



Joshua Kagan

Special Counsel

jkagan@kelleydrye.com

Washington, DC
(202) 342-8889

About

Josh Kagan has an in-depth understanding of both the opportunities and challenges that international trade and customs laws can create for clients.

Josh helps clients ensure compliance with U.S. trade and customs law, and also to utilize these laws to ensure fair competition. Josh guides clients in navigating tariffs and other trade policy changes in turbulent times, utilizing his advanced knowledge of international trade and customs law, as well as his experience regarding how U.S. government trade policy is developed and implemented.

As a former Assistant USTR for Labor Affairs, and before that as an attorney in USTR's Office of the General Counsel, Josh played a key role negotiating and enforcing the United States-Mexico-Canada Agreement (USMCA) and other U.S. trade agreements. He has in-depth knowledge of the USMCA rules of origin and works with clients on USMCA import and export issues. As part of the USMCA's 2026 review process, Josh helps clients ensure that their voices are heard on possible changes to the Agreement.

Josh established the U.S. government's process for developing, reviewing, and enforcing cases focused on facilities in Mexico under the USMCA Rapid Response Labor Mechanism (RRM). He helps clients develop and implement bespoke RRM risk audits to address risk factors and avoid RRM liability. He is uniquely able to identify and resolve RRM matters before they become active enforcement cases.

Josh is an internationally-recognized authority on forced labor trade enforcement, including the Uyghur Forced Labor Prevention Act (UFLPA), and Section 307 of the Tariff Act of 1930 (Section 307). He served on the U.S. government's Forced Labor Enforcement Task Force, overseeing implementation of the UFLPA and voting on UFLPA entity list additions or removals. Josh co-leads Kelley Drye's Forced Labor Trade practice, which includes conducting supply chain mapping and due diligence to identify forced labor enforcement risk; developing traceability packages needed to clear shipments from UFLPA detention; and assisting clients in navigating detentions pursuant to withhold release orders (WROs) and findings under Section 307. Josh understands the risk factors that lead to detentions, as well as how to quickly and effectively address them and resume commerce.

Josh knows that economic competition is not fair if a competitor utilizes forced labor or otherwise skirts its labor-related trade obligations. Utilizing his vast network of contacts around the world, Josh

helps clients develop and anonymously file petitions to address these issues and ensure fair competition under the USMCA RRM and Section 307, as well as the USMCA forced labor import prohibitions of Canada and Mexico.

Josh is sought-after as an advisor and speaker on the USMCA, international trade and customs issues, trade and labor, and business and human rights. His recent publications have focused on the USMCA, the RRM, and Section 232 automotive tariffs. Josh has served on the International Labor Organization's Advisory Committee on Integrating Trade and Decent Work, as well as the U.S. State Department's Federal Advisory Committee on Responsible Business Conduct. He is a trusted advisor to a multitude of multinational companies and trade associations, helping them navigate a rapidly changing international trade environment.

Related Services

International Trade
Trade Policy
Forced Labor Trade Enforcement
Government Relations and Public Policy
Customs
Manufacturing
Fashion and Retail
Fisheries
Trade Associations
Environmental, Social and Governance (ESG)
Consumer Packaged Goods

Education

Georgetown University Law Center, LL.M., 2011

- International Economic Law

University of San Diego School of Law, J.D., 2006

University of Richmond, B.A., 2002

- Leadership Studies, Business Administration

Admissions

District of Columbia, 2008