

# **H-2B SEASONAL WORKER PROGRAM CHALLENGES THREATEN MARYLAND'S CRAB INDUSTRY, ECONOMY AND JOBS**

A Project Conducted for the

**CHESAPEAKE BAY SEAFOOD INDUSTRY ASSOCIATION**

With Support from the

**MARYLAND DEPARTMENT OF AGRICULTURE**

Seafood Marketing Program

Prepared by



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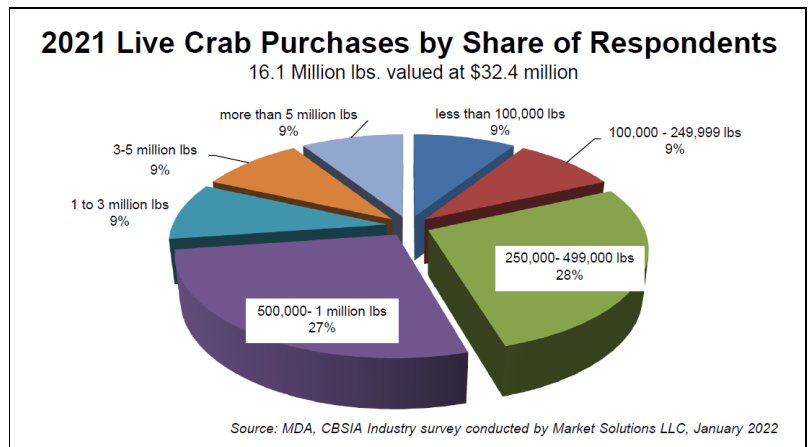
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# EXECUTIVE SUMMARY

The Chesapeake Bay Seafood Industries Association (CBSIA), with support from the Maryland Department of Agriculture (MDA) Seafood Marketing Program (Maryland's Best Seafood), retained Market Solutions LLC to conduct updated research on impacts of challenges getting authorization for seasonal foreign labor under the H2-B visa program on Maryland's crab industry, economy and jobs. Market Solutions LLC, a leading agriculture and seafood consulting firm, worked with a steering group of CBSIA members and MDA to design, field and analyze an updated survey during January 2022.

- **About Survey Respondents.** More companies responded to the 2022 survey than did in 2020. Respondents reported 22.3 million lbs. of live crab purchases in 2019, representing four fifths of the total Maryland commercial crab harvest reported prior to the COVID-19 pandemic.

In 2021, respondents reported purchases of 16.1 million lbs. of live crabs, valued at \$32.4 million. Although official Maryland 2021 commercial crab harvest statistics will not be available until April, this likely represents an even larger share of the total, and some purchases from crabbers in neighboring states who sometimes rely on sales to Maryland processors.



- **Seasonal labor for crab picking is expected to be the largest challenge ever in 2022.** Seasonal guest workers who come to Maryland each year to pick crabs during the April – November crab season are ready to come, but H2-B visas to allow them to come are allocated under a lottery system where crab processors compete with landscaping companies, hotels and others. This year the Maryland crab industry's results in the H2-B visa lottery were the worst the industry remembers. The industry currently expects to get authorizations for only 10% of the seasonal crab picking workers they need for 2022. Almost three out of four crab processors say that without H2-B visas for seasonal workers, their companies are likely to shut down for the 2022 season, causing ripple effects through the economies of Maryland and the region, but especially hurting the economy of Maryland's Eastern Shore.
- **Such a reduction can be expected to cut Maryland jobs by 940 to 1,397 American workers and cost Maryland's economy about \$141 million.** Survey findings indicate that every seasonal worker hired under the H2-B program to pick crabs generates more than two additional jobs for American watermen and workers involved in crab purchasing, processing, sales and distribution. Jobs and incomes are also generated for those who supply watermen and processors with equipment, vehicles, supplies and local maintenance and repair services, among others.
- Maryland crab processors responding to the survey report that they **paid \$32.4 million for live crabs** in 2021. Last year they purchased live crabs from **323 crab boats with a total of 589 crew members**. They directly employ **165 to 240 American workers** each year. These are all jobs that were made possible at least in part because respondents were able to get about 370 seasonal workers to pick crabs under the

H2-B visa program. In other words, each worker hired under an H2-B visa helps to generate employment for at least two American workers directly. Additionally, because the jobs these workers fill help to keep the industry open, they generate additional income and jobs indirectly for those who supply and buy from the industry.

- In 2022, if they can get the seasonal labor they need, survey respondents expect to spend \$20.3 million on payroll; \$3.9 million in capital spending on equipment, vehicles, etc.; \$4.3 million on packaging, boxes and other supplies; and \$3.5 million on repairs and maintenance with local vendors.
- Based on the 90% reduction in H2-B visa allocations now expected for 2022, Maryland crab processing industry sales would be expected to decline by \$65 million. The potential loss goes far beyond this, however.
- It only begins with impacts on income for watermen and jobs receiving, cooking, processing, picking, packing and selling crab meat. The industry reports that their inability to operate will also affect jobs and incomes of many others across Maryland's economy, including those who manufacture, sell and maintain processing equipment, vehicles, packaging and other supplies; provide cold storage, transportation and distribution; and/or have jobs with restaurants, grocery stores and further processing. Survey respondents report sales a combined total of 290 restaurants, 218 food service distributors, 89 value-added processors and 265 retailers. They also sell directly to 5,500 consumers. It will also affect those who provide groceries, foodservice, housing and supplies to workers. All of these people and businesses also pay taxes that help support the state and federal budgets that provide a variety of services to state and local communities.
- **Maryland crab processors responding to the survey reported \$74 million in sales in 2021.** Companies surveyed represent a combined total of 787 years of business experience in Maryland. They have relied on seasonal workers that are invited to come to the U.S. each year under the H2-B program to pick crabs for a combined total of 327 years.
- Almost two thirds of those surveyed report that seasonal labor challenges have kept them from staying open in the past. All say they have made it more difficult to plan, and have kept them from investing in their businesses.
- More than nine out of 10 companies say that seasonal labor availability is a challenge that threatens the survival of Maryland's seafood business. They also say that with more reliable availability of seasonal worker visas their companies could also hire more American workers. No one responding to the survey thinks that limiting the number of H2-B visas helps Maryland workers get jobs, even though most report working with state and local officials to try to recruit American workers.
- Findings underscore the need for a more reliable alternative to the current system. Short term solutions have been provided through temporary increases in the annual cap for H2-B visas in the past. A more permanent solution, such as an exemption from the annual H2-B visa cap, as is done for fish roe processors, is needed to protect the viability of Maryland's crab processing industry and those who rely on it economically.

# INTRODUCTION

The Chesapeake Bay Seafood Industries Association (CBSIA), with support from the Maryland Department of Agriculture (MDA) Seafood Marketing Program (Maryland's Best Seafood), retained Market Solutions LLC to conduct updated research on the impacts of challenges getting authorization for seasonal labor under the H2-B visa program has on Maryland's crab industry, economy and jobs.

Market Solutions LLC, a leading agriculture and seafood consulting firm, worked with a steering group of CBSIA members and MDA to design, field and analyze an updated survey during January 2022.

**Key Findings.** Maryland's crab processing industry has long relied on seasonal workers under the H2-B visa program to hand pick fresh cooked Maryland crab meat. Visas are now allocated by the U.S. Department of Homeland Security (DHS) and U.S. Department of Labor (DOL) using a lottery system. Results of the 2022 H2-B visa lottery mean that about 90% of the labor normally needed to pick crabs during Maryland's April – November, 2022 crab season is not expected to be available. Three out of four survey respondents say that without the seasonal labor they need, their companies will not operate this season.

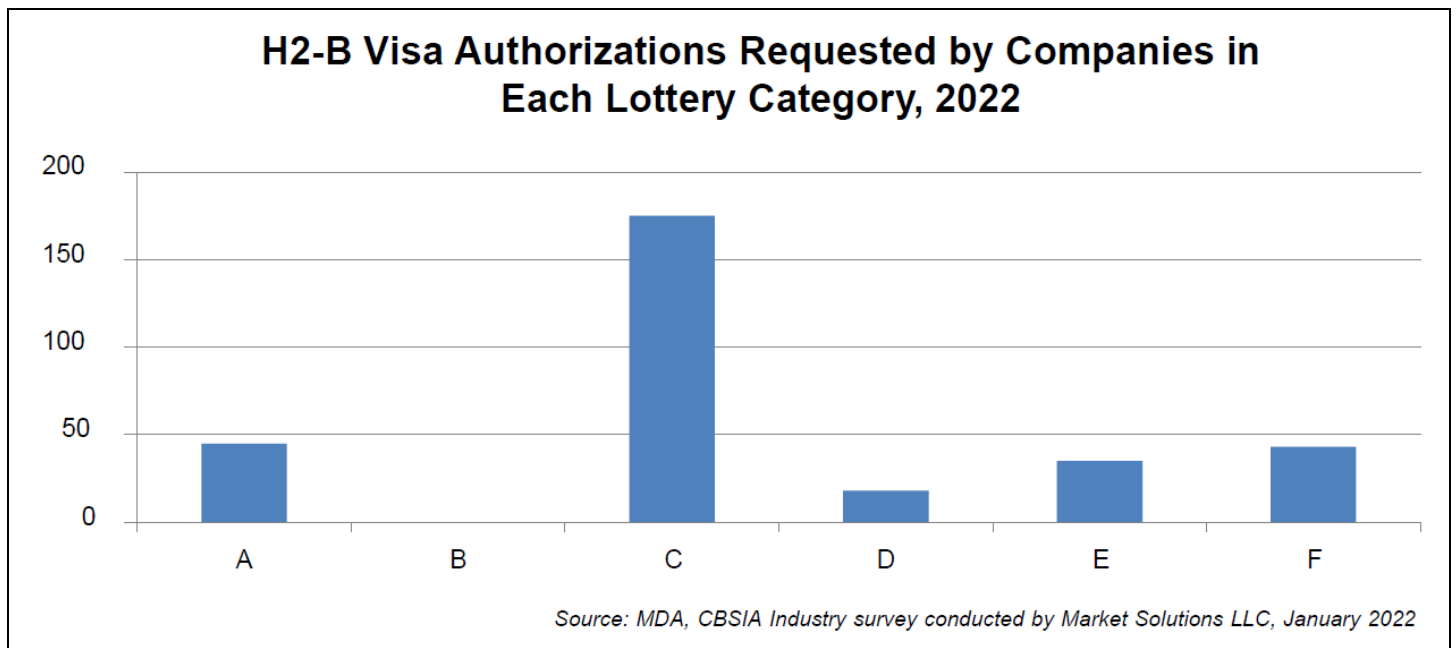
Survey findings and other analysis indicate that if Maryland's crab industry gets only 10% of the H2-B visas for seasonal labor it needs for crab picking for 2022:

- The cost in Maryland jobs can be expected to be 846 to 1,257 American jobs that result directly and indirectly from Maryland crab processors' ability to operate because they have H2-B workers to pick crabs.
- The loss to Maryland economy is potentially on the order of \$141 million. This includes a decline in crab processing industry sales of \$67.5 million, a drop in watermen's income on the order of \$29.2 million, reduced crab processor payrolls of about \$18.3 million, and reduced spending on packaging and supplies, equipment, vehicles and repairs and maintenance of \$10.8 million. This also includes induced effects on distributors, retailers, foodservice and others.

# MARYLAND CRAB INDUSTRY EXPECTS MAJOR SEASONAL LABOR CHALLENGES IN 2022

Seasonal labor for crab picking is expected to be the largest challenge ever in 2022. Guest workers who come to Maryland each year to pick crabs during the April – November crab season are ready to come, but H2-B visas to allow them to come are allocated under a lottery system where crab processors compete with landscaping companies, hotels and others.

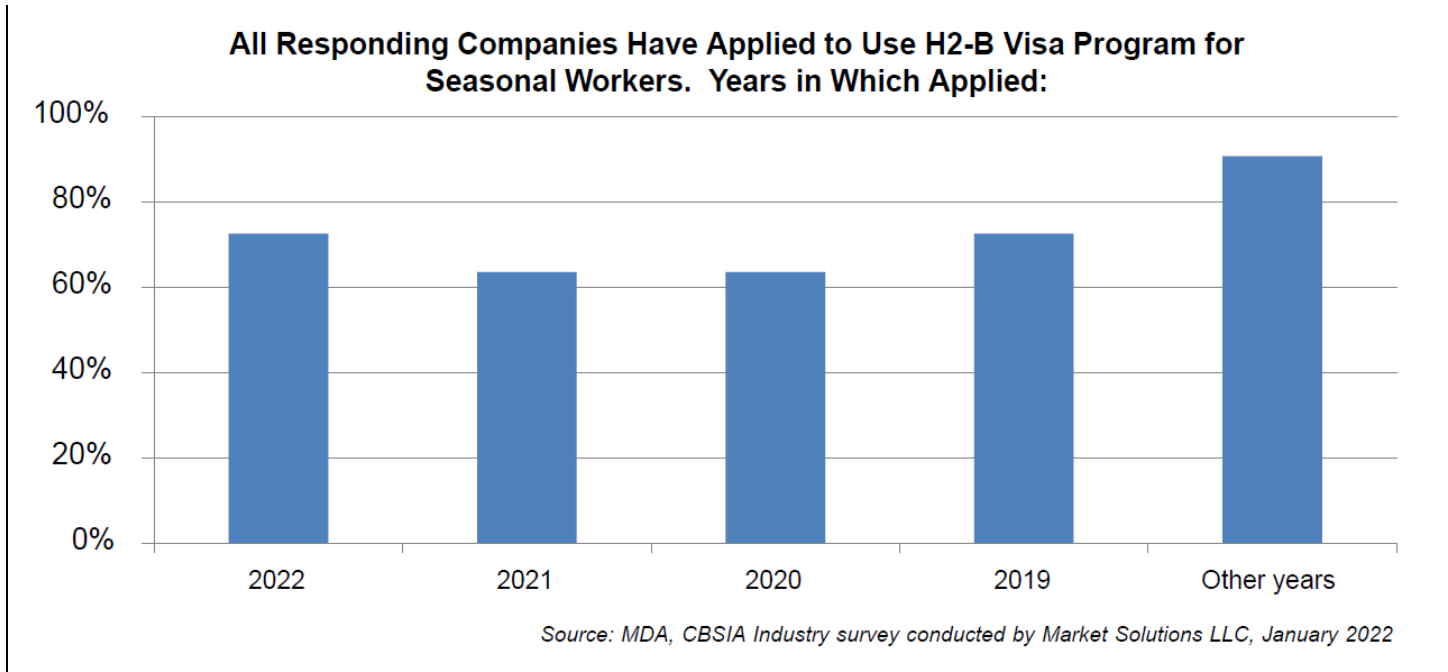
Expected challenges getting seasonal labor for crab picking are reported by eight out of 10 survey respondents, about the same as in 2020 and 2019. Seven out of 10 reported challenges last year when supplies were smaller and prices higher.



# H2-B VISA PROGRAM PROVIDES SEASONAL GUEST WORKERS FOR JOBS UNABLE TO BE FILLED WITH AMERICAN WORKERS

The H2-B visa program has been in existence since the 1950's. All companies responding to the survey have made use of the program to get seasonal guest workers at various times in the past to fill crab picking jobs that they were unable to find American workers to do.

The industry reports that these workers allow them to stay open for business, creating additional jobs and employment.



# THE H2-B VISA PROGRAM, LOTTERY AND ALTERNATIVES

Maryland's crab industry has relied upon seasonal workers under the H2-B visa program for many years, although companies continue to make efforts to recruit American workers to fill jobs for crab picking and other jobs. Based on survey responses on how many seasonal temporary workers they would hire if they could count on getting them, and other communications, the industry could use up to 550 H2-B visa workers annually.

Congress has set a cap on the maximum number of H2-B visas at 66,000 per fiscal year, with 33,000 for workers who begin employment in the first half of the fiscal year (October 1 - March 31), and 33,000 for workers who begin employment in the second half of the fiscal year (April 1 - September 30). The current H2-B visa program uses a lottery system to allocate visa authorizations to hire seasonal temporary guest workers to companies in a variety of different industries. Companies applying for H2-B visa authorizations draw categories from A to F.

For April –September, 2022, only one in 10 Maryland crab companies received an A category in the lottery. They are likely to receive authorization to be able to hire 45 H2-B workers for the second half of the 2022 U.S. government fiscal year. A total of 33,000 visas have been authorized for the entire U.S., but based on lottery results, companies representing 90% of the Maryland crab industry do not expect to have authorization to bring back guest workers who have come in the past.

DHS and DOL announced on January 27, 2022 that they are expanding by 13,500 the number of visa authorizations 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,

[uscis.gov/working-in-the-united-states/temporary-workers/h-2b-temporary-non-agricultural-workers](https://uscis.gov/working-in-the-united-states/temporary-workers/h-2b-temporary-non-agricultural-workers)

Sources say that this will not help the Maryland crab industry, because it only applies to workers during the first half of the fiscal year, October 1 – March 31, before Maryland's crab season opens. Survey respondents indicate that in the most recent previous year in which they applied for H2-B visas, they collectively applied for about 450 visas, and received 370, or almost 83% of what was requested. This compares to an expected 10% for 2022.

In recent years, short term fixes to the industry's H2-B visa problem have been achieved by increasing the DHS/DOL cap on visas, as they have now done for the first half of the 2021/2022 federal fiscal year. Such short term fixes do not address the uncertainty introduced by the lottery system, which threatens investment in Maryland's crab processing industry.

In the absence of a comprehensive overhaul of the U.S. immigration system, which many respondents to the 2020 survey supported, a short term solution could involve providing Maryland's seafood processing industry with an exemption from the annual H2-B visa cap. This is already the case for some other seafood processing workers, specifically those processing fish roe.

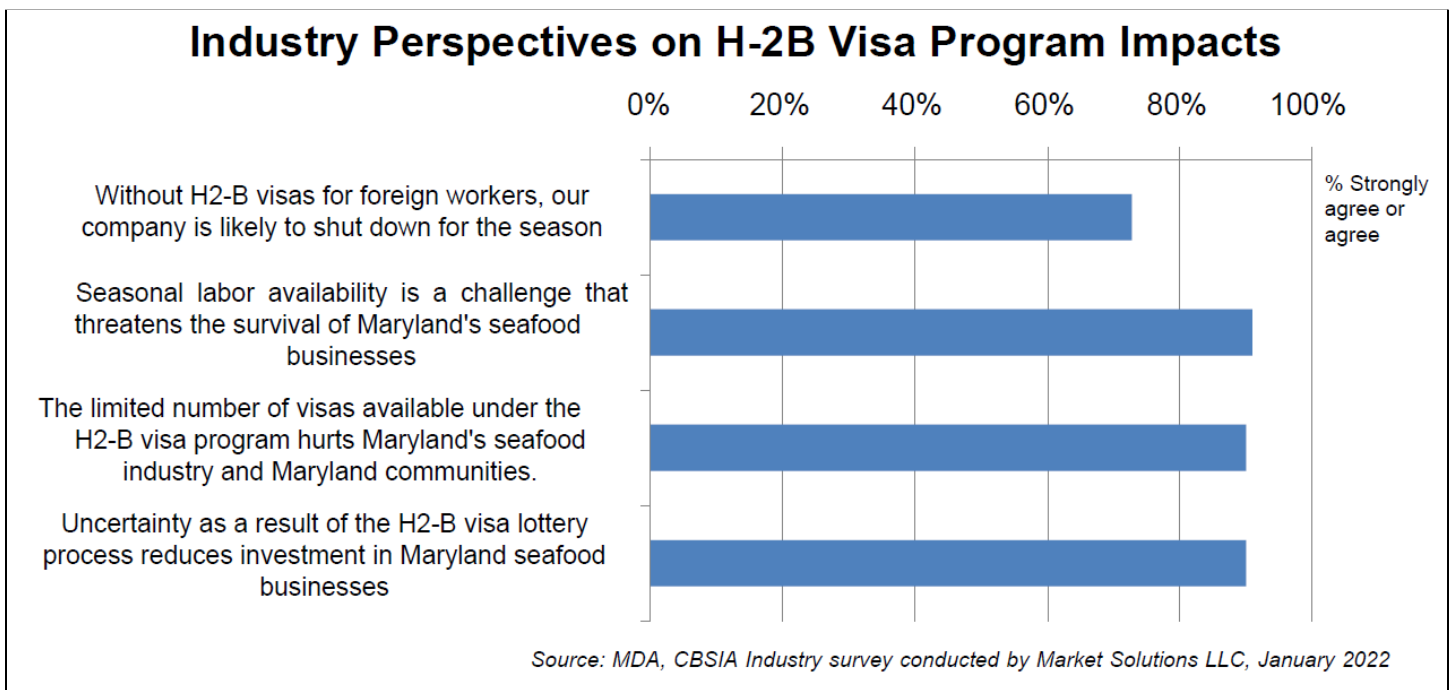
[uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-for-h-2b-non-immigrants](https://uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-for-h-2b-non-immigrants)



## H-2B VISA CHALLENGES THREATEN CRAB PICKING IN 2022

Almost **three out of four crab processors** say that without H-2-B visas for foreign workers, their companies are likely to shut down for the 2022 season, causing ripple effects through the economies of Maryland and the region, but especially hurting the economy of Maryland's Eastern Shore.

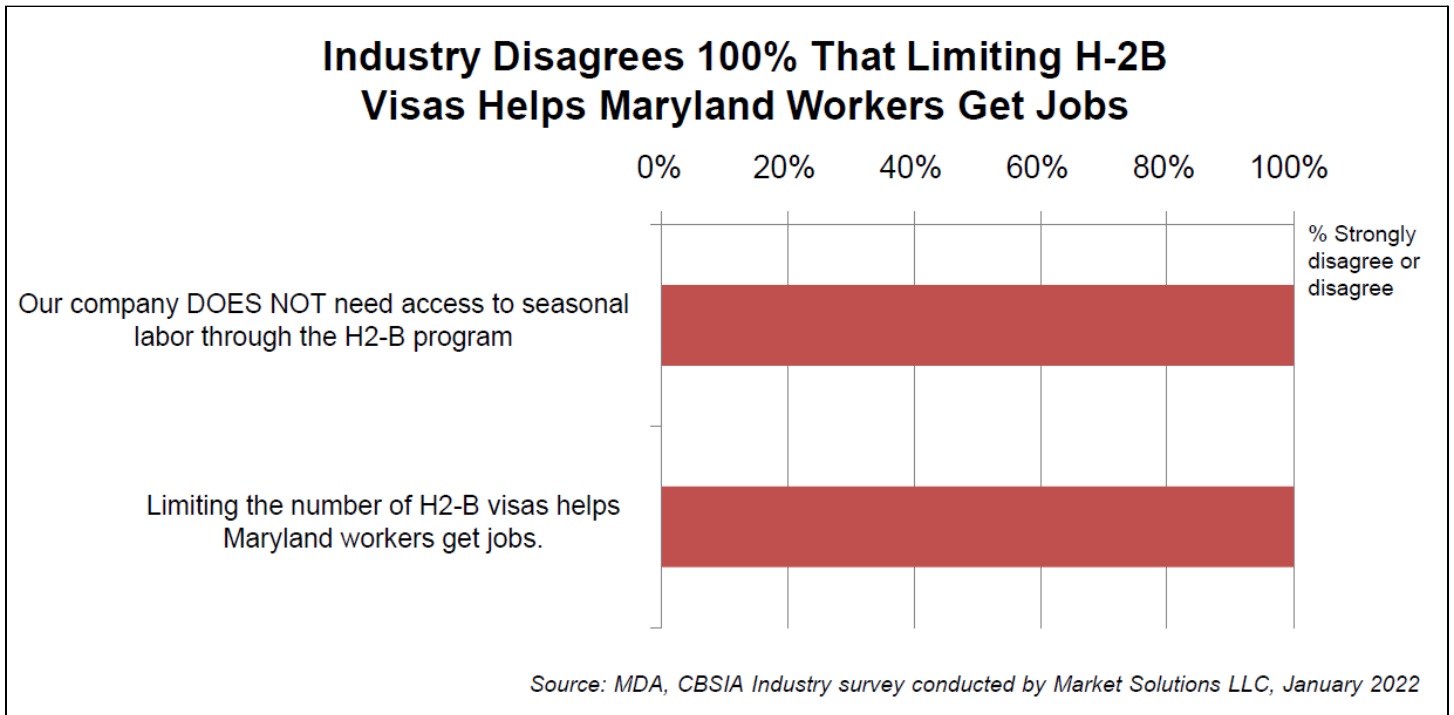
**Nine out of 10** say that seasonal labor availability challenges threaten the survival of Maryland's seafood businesses, and the current limitations on H-2-B visa and uncertainty of the lottery system hurt the seafood industry and Maryland communities and reduce investment in Maryland seafood businesses.



# INDUSTRY DOES NOT BELIEVE LIMITING H2-B VISAS HELPS AMERICAN WORKERS

Those surveyed were offered the opportunity to say that their companies DO NOT need access to seasonal labor through the H2-B visa program. **All disagreed.**

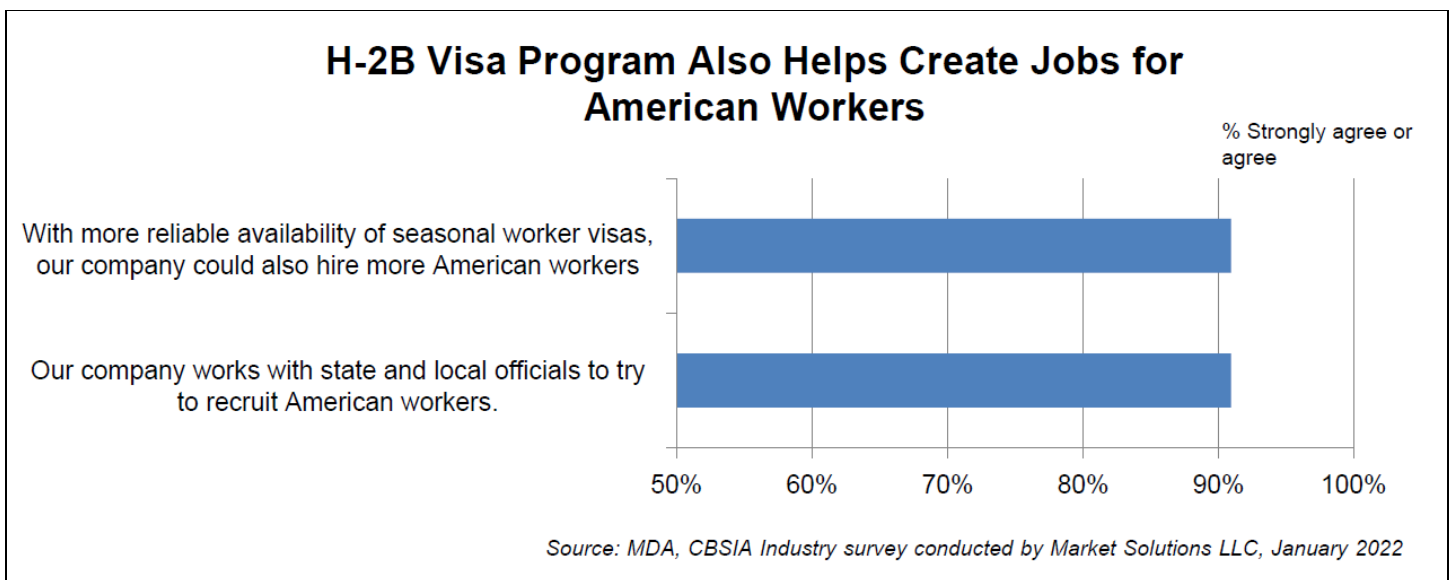
Respondents were also offered the chance to say that “Limiting the number of H2-B visas helps Maryland workers get jobs.” **All disagreed.**



## INDUSTRY SAYS H-2B VISAS HELP HIRE MORE AMERICANS

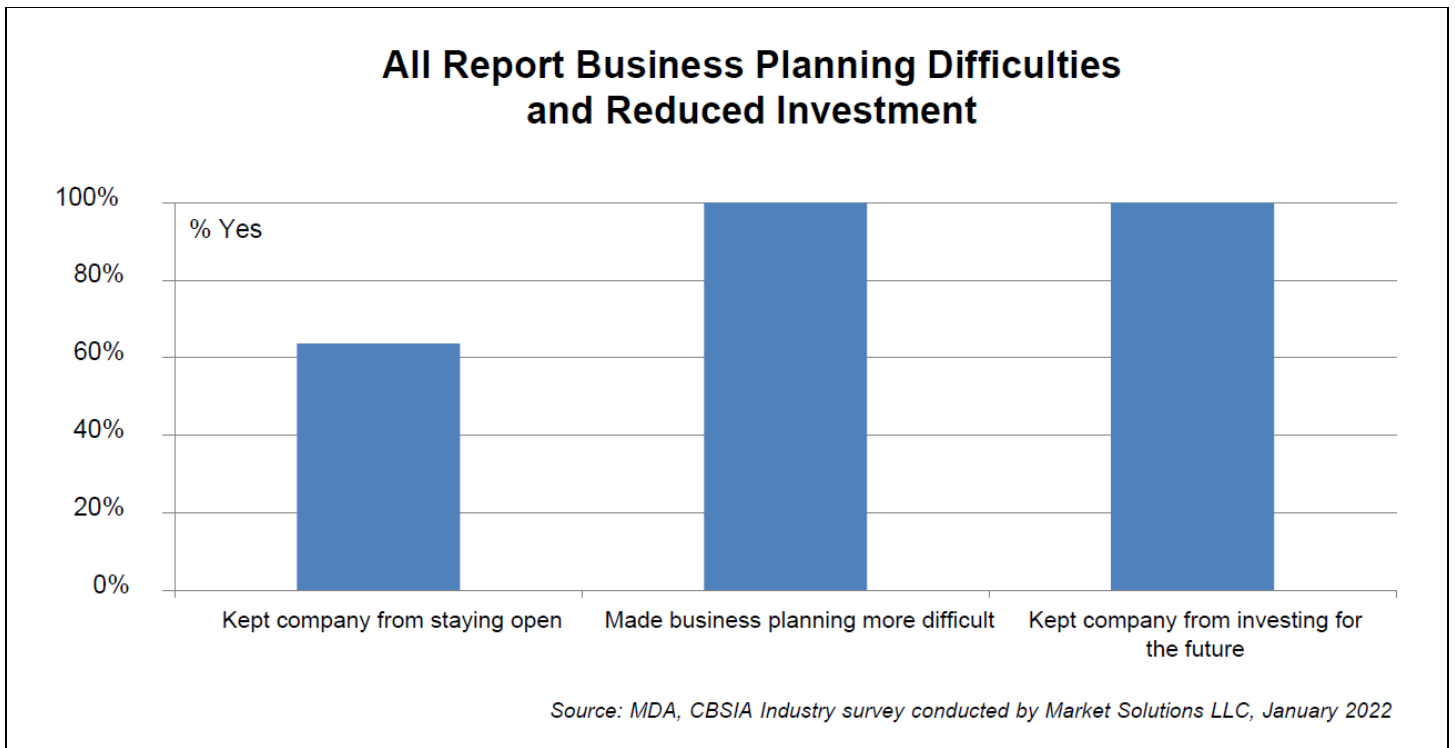
**Nine out of 10** respondents agree or strongly agree that “With more reliable availability of seasonal worker visas, our company could also hire more American workers.”

**Nine out of 10** survey respondents agree or strongly agree that they work with state and local officials to try to recruit American workers for crab picking and other jobs. Some examples reported by the industry include running newspaper advertisements, working extensively with Maryland State Employment and Economic Development; Recruiting in Dorchester, Talbot and Wicomico counties on Maryland’s Eastern Shore, and in Baltimore City and Washington, D.C. area; worked with vocational technical programs; participation in job fairs; work with church groups, contacts with the state prison system and local detention centers.



# SEASONAL LABOR CHALLENGES HAVE KEPT ALMOST 2/3 BUSINESSES FROM STAYING OPEN IN THE PAST

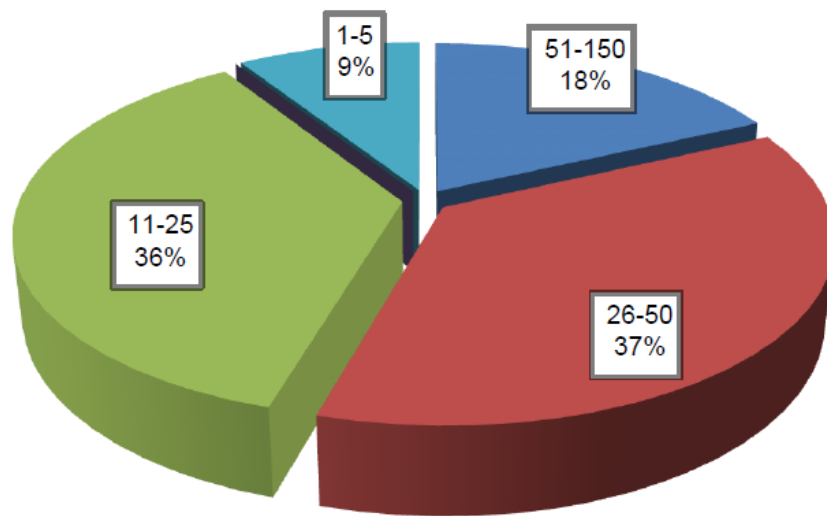
Although the seasonal foreign guest worker program has a long history, the combination of limited visa allocations and uncertainties of the lottery system have become a regular challenge to Maryland crab processors. Almost two-thirds say that challenges getting the seasonal labor they need have kept their companies from staying open in the past. All say that this has made business planning more difficult, and kept their companies from investing for the future.



# MARYLAND CRAB INDUSTRY NEEDS 370-550 SEASONAL H2-B WORKERS, ANNUALLY

Survey respondents indicate that they could hire about 430 seasonal laborers in 2022, local and/or H2-B if they count on getting them. Based on respondents' share of commercial crab purchased in 2019, this suggests that the industry needs about 550 seasonal workers annually.

## Expected Numbers of Seasonal Workers Needed - Local and H2-B by Respondent Companies in 2022



Source: MDA, CBSIA Industry survey conducted by Market Solutions LLC, January 2022

# EXPECTED LOSS OF H2-B VISAS FOR CRAB PROCESSORS COULD COST MARYLAND 846-1,257 AMERICAN JOBS

Maryland crab processors responding to the survey report that:

- They paid **\$32.4 million for live crabs** in 2021.
- They purchased live crabs from **323 crab boats with a total of 589 crew members**.
- They directly employ **165 to 240 American workers** each year.

These are all jobs that were made possible at least in part because respondents have been able to get 370-550 seasonal workers each year to pick crabs under the H2-B visa program. Based on survey findings for 2021, each worker hired under an H2-B visa helps to generate direct employment for 2.04 American workers as watermen or in crab processing.

Previous research by the University of Maryland estimated that for every H2-B visa job in crabmeat picking creates 2.54 additional jobs, including one job directly related to crabs and crab meat, and 1.54 jobs that are indirectly related to crab harvesting and processing or induced, or created as a result (Lipton). Market Solutions LLC survey findings suggest that this may be conservative.

Nonetheless, based on this relationship, employment of **370-550 seasonal workers** for crab picking each year generates **940-1,397 additional American jobs**.

Conversely, if only 10% of H2-B visas needed in 2022 are approved, the cost to Maryland can be expected to be **846 to 1,257 American jobs**.

## WITH H2-B WORKERS, INDUSTRY EXPECTS TO SPEND \$32M ON PAYROLL, EQUIPMENT, SUPPLIES AND SERVICES

In addition to jobs for watermen, and American jobs in crab processing and sales, the jobs that seasonal foreign workers on H2-B visas fill help to keep the industry open. They generate additional income and jobs indirectly for those who supply and buy watermen and the crab processing industry.

In 2022, if they can get the seasonal labor they need, survey respondents expect to spend a total of \$32 million on payroll, equipment, supplies and services, including:

- \$20.3 million on payroll
- \$3.9 million in capital spending on equipment, vehicles, etc.
- \$4.3 million on packaging, boxes and other supplies; and
- \$3.5 million on repairs and maintenance with local vendors.

The **\$11.7 million** spent on equipment, vehicles, packaging and supplies, repairs and maintenance contributes business and employment at other businesses.

Maryland crab processors responding to the survey reported **\$74 million in sales in 2021**.

Companies surveyed represent a combined total of 787 years of business experience in Maryland. They have relied on seasonal foreign workers who are invited to come to the U.S. each year under the H2-B program to pick crabs for a combined total of 327 years.

# LACK OF H-2B VISAS THREATENS JOBS AND INCOME ACROSS MARYLAND ECONOMY

**Potential Cost to Maryland's Economy and Jobs.** Based on the H2-B visa allocations the industry now expects for 2022, Maryland crab processing industry sales would be expected to decline by 90%, or \$67.5 million.

Direct impacts on Maryland jobs and income would be expected to begin with **impacts on watermen, with crab purchase value down \$29.2 million**. Jobs receiving, cooking, processing, picking, packing and selling crab meat and **spending on payrolls, capital spending, supplies and maintenance would be expected to decline \$28.8 million**.

The potential loss goes far beyond this, however. Without H2-B visas for seasonal labor, the companies report that their inability to operate will also affect jobs and incomes of many others across Maryland's economy, including those who:

- Manufacture, sell and maintain processing equipment, vehicles, packaging and other supplies;
- Provide cold storage, transportation and distribution; and/or
- Have jobs with restaurants, grocery stores and further processing using Maryland hand-picked fresh crab meat.

Survey respondents report sales a combined total of **290 restaurants, 218 food service distributors, 89 value-added processors and 265 retailers**. They also sell directly to **5,500 consumers**.

Impacts of the lack of visa authorizations on the ability of crab processors to operate will also affect those who provide groceries, foodservice, housing and supplies to both foreign and U.S. workers.

All of these people and businesses also pay taxes that help support local, state and federal budgets that provide a variety of services to state and local communities.



# LACK OF H-2B VISAS THREATENS A \$141M LOSS TO MARYLAND ECONOMY

**Potential Losses to Maryland's Economy Without Seasonal Crab Picking Labor.** Previous analysis has estimated that \$1 in Maryland seafood harvested generates \$4.84 in economic activity for the Maryland economy (Beacon, 2018). Based on this estimate, if Maryland's crab industry gets only 10% of the seasonal labor it needs for crab picking for 2022, **the loss to Maryland's economy would be on the order of \$141 million.**

This includes a decline in crab processing industry sales of **\$67.5 million**, a drop in watermen's income on the order of **\$29.2 million**, reduced crab processor payrolls of about **\$18.3 million**, and reduced spending on packaging and supplies, equipment and vehicles; and repairs and maintenance spending with local service providers of **\$10.5 million**.

**Seafood Industry Economic impacts on Maryland's economy.** Salisbury University researchers estimate that Maryland's seafood and aquaculture industries contribute \$355 million annually to Maryland's economy, with 83% on the Eastern shore (BEACON, 2018).

Total jobs created include 1,944 on the Eastern shore and most others in Southern Maryland. State and local tax revenues generated are \$14.8 million annually.

Using the multipliers implied by the above analysis, survey findings on the value of crab purchased suggest that Maryland's crab processors surveyed contribute about \$157 million annually to Maryland's economy. This is the basis for our estimate of the potential loss due to lack of H2-B visas. Based on the share of value and value-added by Maryland's crab processing industry, this is a conservative estimate.

# 'MARYLAND'S BEST SEAFOOD' PROGRAM SUPPORT

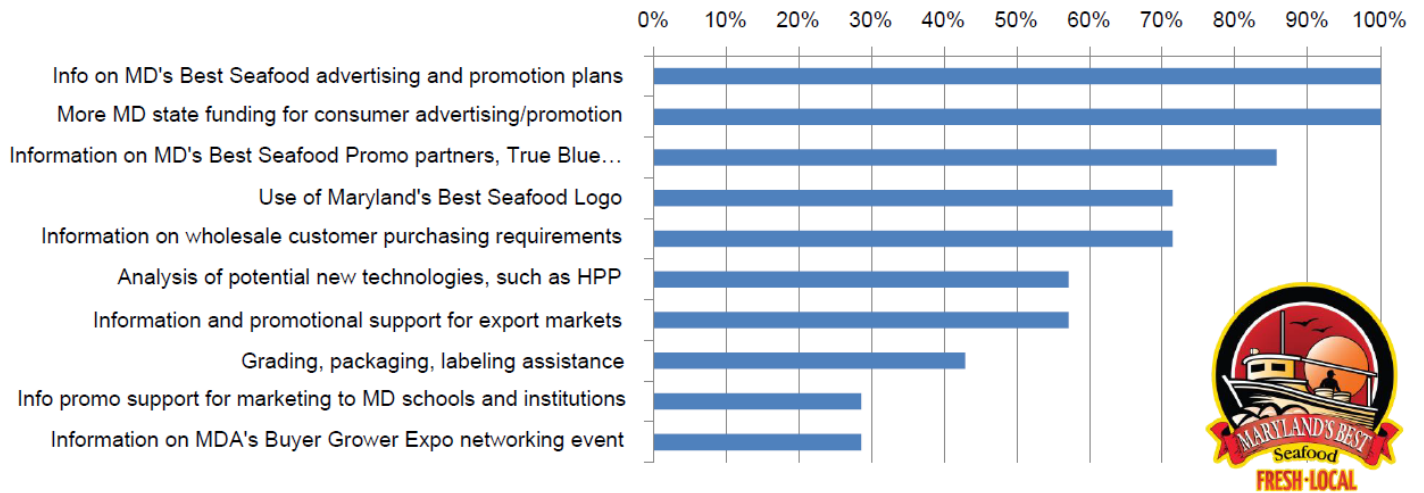
Maryland's crab processors were asked about their interest in activities and information to support marketing from the MDA Maryland's Best Seafood marketing program.

All respondents expressed interest in advertising and promotion plans of the seafood marketing program and more Maryland state funding for consumer advertising and promotion.

Many are interested in information about Maryland's Best Seafood promotional partners, including the True Blue Maryland Crab program; and use of the Maryland's Best Seafood logo. They also want to know more about wholesale customer specifications and purchasing requirements.

More than half are interested in analysis of new technologies, such as High Pressure Processing (HPP) to reduce labor requirements and extend shelf life; and in information and promotional support for export markets. There is also interest in other activities shown below.

## Interest in MDA Seafood Marketing Program Support



Source: MDA, CBSIA Industry survey conducted by Market Solutions LLC, January 2022



# CONCLUSIONS AND RECOMMENDATIONS

Findings of the 2022 survey of Maryland crab processors, conducted at the request of CBSIA, with support from MDA and the Maryland's Best Seafood Program, provide insights from companies that purchased about 80% of Maryland's commercial crab harvest in 2019, and even more in 2021.

All of those surveyed report challenges with seasonal labor availability and have used the H2-B visa program to hire seasonal workers to pick crabs in previous years. For 2022, results of the DHS/DOL annual lottery for allocating H2-B visa authorizations are the worst that respondents remember. If there are no changes, the industry expects to get 90% fewer visas than it needs.

Three out of four crab processors say that without H2-B visas for workers, their companies are likely to shut down for the 2022 season, causing ripple effects through the economies of Maryland and the region, but especially hurting the economy of Maryland's Eastern Shore.

Such a reduction can be expected to cut Maryland jobs by 940 to 1,397 American workers and cost Maryland's economy about \$141 million. Survey findings indicate that every seasonal foreign worker hired under the H2-B program to pick crabs generates more than two additional jobs for watermen and American workers involved in crab purchasing, processing, sales and distribution. Jobs and incomes are also generated for those who supply watermen and processors with equipment, vehicles, supplies and local maintenance and repair services, among others.

Survey respondents are unanimous that limiting H2-B visas does not help Maryland workers get jobs. The industry recounts regular and ongoing efforts to recruit Maryland workers to do the jobs these workers do.

Nine out of 10 respondents say that seasonal labor availability challenges threaten the survival of Maryland's seafood businesses, and that current limitations on H2-B visa and uncertainty of the lottery system hurt the seafood industry and Maryland communities and reduce investment in Maryland seafood businesses.

Findings underscore the need for a more reliable alternative to the current system. Short term solutions have been provided through temporary increases in the annual cap for H2-B visas in the past. A more permanent solution, such as an exemption from the annual H2-B visa cap, as is done for fish roe processors, is needed to protect the viability of Maryland's crab processing industry and those who rely on it economically.

## **CBSIA MEMBERS RESPONDING TO THE SURVEY**

Thanks to Maryland Crab Processors Responding to the 2022 CBSIA survey, including:

- AE Phillips & Son
- G.W. Hall Seafood LLC
- Harris Seafood Company
- J.M. Clayton Co.
- Lindy's Seafood, Inc.
- Madison Bay seafood
- Metompkin Bay Oyster Co., Inc.
- Old Salty's Seafood, Inc.
- Rippons Brothers Seafood Inc
- Simmons Chesapeake Bay Seafood
- W T Ruark Co., INC

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