

Crabbing's slim pickings

Shortage of visas means Mexican crab pickers may be shut out of Shore jobs

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In April of 2008 H2B workers pick steamed crabs for packing in pound-sized tubs for retail sale at TNT Crab Company, LLC on Maryland's Eastern Shore. (Baltimore Sun photo by Karl Merton Ferron / April 23, 2008)

FISHING CREEK - For nearly 20 years, this tiny watermen's village on Hoopers Island has been enlivened each spring by the arrival of several dozen Mexicans - women who bring with them tortillas and tamales, mariachi music and the hands that make the local economy go.

They do the dirty work of Maryland's seafood industry, spending long days picking the premium lump meat out of the blue crab - work that the men who run the seafood processing plants that dot the island say Americans won't do. To hear them tell it, the foreigners have meant the difference between life and death for the generations-old businesses on which the 500 or so year-round residents rely.

But this year, the crab houses could stay closed.

Amid growing demand for temporary guest workers nationwide, only one of Maryland's 21 seafood processing plants was able to get visas to bring the foreigners into the country this year. If Congress does not move quickly to make more available, other processors say they won't open this spring. And the loss of a year's income, several say, means that they probably would shut their businesses for good.

"We just don't have no work force," said Jay L. Newcomb, who employed 30 of the guest workers at the A.E. Phillips & Son Inc. crab house in Fishing Creek last year. "We're going to be out of business if we don't have no pickers."

With Maryland's seafood industry constrained by new state limits on the crab harvest, Newcomb and others say, a season without pickers would devastate not only Hoopers Island but the Eastern Shore. Fishing Creek boatbuilder Phillip L. Jones

called the crab houses the "backbone" of the industry, the most important link in a chain that runs from the watermen to the restaurants, from the equipment suppliers to the retail customers.

"They've got to get those workers," Jones said. " [Dorchester County](#) will look like a ghost town if they don't."

The H2B visa program allows foreigners to come to [the United States](#) for several months to work in a seasonal industry, such as crab picking or landscaping. When the season is over, the workers go home.

In years past, Congress has allowed businesses that were shut out of the visas to bring back employees who worked for them in previous years. Sen. Barbara A. Mikulski, the Maryland Democrat who created the so-called returning worker exemption four years ago, introduced legislation yesterday that would revive it.

"This is about keeping the Maryland seafood industry afloat," she aid.

In the past, the returning worker exemption has won bipartisan support in Congress. But efforts to extend it last year were blocked in both the Senate and the House of Representatives, and opponents have not withdrawn their objections.

Robin Hall says the clock is ticking.

"The whole industry's going to be gone," said Hall, who used 30 guest workers last year at the G.W. Hall & Son picking house. "We need help to save this way of life."

In their inability to get foreign workers this year, the processors of Hoopers Island say they fell victim to a bureaucracy that never gave them a chance.

Congress makes 66,000 H2B visas available nationwide each year, but businesses may not apply until 120 days before the workers will need them. The crab season in Maryland begins April 1, which puts the processors behind an ever-growing number of landscapers, building contractors and others that employ foreign workers.

The application process, which involves the state and federal departments of labor, the U.S. Customs and Immigration Service and the State Department, can take months. This year, only Lindy's Seafood Inc. was able to make it through before the visa cap was reached, according to the other processors. A call to Lindy's, in the Dorchester County town of Woolford, was not returned.

Critics of the H2B visas say the foreigners, who come almost exclusively from developing countries, depress wages for local workers. They say the businesses that use them could find Americans to do the work if they offered better pay.

"Employers are, in effect, using the program simply to have a low-wage work force," said Jack Martin of the Federation for American Immigration Reform in Washington.

On Hoopers Island, a spit of land between the Honga River and the [Chesapeake Bay](#) that is a two-hour drive from Baltimore, the processors say that their principal hiring challenges have been the small local population and an inability to coax Americans to relocate here for seasonal jobs.

Before they may participate in the H2B program, employers are required to advertise for local workers. They must pay the foreigners a prevailing wage - now \$6.17 an hour for crab pickers. The foreigners must leave the United States at the end of the season.

With their local product already undercut by cheaper crab from Asia and Latin America, processors say that lifting wages to levels that might attract Americans would increase production costs beyond their ability to compete in the marketplace.

"Nobody's going to be able to get a can of Maryland crab anymore," said [Jack Brooks](#), owner of the J.M. Clayton Co. in [Cambridge](#).

It was Brooks' great-grandfather, Capt. [John Morgan](#) Clayton, who opened the first seafood processing plant on the Eastern Shore when he built an oyster shucking house on Hoopers Island in 1890. Within a few years, according to a company history, he turned his attention to the blue crab, founding the industry that has continued to the present day. While Clayton moved his business to Cambridge in 1921, nine of Dorchester County's 14 seafood processors remain on Hoopers Island. Many have been controlled by the same families for generations.

For decades, the crab houses hired local pickers, often the wives of watermen, who helped keep the local economy humming. But as younger islanders sought better work - in Cambridge, in Baltimore or beyond - the labor pool dwindled.

Newcomb at A.E. Phillips was the first to bring in Mexican workers, in 1991. His example took hold; from 2003 to 2007, Maryland seafood processors employed an average of 376 foreign workers each year.

Douglas W. Lipton, a resource economist at the University of Maryland, says they have helped sustain the industry. In a recent study, he estimated that each foreign worker lost would cost the state economy 2.54 American jobs. He concluded that the loss of all of the foreign workers would put 955 Americans out of work.

F. Levi Ruark, president of the National Bank of Cambridge, says such a blow would be felt broadly - from the financial institutions that lend money to the crab houses to the businesses where the workers shop.

"It's a great impact on a lot of different people," Ruark said. "I could see a great downturn in our economy."

Bryan Hall, Robin's brother, says the restaurants and stores they supply are looking for answers.

"I've had several customers call me and say, 'Look, I know this cap's been met. Are you going to have crabmeat this summer or should I start looking for crabmeat from overseas?' So already, we're starting to feel it," he said. "They're starting to look."

The Rev. Joseph Kelly, pastor at United Methodist churches in Fishing Creek and neighboring Hoopersville, says the uncertainty is putting a strain on local families.

"I see it every Sunday in church, where husbands are worrying themselves to death," he said. "Guys who don't normally worry, guys who normally say, 'Hey, it's going to be OK.'

"If the H2Bs don't pass, it's going to be a horrific toll. Our community as we know it - I mean, the whole legacy, the whole heritage of the bay - it's going to kill it."

The processors are placing their hopes on Congress approving an exemption for returning workers, who would not be counted against the cap. In 2007, more than 69,000 such workers were allowed to enter the country, in addition to the 66,000 under the cap. Mikulski's legislation would establish an exemption for five years.

In the House last year, a similar measure was blocked by the Congressional Hispanic Caucus. The 24-Democrat bloc opposes what members have called "piecemeal" efforts that they fear would blunt the impetus for comprehensive immigration reform.

The processors are looking to House Majority Leader [Steny H. Hoyer](#), a Southern Maryland Democrat, to referee the dispute.

"Because [Hoyer] controls the floor, and we really need influence like that to get this through," said Brooks, president of the Chesapeake Bay Seafood Industries Association. "And just do it for five years. And when they decide to take up comprehensive [immigration reform], and they want to take this up in the comprehensive, OK. But don't let all these people burn out here like this."

In a statement, Hoyer said the issue is "one of many challenges facing Congress this year and next as it grapples with a global financial crisis and economic downturn at home."

"House Democratic leaders are sensitive to the labor limitations that employers face under the current H2B cap," Hoyer said. "I have long recognized the need to adjust this cap and have supported legislation to do so."

Waterman Johnny Shockley runs two boats out of Hoopers Island and a store in Salisbury. He said that the loss of the crab houses would be "just the last link in the chain" that is the Maryland seafood business.

"This would not be a full-time industry anymore," Shockley said. "It would be a hobby. You could go look at crab pots in the same museums where you see the skipjacks."