

Crabmeat stuck in legal, political pickle

Problems with visa program keep picking houses closed

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HOOPERS ISLAND - When the tourists come through town, Jay Newcomb has little to show them.



Pamela Wood — The Capital Sisters Nellie Flowers, left, and Edythe Thomas pick crabs at A.E. Phillips & Son crab-processing plant on Hoopers Island. They normally work for W.T. Ruark & Co., but agreed to do a demonstration at Phillips for tourists. Neither plant has opened for the season because they can't hire foreign workers through the H2B visa program.

Newcomb manages the A.E. Phillips & Son crab-processing plant on Hoopers Island, the very place where the Phillips Seafood empire was born nearly a century ago.

It's a popular stop for tourists on bus trips, who want to see women performing the intricate job of plucking fluffy, delectable meat from blue crabs - crabmeat that ends up in crab cakes, soups and dips across the country.

But these days, the stainless steel tables are clean and nobody is sitting in the hard, gray chairs alongside them. The Phillips plant and several others on the Eastern Shore are idle, as the owners haven't been able to hire temporary foreign workers through a special visa program.

They simply don't have enough bodies to do the work.

When a couple of tour groups stopped by last week, Newcomb arranged for a few local crab pickers to do a demonstration.

As the women picked and Newcomb talked about his labor problems, the tourists shook their heads at the situation.

"These are the first crabs I picked this year," Newcomb said, glancing at the single bushel of steamed crabs spread out before the three crab pickers.

Two of the women, sisters Nellie Flowers and Edythe Thomas, have been picking for more than 50 years. They pick for W.T. Ruark & Co. down the road, but like Phillips, Ruark hasn't opened for the year.

The third picker, Joyce Flowers, is semiretired, but hasn't picked up work this season either.

The women have been spending their days gardening, mowing the lawn, waiting for the day they'll be called back to work.

"If they don't come, we don't work," Thomas said of the foreign workers.

Filling a need

For the past several years, the Eastern Shore crab plants have narrowly averted disaster when it comes to their foreign workers.

The workers - all women, mostly from Mexico - come to the Eastern Shore through a federal program called the H2B visa. The program is for temporary workers needed for seasonal businesses.

The workers and their employers pay taxes and, at the end of the season, the workers go home.

The crab-processing plants had to turn to H2B workers nearly two decades ago as the number of locals willing to pick crabs dwindled.

Generations ago, little girls went to the picking houses with their mothers and learned the trade.

But with more career options for women and fewer young people staying in the Eastern Shore's rural crabbing towns, there weren't enough locals to staff the picking houses.

"Most of the kids who graduate high school go on somewhere else," Joyce Flowers said. "People don't stay in the communities they're born in."

To fill the void, the seafood companies started hiring the foreign workers, and by all measures they considered it a success.

Several times in recent years, though, the picking houses have come close to disaster, unable to hire their foreign workers until the last minute.

The H2B program is capped at 66,000 workers annually. If other seasonal businesses such as construction, landscaping and tourism snap up H2B visas quickly, the spring-to-fall crab-picking houses can be out of luck because they can't file a request for H2B workers more than 120 days before they're needed.

Some years, there's been less competition for H2B workers, and the crab-picking plants haven't had a problem.

But in other years, the cap has been hit before the picking plants were allowed to apply for workers. Only last-minute deals to exempt returning H2B workers from the cap kept the picking houses running.

But this year, there has been no such compromise.

Some picking houses were able to get a handful of H2B workers, and combined with local pickers, they've cobbled together enough staff to open their doors. But most of the picking houses, which are mainly located in rural Dorchester County towns like Hoopers Island, haven't opened.

"I get two to three phone calls a week from my girls in Mexico," said Sonny Ruark, president of Charles H. Parks & Co., a picking house his great-grandfather started on Hoopers Island in 1914.

Eating a steak-and-potatoes lunch at the bar at Old Salty's restaurant on the island, Ruark predicted the H2B problem might put his company - which has weathered plenty of ups and downs in the industry - out of business.

"We figured someday there would be an end to it, but we didn't think it would be this way," he said.

While the crab-picking wages aren't high by many standards, the Mexican women are able to earn significantly more here than at home. They send extra money back home, or buy clothes and other goods at local stores and mail them back.

The foreign crab pickers also help keep locals like Nellie Flowers, Edythe Thomas and Joyce Flowers on the job. Other workers are affected, too: watermen who catch the crabs, workers who steam the crabs, truck drivers, office workers.

Newcomb and others on Hoopers Island frequently cite a University of Maryland study that showed that for every H2B worker, 2.5 American jobs are created or saved.

Newcomb looks ahead to potential problems this fall, when female crabs make a big run right past Dorchester County on their way to the salty southern Chesapeake Bay. That's when Eastern Shore watermen catch the most crabs, which usually are sold to the picking houses.

But fewer consumers buy steamed crabs at restaurants and seafood markets in the fall, so the watermen could be left with a lot of crabs and no one to buy them if the picking houses still are closed.

Larry Simms, longtime head of the Maryland Watermen's Association, said even though the season is still young, crabbers already are being hurt with so many picking houses being closed. Prices are down and there's not much else for watermen to catch instead of crabs.

"They get days they can't even go out because they don't have a market," he said.

Ruark already has told the watermen he works with that things aren't looking good.

"I told them ... the best they could do was find another market and if something changed, I'd let them know," he said.

Exploring options

As the spring opening of crab season approached and it became clear that the H2B workers weren't going to be able to come, the picking houses set out to find workers.

They've held multiple job fairs, worked with temp agencies and even discussed (and dismissed) the idea of hiring state prisoners.

Newcomb keeps a running list of all the efforts. Many of the entries contain a common theme: "two workers who left the crab house before their training was complete," "too far to travel," "workers not available," "after training more than 20 workers, none stayed."

The lack of interest in jobs that require no previous experience or training is perplexing to many, given the soft economy and the scarcity of jobs. Dorchester County has the second-highest unemployment in the state, 10.2 percent in April, according to state data.

But the picking-house jobs involve hard, tedious work in rural locations far from cities and towns. It's also seasonal work (April to November) with no benefits.

And because workers are paid more money the more they pick, beginning workers see lower wages than experienced, skilled pickers.

That all adds up to jobs that aren't desirable or workable for many Americans.

Douglas Lipton, a University of Maryland professor who specializes in seafood economics, said he isn't surprised that locals aren't taking the crab-picking jobs.

"The jobs are only seasonal," he said. "It's been a struggle in high unemployment, low unemployment, medium unemployment to keep these workers. ... The H2B solution finally seemed to be something that was stable. That now may not be an option."

Lipton watched as the industry shrank from more than 40 crab-picking plants down to about 20. He's seen them struggle to fend off imported crabmeat from Asia and deal with declining catches from local watermen.

"They've been very entrepreneurial and successful, but this one issue might drive them out of business," Lipton said.

'Letting them down'

As the crab-picking plants sit idle, their owners and managers are busy pressing the federal government to solve the H2B problem.

There are various proposals floating in Congress to pass a temporary cap exemption for returning H2B workers, either for this year only or for several years.

But those bills have gone nowhere fast, as they're caught up in the national debate over immigration reform.

U.S. Rep. Frank Kratovil, D-Stevensville, said some congressmen on the far right don't want to see any foreign workers come to America, temporary or not. Then on the far left are congressmen who

want comprehensive immigration reform, and refuse to act on any piecemeal legislation like the H2B bills.

H2B also has been criticized by labor supporters, who worry about potential abuses in the program. That's also slowed progress, according to a senior aide on Capitol Hill.

Trapped in the middle of those competing issues are plants like A.E. Phillips, W.T. Ruark and Charles H. Parks.

"I've got in my district businesses that are playing by the rules, doing it the right way, getting these workers legally, and we're not helping them," Kratovil said.

U.S. Sen. Barbara Mikulski, also a Democrat, is leading the charge in the Senate. She's co-sponsor of a bill that would give a three-year exemption to returning H2B workers.

"Companies in Maryland and around the country are unable to get the H2B visas and workers they need and depend on because of bureaucratic red tape and slowdowns," Mikulski said in a statement. "Small and seasonal businesses are counting on us. We need to resolve this problem so we can reward people who are playing by the rules, instead of letting them down."

With the logjam in Congress, Kratovil said he's exploring other options, such as whether the picking houses and the workers can be shifted to a different type of visa program. The freshman congressman doesn't want to stand by and see local businesses go under.

"We're gonna solve this problem or we're going to die trying," he said.