mined, produced, or manufactured in whole or in part with forced labor.

Proving your goods are outside scope

If an importer receives one of the above notices but believes that their goods fall outside the scope of the UFLPA, they may provide information to support their claim.

This information should affirm that the goods and their inputs are sourced completely outside of the risk origins and have no connection to the UFLPA Entity List.

The submission should include

(with English translations if needed):

- Details of their supply chain tracing information.
- Evidence that goods and their inputs were not mined, produced, or manufactured in whole or in part in the risk origins.

It is important to note that if an exception is granted by the CBP Commissioner, CBP is required to notify the Congressional committees within 30 days and make a public report identifying the goods and the evidence considered in granting the exception.

How CBP determines forced labor cotton in products

CBP conducts investigations based on allegations/petitions submitted from various sources.

Because of the obligations imposed on importers by the Customs Modernization Act, CBP only needs to develop a “reasonable suspicion” threshold of

evidence to issue a withhold release order (WRO) and detain a shipment to ensure its compliance and eligibility for release into the US market.

Once goods are detained by CBP, it becomes the importer of record’s obligation to submit evidence to demonstrate that the goods are not made with forced labor.

CBP Forced Labor Enforcement Process



How can importers protect themselves?

Importers should make sure they gather supply chain information regarding the goods they intend to import into the United States.

The compliance effort required for complex supply chains can be overwhelming.

The Department of Homeland Security (DHS) has indicated that reliable forensic origin testing may provide suitable alternative evidence for some materials where traceability is particularly difficult.

Records that will be **important to trace** the origin of the goods and their components include:

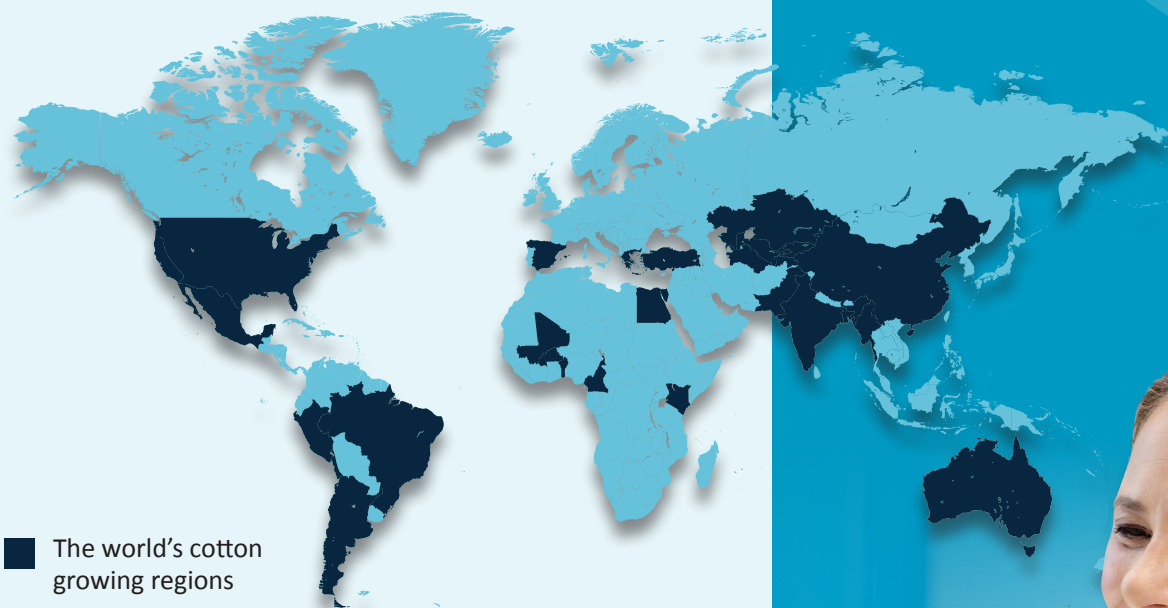
- **Bills of materials** for the goods
- **Lists of suppliers** for each step of the production
- **Commercial invoices, purchase orders, and packing lists**
- **Certificates of origin**
- **Payment records**
- **Shipping records**, including manifests, bills of lading, transportation records
- **Affidavits** from each company involved
- **Photos or videos** of the factory where goods are being manufactured

Note: this is not an all-inclusive list

Forensic science illuminates complex supply chains

CBP has indicated that forensic/isotopic testing is a viable and acceptable solution to meet the new UFLPA guidelines. It's also a cost-effective way to address evolving ESG legislation in other key markets, particularly when weighed against potential losses in profits and reputation.

In today's complex and opaque, multi-stage supply chains, many well-intentioned individual players often lack the necessary systems and control to comply with legislation.



This opacity means that even with more sophisticated tools such as Blockchain, it is difficult to get a holistic view of the entire supply chain without testing the product itself.

In contrast, forensic origin verification methods, such as Oritain's origin verification through isotopic analyses, directly test the product itself to confirm the origin of the raw cotton in any garment, at any stage of the supply chain. Once the sourcing region of the raw cotton is verified, inferences can be made regarding the involvement of forced labor and other illegal practices.

“ Oritain’s forensic testing has already captured baseline data from all of the world’s core cotton growing countries, which means we can quickly pinpoint whether a cotton garment originates from a high-risk region for forced labor. Our origin verification program ensures that brands aren’t caught on the back foot when importing into the US: rather, they are proactively ensuring the security of their supply chains. ”

Dr. Katherine Jones
Senior Science Advisor, Oritain



How forensic testing works

All natural products, including animals, naturally absorb different levels of trace elements and isotopes from their specific environments.

Oritain's scientists analyze these natural elements to create a unique and inherent chemical fingerprint based on their geographical origin – called an 'Origin Fingerprint'.

Once an Origin Fingerprint has been created for a client, it can be used to audit products at any relevant point in the supply chain to clearly show whether they're legitimate or counterfeit.

Oritain's science originated in the criminal forensic field where it has been used in multiple investigations. Over the last 20 years, this methodology has been thoroughly peer-reviewed and featured in numerous scientific journal publications. Many high-profile cases substantiate the strength and reputability of the science, and it is a technology with which CBP is well acquainted.

Read our FAQs on page 13 for specific details about how the forensic testing process works



What is the difference between DNA testing and isotopic testing?

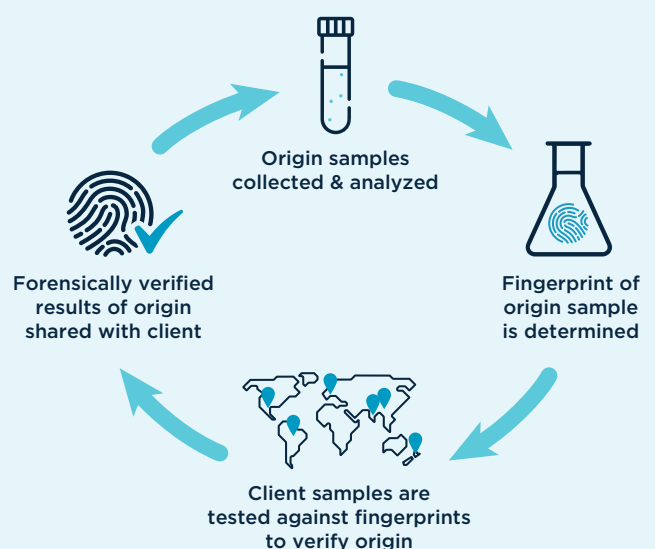
DNA testing

This involves analyzing a product's genetic makeup to determine its species or variety. This does not prove origin as such, unless there is unequivocal evidence that the species or variety in question only comes from one specific region globally, and with most crops, such as cotton, this is not the case. An alternative use of DNA can be through DNA tagging; however, these technologies only trace cotton to the point where the DNA tag was applied and has limitations.



Isotope testing (& trace element testing)

This verifies where the material is from. Everything that is grown, reared, or made, absorbs a unique ratio of certain isotopes and (trace) elements. These ratios are impacted by multiple naturally occurring factors, including altitude, temperature, precipitation, soil, and even bedrock composition. The measured isotopic ratios can be combined to form a combination of parameters that are unique and characteristic to a specific origin. This is known as an 'Origin Fingerprint'.



Much like forensic scientists determine if a criminal fingerprint aligns with a profile in a fingerprint database, Oritain can determine whether an 'Origin Fingerprint' corresponds to a profile in its origin database.

If a product statistically matches with a specific origin profile, this test verifies that the raw material was sourced from that origin. If a product or raw material is substituted or blended with materials from a different origin, then its Origin Fingerprint will be altered and will not match this profile.



The world's first scientifically traceable denim mill

Sustainability has long been part of the fabric at Cone Denim. Their commitment to forensic testing means it's woven into their denim fabric, too.

One of America's oldest denim mills, Cone Denim was the first denim mill globally to adopt the highest level of end-to-end traceability through its partnership with Oritain.

The feedback from their customers has been overwhelmingly positive and the collaboration continues to be expanded.

Today, the brand is doubling down on its commitment to drive a more authentic future for the fashion industry and is continuously working to implement sustainable practice into every part of the supply chain. Denim can be tested at any stage on its journey, from the farm to the shop floor, giving buyers assurance that the product does not originate from unethical sources nor substituted along the way.

Each quarter, hundreds of cotton samples are randomly and independently collected from various points within Cone Denim's mill, from bales to finished fabrics, and then submitted to Oritain for forensic analysis.

“ The UFLPA has codified the requirements that we believe in – that all cotton fibers must be ethically produced and back up transparently and traceability with proof. ”

Steve Maggard, President, Cone Denim

“Authenticity is extremely important to Cone Denim in this age of concern about ‘greenwashing’ and lack of transparency and traceability. We strongly believe that we must be able to back up and prove any claim or statement that we make concerning ESG,” says Steve Maggard, President of Cone Denim. “The UFLPA has codified the requirements that we believe in – that all cotton fibers must be ethically produced and backed by transparent, traceable proof.”

“Through the Oritain program, we have peace of mind that our cotton sourcing traceability and transparency efforts, which rely heavily on documented evidence, are effective in ensuring sustainable and ethically produced cotton,” he continues. “Our partnership with Oritain allows us to deliver on that commitment.”



The time to future-proof your supply chains is now

To maintain UFLPA compliance, and avoid detained shipments and the subsequent impact on both profits and reputation, companies must get ahead of the curve.

While this legislation may cause disruptions and obstacles for companies, it also rewards those committed to ethical practices. Importantly, it catalyzes suppliers to make positive changes that may have otherwise been infeasible without the governmental push.

Though necessary for positive environmental and social action, the constantly changing regulatory landscape is an obstacle that companies will have to adjust to. Cotton supply chains are complex, making it easy for companies to fall victim to blending and substitution.

Brands have already made substantial strides toward more transparent and responsible supply chains. Looking ahead, companies must demonstrate resilience and embrace innovations and technologies that help prove beyond doubt what's happening in supply chain operations.

Oritain's origin verification expertise can support businesses in navigating this enormous challenge and provide reassurance that your company is not facilitating unethical and unsustainable labor practices.

Ready to protect your business?

Talk with us today

 oritain.com



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FAQs

Does origin verification guarantee a shipment won't be stopped?

No, testing in isolation can't guarantee a shipment won't be stopped. All tests need to be coupled with evidence that no part of your product has been produced using forced labor across the entirety of your supply chain, not just where the raw material was grown.

However, being unable to verify the origin of your raw material may increase the likelihood of your shipment being stopped. Just as origin testing in isolation isn't sufficient, neither is verification of the other elements of your supply chain sufficient if you can't verify the source of your raw materials.

Using forensic origin testing not only improves your chances of products not being stopped, it also improves the likelihood that your supply chain is free from forced labor — something all stakeholders should be aiming for. Successful results will help demonstrate the efficacy of your supply chain due diligence and mapping protocols, giving you confidence in your supply chain and business practices.

If your goods are stopped and test results are traceable to the specific import under review, forensic origin verification can provide very strong evidence that the materials tested are not from the XUAR.

Is digital verification sufficient as proof of origin?

The UFLPA requires companies to prove that their raw materials do not originate from risk origins, as well as demonstrating each stage of the supply chain is free from forced labor.

A digital ledger like blockchain can be a good method of keeping track of the information associated with a product as it moves through a supply chain, but it doesn't prove the origin of the raw materials. This is because, as with most other traceability systems (paper-based Chain of Custodies, synthetic markers, and tags), a digital chain relies on accurate information input, which cannot be assured. In other words, digital ledgers are only as good as the information submitted into them.

There will always be a way to tamper with the underlying product and the information associated with it and that is why product tests using trace elements and isotopes are the only proof that can be used to truly verify the origin of the raw material.

Does this requirement apply to every single shipment? How frequently do I need to test?

The requirement to prove that there are no goods mined, produced, or manufactured wholly or in part by forced labor applies to everything that is imported into the US. We're waiting to see how the UFLPA will affect imports and exports in real time so it's difficult to comment on frequency of testing and whether testing every single shipment is necessary.

That being said, we would expect to see companies being able to reduce the volume of products or imports being tested if they are able to consistently demonstrate compliance. From our experience working with over 100 different brands and products, the level of product risk declines significantly over the course of a testing program.

How does the origin verification process work?

When it comes to understanding your supply chain, origin testing is key. We recommend that our clients work with us, starting with desk research, looking into your supply chain, completing questionnaires, and understanding what it looks like on paper.

Once we have a better understanding of your supply chain, risk areas, and your level of exposure, we can then move towards implementing a robust and ongoing testing program. This will consider the risk areas, your level of exposure and what a robust testing program would look like.

What does demonstrating reliability with DNA / isotope testing really mean?

The UFLPA states it is looking for "clear and convincing evidence that its imported merchandise was not mined, produced, or manufactured wholly or in part by forced labor".

Whilst we can't speak for US Customs and Border Protection (CBP), Oritain's isotopic testing science has been accepted by the US and other Governments in the past. Our scientific traceability meets the Daubert Standard, meaning it can be used as evidence in a court of law.

Can Oritain help release a shipment that has been detained?

No, we don't do one-off testing. We work with each one of our existing client partners to understand their supply chain and put a robust program in place to verify the integrity and origin of their products. If you are an existing client partner, then our bank of evidence will provide excellent support to your efforts to release your shipment. If not, and you are able to obtain samples from the shipment that has been detained, then we can try and fast-track testing these.

However, we can't guarantee that this can be achieved within a 30-day period. The best approach is always preventative, so working with us to ensure you have sufficient evidence to prove origin and providing this proactively to CBP will help minimize the risk of a shipment being stopped.