

Feeling the Pinch

Politically motivated restrictions on temporary worker visas for non-U.S. citizens have Acadiana businesses scrambling for help during their peak seasons.

By Angela Simoneaux

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At this time of year, Harvest Time Seafood is usually bustling with activity and full of people picking crabs and peeling crawfish. But the largest room of Kevin Darte's Abbeville seafood processing plant is empty.

This year, Darte is hoping to keep most of his customers happy with frozen product from last year and imported meat — because he's not going to be able to process the amount of seafood he processed last year, or the year before.

"I have five pickers right now. That's not enough for my customers," Darte says. "I'm not serving any people in New York or Philadelphia. I haven't sent anything to Los Angeles since December, and they buy a lot of meat, thousands of dollars a week."

Darte's problem is similar to many processing seafood for the hospitality industry, which includes scores of restaurants, hotels, casinos, food service companies and other tourism-related establishments in Acadiana, Louisiana and across the United States. For years, he has used seasonal, temporary immigrant workers in his plant. But this year, because of political maneuvering on the federal level, a program that has allowed these legal workers to come to the United States to work has not been renewed.

As a result, Darte's business has slowed dramatically, and his workers are sitting at home in Mexico, because they refuse to come into this country illegally.

The source of the problem is several failed attempts to renew an exemption to a cap on the number of so-called "H2B" visas issued each year. For years, American businesses that can prove the need for temporary, seasonal workers and an inability to hire U.S. citizens for the work have been allowed to obtain H2B visas for non-citizens. The original law has a cap of 66,000 visas, but for the past several years the cap has been extended to allow workers who obtained a visa in the past obtain another. Approximately 150,000 to 200,000 visas were being issued under this program.

This year, however, the extension was shot down several times by the Hispanic caucus, which is trying to force a vote on amnesty proposals before Congress. As a result, the visas that were available were snapped up in a day. Ironically, it is the Hispanic caucus' attempts to force action on illegal immigrants that is hurting these legal workers.

"These people are doing work nobody else wants to do," Darte says. "We have people here who don't want to work. Who's going to do the jobs that nobody here wants to do?" he asks. "You want to pay \$25 a pound for jumbo lump?"

Part of the long and complicated process of obtaining an H2B visa involves first advertising the job one hopes to fill with a non-citizen worker on the Department of Labor Web site for a certain period of time. This gives citizens a chance to apply for the job. Another requirement is that any H2B workers be paid "prevailing wage" for the work — in other words, if citizen crawfish peelers are making \$10 an hour, that's what the non-citizen H2B worker has to be paid.



Clearly, the assumption that businesses are bringing in non-citizens so they can pay them lower wages than citizens would demand isn't accurate, says Kelly Couch, who processes H2B applications for about two dozen Louisiana businesses. The businesses that use H2B workers can't get U.S. workers to take the jobs they are offering.

"One business advertised for 135 jobs, got three referrals, and the people never showed up for an interview," Couch says. "Another advertised for 50, and got no referrals. Most of these folks have tried working with the school system, jail work-release programs, the Department of Labor, one even calls the welfare offices, just trying to get somebody to do the job. If you want the job, they'd gladly hire you."



photo by Robin May

The non-citizen workers don't necessarily want to come to another country to work. They have to leave their families at home, some returning to babies who don't recognize them anymore, she says. But the businesses here need the help from these people, she maintains.

"The owners of the businesses are doing what they have to do to keep their business afloat. The crisis here is, being a seasonal industry, they only have a short-term window to process their product," Couch notes. "Sugar cane's going to rot. Seafood has a short-term window. If you don't deal with them immediately and process them, you're in trouble."

Crawfish will be especially hard-hit, according to Adam Johnson, owner of Bayou Land Seafood and president of the Crawfish Processors Alliance.

"It's definitely a setback. As early as 2000 this industry was decimated with problems: drought, pesticides, Chinese product coming in, just one problem after another," Johnson says. "Now we're recovering, and doing business using the H2B program. We still have some labor from locals, but definitely not enough to do what we need to do to be competitive and profitable."

Johnson predicts higher prices for tail meat through the spring but expects the real shortages to come this fall. He says he probably will have cut back the amount of crawfish he processes by 40 percent, and a similar amount in his alligator processing operation.

"I'm at 40 percent, but there are others who are at 100 percent. There are others who don't use any, and those guys will keep going. But this is definitely going to curtail the amount of crawfish," he says. "And in April, May and June we are usually freezing meat for the holidays in the fall. In the fall and winter, when we start selling that frozen meat, there won't be as much supply as we have been putting in the last few years."

The impact of the loss of these workers will be far-reaching, and across many industries, Couch says.

"A lot of industries are going to be impacted," he continues. "People will be impacted and don't even realize it yet. Sugar cane farmers grow sugar, it is harvested, and sent to the mill. The sugar boilers are H2B workers. A lot of the bins and mills that are handling the rice, they are manned by H2B workers. All of the seafood: crawfish, crab, oysters, shrimp, catfish, all of them use H2B workers. I have a chicken plant that uses them. Several of our food canning operations use them. The peppery industry. Sweet potatoes. Candy manufacturers use them."

In addition to food, those in the business say the lodging and restaurant areas of Louisiana's hospitality industry also will be hard hit. Bill Langkopp, executive director of the state Motel and Lodging Association in New Orleans, says currently most of the impact will be felt in New Orleans.

"It's of major concern, and it is now a major factor," Langkopp says. "It's affecting hotels as much nationally as in Louisiana. Our major problem in south Louisiana has been getting enough employees since the storm. A lot of hotels have had to go to contract-type employees, seasonal-type employees. This is going to have a major effect if Congress doesn't address it."

Often, international hospitality students use H2B visas to come to the United States to work in a hotel, Langkopp says, explaining that an internship is almost always a requirement in hotel schools around the world.

"It's designed to make sure students get real work experience and not just classroom training," he says. "They usually get extra credit if they leave their country and go to the U.S. to work in a hotel here. This is going to affect that in a big way."

Closer to home, Anne Gros, president of the Acadiana Hotel and Lodging Association, says local establishments aren't using many H2B workers — not yet.

"There's been some discussion about using them," says Gros, who is general manager of the America's Best Suites on Pinhook. "Everybody has trouble keeping employees: hotels, restaurants, everybody in the service industry. They're getting frustrated, and with all the hotels opening up in this area, business is booming. Workers are a big consideration right now, and it's only going to get worse. Our industry needs to change to keep up with other industries paying more than the hotel industry."

The impact on the restaurant industry is unclear at this point, but at least one proprietor, Jody Ferguson of Casa Ole, will get his H2B workers this year.

"Luckily, we're going to receive ours, although they're going to get here a month late," Ferguson says. "In our business, they represent a big portion of our workforce in the back of the house. We're going into our busiest months of the year, and it would be a big struggle for us without them."

Ferguson says his H2B workers are mostly a core group that return every year, representing about 20 to 25 percent of his workforce. Those people make running his business a lot easier, because it is so hard to get local people to do that back of the house work in a tight labor market.

"I don't have to tell you what the unemployment figures are in this area," Ferguson says. "What we're dealing with now is what I call unemployable people. There's a certain segment of society who will never work, and we're at or below that number now," he continues. "With the new businesses moving in, people in the service industry, we're either trading people or recruiting people from each other; stealing them or being stole from, it's tough. You can run ads all day long, but you're not going to get a response. And if you do, some of the folks who do respond are not going to be qualified."

The H2B workers take a big load off. "The few we use, we would struggle through and make it without them, although it would be a real struggle," Ferguson says. "But the landscapers, shrimp, crab people, they use a lot of them. It's going to take a year or six months to see the trickle down effect, but it's going to be big. The way things are set up, government hasn't responded to the need. The cap gets met in a day. It is really not fair. It's going to create a huge strain on different segments of our labor force, and a lot of industries are going to suffer."

Not everyone is sitting idly by and waiting for the sky to fall. Frank Randol of Randol's Cajun Restaurant is working on the state and national levels to solve the problem. He's one of the few people in Louisiana who was able to get his workers but predicts the impact of the loss of H2B employees will be larger than anyone realizes.

"It's not just about seafood. This is the tip of the iceberg, and it has the potential to really damage Louisiana's recovery," Randol says. "Many are not aware of ripple effects. Some industries are not aware they've been shut down. They're just finding out now they can't get them because the cap has been met. And this is not just Louisiana; this affects 50 states."

Other Louisiana industries that will be impacted include construction, landscaping, oil and gas, road construction, crop dusting, pool manufacturing, steel manufacturing, metal building manufacturing and roofing.

"It's all going to come back to the consumer," says Couch. "It's all going to come back to us buying groceries on Saturday morning. That person needs to know it's going to have a big impact on their life."

Randol agrees.

"How does this affect the everyday consumer? When they go to the supermarket, they're not going to be able to get seafood. They will have very, very little seafood on the shelves. What you have out now was produced last year," Randol says. "Not the first sugar cane plant can grind sugar, because they're all run with seasonal workers. They are just coming to the table on this issue. They just realized they have zero workers."

Obviously, the impact on the agriculture processing industry will be large, and Commissioner of Agriculture Mike Strain said he's involved in the effort to save the program. "We need 20,000 to 30,000 H2B workers in Louisiana," he says. "They cook the syrup in the sugar plants, they peel the seafood, they deal with commodities. Without them, it will cause a severe hardship."

Strain says the state agriculture officials across the United States are working together on the federal level to lobby for a



Frank Randol of Randol's Cajun Restaurant
photo by Robin May

solution, and he's spoken with federal officials and Gov. Bobby Jindal about the problem as well. "We're trying to get an exemption from the president to allow enough legal workers to come," Strain says.

Strain is convinced many food industries in Louisiana will be hurt if the exemption isn't approved. "This is critical. We need to put all the pressure on to get the exemption allowed," the commissioner says.

Strain pauses when asked about the potential success of the current effort. "I'm going to be optimistic," he says. "Hopefully, with all the pressure everyone is placing on this, they will see the light," he says. "We are doing all we can to bring the pressure to bear."

Greg Champagne, owner of Champagne's Market in Lafayette's Oil Center, says the consumer will feel the impact very soon. "The biggest problem right now is crawfish, because there is no one to peel," Champagne explains. "Crawfish is my problem. I can't buy any peeled. Everyone else is having a problem with peeled, too. I'm lucky to have some frozen, but it's expensive because of the price of delivery."

The whole issue frustrates Champagne. "The problem is the people we have in this country, they don't want to do the work," he says.

Bayou Land Seafood's Johnson says he'll have to revamp his business if the H2B problem isn't solved, because he just can't find enough workers locally. "I can't get enough Americans to do it. I hire every American who wants to work. This doesn't take any work away from anybody," he emphasizes. "I'm doing it because that's what's necessary to keep and grow my business. Now I'm concerned about keeping my business, and I'm definitely not going to grow it."

Randol understands the politics that gave rise to the increased scrutiny of immigrant workers.

"The reason why this immigration reform has been proposed was to stop terrorists from gaining access; the need to secure our borders," he says. "But if our economy fails or is stressed because we over-react, the terrorists have won. We're still in that mindset of 9-11. If we start undercutting traditional labor sources that have helped our economy be vibrant, they didn't have to bring down the Twin Towers. They've won."