



RECEIVED
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November 8, 2022

The Honorable Martin J. Walsh
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave NW, S-2521
Washington, DC 20210

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE, MS 0525
Washington, DC 20528

Dear Secretary Walsh and Secretary Mayorkas:

On October 12, the Department of Homeland Security (DHS) and Department of Labor (DOL) announced that 64,716 additional H-2B visas would be released for use in FY23. On behalf of members of the Pacific Seafood Processors Association (PSPA), I thank you for taking this important action, as these additional visas can help alleviate or avoid the major economic impacts that would result from H-2B visa guest worker shortfalls in the Alaska seafood processing sector. At the same time, I understand that the actual release of these visas will come with additional terms and conditions announced in a Temporary Final Rule (TFR). I write, therefore, to ask that your agencies consider and accommodate the unique challenges and H-2B employment needs facing Alaska seafood processors.

As explained in this letter, Alaska seafood processors respectfully request that the TFR:

- allocate enough supplemental H-2B visas to cover the seasonal patterns of employment in Alaska seafood processing: Alaska processors need approximately 2000 H-2B visa guest workers for the first half of FY23, and up to 7,000 for the second half of FY23;
- allow for immediate access to returning workers in good standing; and
- be released by November 15, 2022, to ensure that administrative steps can be carried out in time to enable H-2B guest worker arrival before the January fishing season.

Role of H-2B Guest Workers in Alaska Seafood Processing

Alaska's wild pollock, cod, salmon, crab, and other fisheries are sustainable and responsibly harvested, annually producing five to six billion pounds of this premium, healthy domestic protein source. Seafood processors are designated by DHS as essential and critical infrastructure, recognizing that Alaska seafood feeds America through retail outlets, restaurants, school lunch programs, and food security donations, and they supply valuable export markets around the world. Alaska's seafood supply chain supports more than 100,000 FTE jobs and \$6 billion in annual labor income for U.S. fishermen, support sectors, and fishing communities, and it has a nation-wide annual economic output of \$15 billion.

These benefits to the Nation are only possible when Alaska's seafood supply chain can function, and H-2B visas are a critical link in this chain. Every year during peak periods, seafood processors in Alaska support 16,000-18,000 seasonal processing positions.

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Extraordinary domestic recruiting efforts secure almost two-thirds of these positions, yet the remaining positions are filled via the temporary, seasonal non-immigrant H-2B visa guest worker program. Alaska seafood processors operate in some of the most remote areas in the Nation, including dozens of small Aleutian Island and Southeast Alaska communities accessible only by plane or days-long vessel transit. Without access to H-2B visa guest workers, these companies would suffer critical production shortfalls.

Seafood production losses resulting from H-2B visa worker shortfalls impact tens of thousands of U.S. jobs and associated income throughout the seafood supply chain. When seafood processing plants are understaffed, American fishermen must suspend fishing and forego landings until plant capacity improves; seafood processors produce fewer and lower-value products that may require overseas reprocessing; seafood buyers turn to suppliers outside the U.S.; and remote Alaska communities dependent on fish-related taxes lose revenue. Such losses were analyzed in the 2017 Bristol Bay, Alaska sockeye salmon season, a six-week fishery in which tens of millions of wild salmon are harvested. Bristol Bay salmon processors faced a shortfall of roughly 3,000 H-2B visa workers that year, leading to a regional economic loss of more than \$47 million.

In the absence of a sufficient number of H-2B workers in FY23, the losses attributable to shortfalls of necessary H-2B workers will likely exceed \$100 million, as several additional fisheries and processing plants will be impacted. The economic impacts will be felt most acutely by thousands of fishermen and remote community households in our region that are almost entirely dependent on commercial fishing income. Beyond those immediate impacts, seafood buyers and consumers would have fewer domestic seafood options, a constrained supply means that consumers would likely face higher seafood prices, and the health benefits derived from the healthy oils and nutrients in seafood would be reduced.

Requests for the Supplemental H-2B Visa Release for FY23

The DHS/DOL announcement of 64,716 additional H-2B visas for FY23 is an extraordinarily positive action, as it releases the maximum number of supplemental H-2B visas allowed by law and it was taken early enough to allow for timely visa release. Additionally, the announcement conveys that 64,716 H-2B visas will be available for returning workers issued visas in the last three years, and it acknowledges “the need for additional seasonal workers over the course of the year, with a portion of the second half allocation reserved to meet the demand for workers during the peak summer season.” PSPA members welcome and support these provisions. In addition, PSPA welcomes other measures for employer accountability, due diligence, and compliance under existing H-2B regulations and expects those to remain intact.

While these 64,716 visas can provide much-needed relief for H-2B employers across all sectors of the economy, we note that this number (in addition to the 66,000 H-2B visas authorized annually) could still fail to meet H-2B visa demand in FY23 across the entire U.S. economy. Therefore, as your agencies work to prepare the TFR for releasing the 64,716

additional visas, we respectfully request that your agencies consider and accommodate the following items for Alaska seafood processors:

- **Allocate or reserve enough supplemental H-2B visas specifically to cover the seasonal patterns of employment in Alaska seafood processing: approximately 2000 H-2B visa guest workers for the first half of FY23, and up to 7,000 for the second half of FY23.** The need for H-2B workers on-site in some companies will begin in January 2023, when billions of pollock begin to be landed and processed in remote Aleutian Island locations. The need increases in the summer season, especially for the tens of millions of fish landed in the short Bristol Bay salmon fishery. Given recent trends, several large processing plants around Bristol Bay are likely to collectively require several thousand H-2B visa guest workers next summer. Many plants in remote Southeast Alaska that buy and process in other valuable summer salmon fisheries will have similar needs.
- **Allow for immediate access to returning workers from the last three years in good standing.** Alaska seafood processors have a large pool of experienced, returning H-2B workers, largely drawing from men and women in Eastern Europe including Ukraine. With their familiarity and successful past experiences with the H-2B visa program, these visa holders could undertake necessary administrative steps with minimal cost or complication. Alaska seafood processors continue to develop recruiting pipelines in Northern Triangle countries, but these have progressed slowly.
- **Release the first-half supplemental H-2B visas by November 15, 2022.** Once your agencies release the visas via the TFR, there are still several steps in the H-2B administrative process that require six or more weeks to navigate. Given some companies' needs to have guest workers on-site in January, an immediate release is necessary to accommodate this timeline.

The Alaska seafood supply chain and the role of H-2B workers is extraordinarily complex, unique, and consequential to the resource-dependent quality of life for Alaska's harvesters, seafood processing communities, and all other stakeholders in our seafood supply chain. This issue affects the quantity, quality, and price of seafood ultimately available to consumers in the United States. Please contact me with any questions or additional data needs, so that you have all relevant information about seafood operational realities and H-2B worker issues in our region. I look forward to additional engagement on this issue, and to advancing our shared goals of supporting sustainable fisheries, generating income for Americans, enabling predictable supply chains, and feeding America.

Sincerely,



Mark JoHahnson
Chairman



December 5, 2022

Mark JoHahnson
Chairman
Pacific Seafood Processors Association
20 F Street NW, Floor 7
Washington, DC 20001

Dear Mr. JoHahnson:

Thank you for your November 8, 2022, letter to the U.S. Department of Homeland Security (DHS) urging the prompt release of the previously announced supplemental H-2B visas. Secretary Mayorkas asked that I respond on his behalf.

U.S. Citizenship and Immigration Services appreciates the concerns you raised regarding the labor challenges facing the seafood processing sector. As you referenced in your letter, on October 12, 2022, DHS, in consultation with the U.S. Department of Labor (DOL), announced that it will be issuing a supplemental increase of 64,716 visas for the H-2B program for U.S. employers seeking to employ additional temporary nonagricultural workers in fiscal year 2023¹ - the largest number of supplemental H-2B visas to date. Making this determination early on enables DHS and DOL to take the necessary administrative steps to complete the rulemaking and release these much needed supplemental H-2B visas to address the labor shortages facing U.S. businesses, including Alaska's seafood processing sector. Both Departments also place a high priority on strong worker and wage protections and will ensure this shared commitment is reflected in the joint temporary final rule authorizing these additional visas, which will be published in the very near future.

Of the total number of supplemental H-2B visas, 44,716 will be available to returning workers who received an H-2B visa, or were otherwise granted H-2B status, during one of the last three fiscal years. These 44,716 visas will be allocated to account for the need for additional seasonal workers during the course of the year, with a portion of the second half allocation reserved to meet the demand for workers during the peak summer season. The remaining 20,000 supplemental H-2B visas will be reserved for nationals of the Northern Central American countries and Haiti, regardless of whether they qualify as a returning worker. These visas will be available throughout the entire fiscal year. With these measures, the Departments endeavor to balance the needs of U.S. employers in all sectors whose needs vary seasonally.

¹ <https://www.uscis.gov/newsroom/news-releases/dhs-to-supplement-h-2b-cap-with-nearly-65000-additional-visas-for-fiscal-year-2023>.

Mark JoHahnson

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In addition to meeting the needs of U.S. employers, DHS and DOL announced their ongoing commitment to ensuring protections for both H-2B and U.S. workers, most notably with the creation of a task force aimed at safeguarding the integrity of the H-2B program. Further, DHS plans to issue a notice of proposed rulemaking that will modernize and reform the H-2A and H-2B nonimmigrant worker programs. DHS will propose, among other things, policies that strengthen worker protections and increase program efficiencies.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director