

Clifford Hillman, perched on a mound of last year's shucked oysters at his Dickinson plant, faces \$3 million in lost production because he cannot get visas to hire shuckers from Mexico. He says it's difficult to find U.S. workers to do the hard, physical job.

NICK DE LA TORRE: CHRONICLE



Dec. 21, 2007, 11:53PM

A shortfall in shuckers

Small businesses ask for legislative relief as government runs low on H-2B visas

By JENALIA MORENO

Copyright 2007 Houston Chronicle

DICKINSON — The shucking house is empty, there are no big piles of oyster shells on shore, and the Miss Jenny and more than a dozen other oyster boats sit idle.

Typically at this time of year, oystermen are scouring Galveston Bay, rushing to meet orders from area seafood companies. But with no oyster shuckers, Hillman Shrimp & Oyster Co. may not crack a shell at its Dickinson plant this season.

Already, the company — one of the nation's largest suppliers of oysters — has had to lay off 20 percent of its staff and faces \$3 million in lost production, owner Clifford Hillman said.

For nearly a decade, Hillman got the bulk of his shuckers from Mexico under the federal government's H-2B visa program, which allows businesses to hire foreign workers when U.S. workers can't be found.

But even before the oyster harvest season began Nov. 1, the government ran out of the 66,000 highly coveted, first-come-first-served visas it issues each year.

That's why Hillman and other members of the Maryland-based Save Small Business organization are urging Congress to pass legislation that would allow them, as they have in the past, to rehire workers with expired H-2B visas.

"If this does not happen, there will be hundreds of small businesses across the country that will have to cut back or will have to shut down," said Hank Lavery, president of the organization that he says is 1,000-members strong. "It's going to be a huge strain on small businesses and a lot of communities that depend on them."

Lavery runs a swimming pool service in Maryland and pays \$9 an hour to his workers. For the last few summers, he paid for want ads to find workers and turned to using H-2Bs.

"Ten years ago, I could get local people to do the work," Lavery said. "College students didn't want to do this work anymore."

He finally had to persuade his son and his son's friends to work for him.

Hillman, who pays his shuckers \$80 to \$140 a day, said he plastered want ads across the Gulf Coast, spending more than \$13,000 in search of domestic workers, but only nine people responded and all but one quit after two days.

A limit to what he can pay

Could he find workers if he paid more? Perhaps, but he said to remain competitive, he is limited on what he can pay.

"You're not only competing with local markets. You're competing with imported oysters as well," Hillman said.

When unemployment is low, it's tougher to find local workers, he added.

"Oyster shucking is a dying art in this country, and you just can't get enough oyster shuckers," said Hillman, who in January pleaded guilty to a federal misdemeanor charge of conspiring to commit fraud in relation to hiring undocumented workers for a period before June 2004.

Hillman paid a \$750 fine and received six months of unsupervised probation. He now uses a third party to do the company's employment paperwork instead of its own staff.

"We try and do it right," he said.

Growing economy reason

One reason the government is running out of H-2B visas, said Leigh Ganchan, an immigration attorney with Haynes and Boone, is that the cap does not take into account the growing needs of an expanding U.S. economy.

Demand for visas also is coming from employers who typically hire undocumented workers but are now worried about getting caught in the federal government's recent crackdown, she said.

"It's a logical place for employers to turn to because of so much government scrutiny," Ganchan said.

She doubts that Congress will pass the so-called Save Our Small Business Act because of public opposition to anything to do with immigration.

"The way that the public attitude is right now, I think politicians are afraid of making the wrong choice," she said.

Unions oppose the visas because they believe employers often pay foreign workers too little.

"They try to use it to go around hiring American workers," said Michael Cunningham, executive director of the Texas State Building and Construction Trades Council in Austin.

Door open to abuse?

Others criticize the program because it creates opportunities for abusing foreign workers.

"I think people have a sense of really being tied to one employer and at the mercy of one employer when they are H-2 workers. It skews the balance of power," said Mary Bauer, director of the Southern Poverty Law Center's Immigrant Justice Project and author of a March report, "Close to Slavery: Guestworker Programs in the United States."

U.S. Rep. Nick Lampson, D-Stafford, however, supports an extension of the visas.

"If we don't take action, we run the risk of harming the Texas oyster industry and our economy," Lampson said in a prepared statement. "The oyster industry in Texas is important."

According to the National Marine Fisheries Service, the Texas oyster industry generated an economic impact of \$28.3 million in 2006.

And Lampson adds, "Its economic tentacles reach far beyond the docks to families at the grocery store and in restaurants."

The tentacles don't have to reach too far to have an effect on Hillman Drive.

With no shuckers around to buy work boots, gloves or other supplies, business at Hillman Marine, a shop owned by Clifford Hillman's brother, has been noticeably slow.

"It makes absolutely no damn sense," Hillman said of the H-2B problem he and others face. "It's absolutely destroying many American small businesses."

jenalia.moreno@chron.com