



# Observer Program Safety Review (OSPR)

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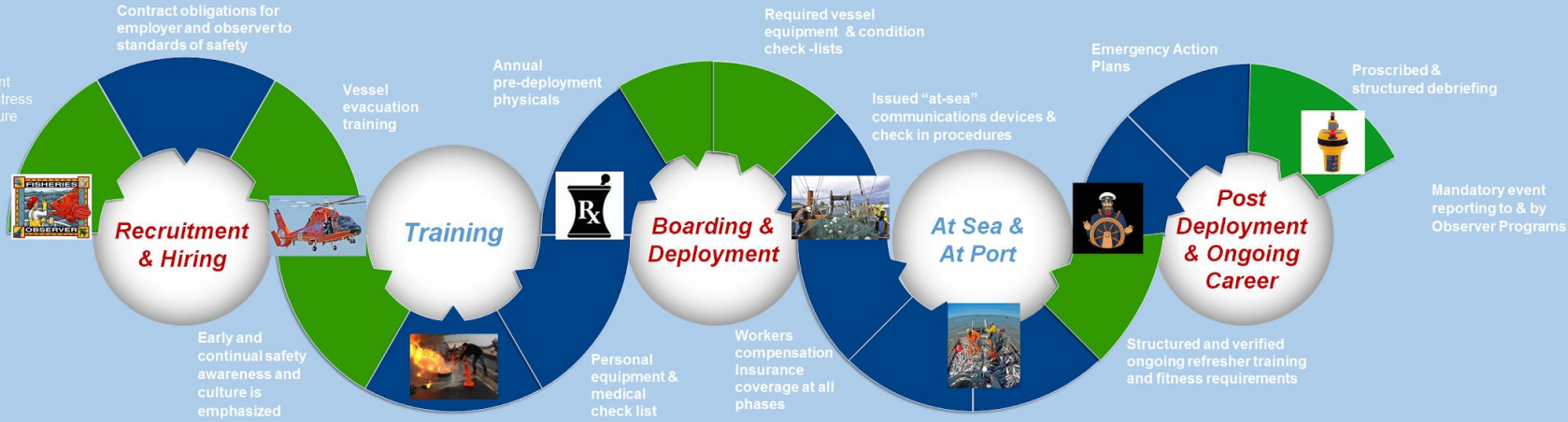


# “*End to End*” Observer Safety Assessment

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- National Observer Program Advisory Team (NOPAT) – Receive, assess, and process OSPR findings and recommendations
- Some recommendations will require work groups to address specialty and technical areas such as insurance, contracting, and legislative initiatives.
- Establish overarching *Observer Safety Standards* to improve and maintain high levels of observer safety in all phases of the observer’s employment.
- Standards to serve as templates for best practices and checklists used to assure the application of a comprehensive approach to *ensuring observer safety in all fisheries at all phases by all means*.
- Improved safety culture for observers creates a positive impact for all fisheries stakeholders including commercial fishing vessels and crews.

# Observer Operational Phases



# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>NOAA Fisheries National and Regional Observer Programs lack a systematic process for following up on significant incidents and casualties involving observers.</p> <p>The review team found that other observers were not aware of the fact that three of their colleagues lost their lives on the job in the course of a single year.</p> <p>The review team believes more could have been done by NOAA and other agencies to pursue more comprehensive and transparent closure of these tragic incidents.</p>	<p>NOAA Fisheries should develop and maintain a robust, timely, and transparent process for incident reporting and After Action Reporting.</p> <p>NOAA Fisheries should provide all necessary resources to identify root causes and take action to prevent or mitigate a recurrence and so lessons learned can be applied to future safety training and policy development.</p>	<p>FMA gleans lessons-learned from casualties and near-misses and incorporates that information into safety training.</p> <p>Alaska has a well established communications history with OLE and Alaska State Troopers. All our incidents have been investigated to to fullest.</p> <p>Communications to the NOP have been improved.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p data-bbox="117 405 842 525">There is a lack of feedback on “observer assault, harassment, or interference violations” from OLE to observers and program staff</p> <p data-bbox="117 583 842 792">For ROPs that track safety incidents, MARPOL violations, enforcement concerns and other at sea concerns such as bed bugs, the definitions, reporting thresholds and tracking procedures for these incidents are inconsistent.</p>	<p data-bbox="884 405 1354 568">OLE should develop consistent feedback protocol to the ROPs and observers regarding the status of reported violations.</p> <p data-bbox="884 626 1277 790">NOAA Fisheries should develop a consistent methodology for incident reporting.</p> <p data-bbox="884 848 1286 1012">ROPs should provide information regarding safety-related incidents at least annually to the NOP.</p>	<p data-bbox="1392 405 1862 568">FMA has a consistent reporting method for marine incidents, commensurate with OLE and USCG definitions.</p> <p data-bbox="1392 626 1866 877">A summary of incidents to OLE is included in the program's Annual Report and is routinely reported to the North Pacific Fishery Management Council and its associated committees.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Some observer procurement contracts do not contain adequate provisions to exclude individuals with chronic performance issues.</p>	<p>Contracts/task orders should be written so that Program Managers have input on when an individual is no longer allowed to work in a program as an observer due to work performance issues.</p>	<p>In general, FMA believes contract performance work statements to be outside the scope of the OSPR.</p> <p>FMA has standards for observer performance. These should be regionally addressed, as data collection and performance are regionally specific.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The policy language for physical and medical eligibility requirements lacks specificity and is inconsistently applied by ROPs:</p> <ol style="list-style-type: none"><li>1) A licensed physician must certify not more than 12 months prior to the end of the observer training that the observer candidate is physically capable of serving as an observer;</li><li>2) Documentation must be provided to the program prior to the observer candidate's completion of training</li></ol>	<p>Clarify the frequency of physical eligibility requirements.</p> <p>Require medical exams to be conducted in person.</p> <p>Provide copies of medical exams to the program.</p>	<p>FMA has a yearly requirement for physical and it must be conducted in person.</p> <p>FMA communicates the needs of the job to the provider who should then make examiner aware of the physical requirements.</p> <p>FMA does not support maintaining copies of medical information by the program.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The policy language for physical and medical eligibility requirements lacks specificity and is inconsistently applied by ROPs</p>	<p>Medical evaluation should be provided at least 14 calendar days prior to the first day of training.</p> <p>NOAA Fisheries should develop a national template to provide to physicians performing observer physical examinations.</p> <p>NOAA Fisheries should develop a list of disqualifying medical conditions or medications.</p>	<p>FMA believes that having a trainee demonstrate medical fitness prior to the end of training is adequate.</p> <p>Alaska providers currently provide a letter to physicians, and FMA is open to modifications.</p> <p>FMA believes that medically disqualifying conditions is best decided by the observer and their physician.</p>



# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The policy language for physical and medical eligibility requirements lacks specificity and is inconsistently applied by ROPs</p>	<p>NOAA Fisheries should develop appropriate skills test or functional capacity evaluation to be conducted as part of the physical evaluation process.</p> <p>NOAA Fisheries should take steps to ensure that before each deployment, an observer has sufficient and extra supplies of prescribed medication(s).</p>	<p>Appropriate skills tests are included in training, such as lifting requirements, immersion suit donning, and boarding a life raft. Skills are program dependent, and should be implemented at the ROP level.</p> <p>FMA observers are notified to bring adequate prescription medications with them.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The policy language for physical and medical eligibility requirements lacks specificity and is inconsistently applied by ROPs</p>	<p>NOAA Fisheries should develop and implement a national standard requiring observers to sign an “acknowledgment of deployment risk” prior to acceptance into training.</p> <p>NOAA Fisheries should develop a policy to ensure that observer medical history information can be made available 24/7 to medical response personnel in the event of a medical emergency.</p>	<p>Risks of the job are covered in training. FMA is concerned that signed statement could complicate insurance claims if this was interpreted as an type of "hold harmless" agreement.</p> <p>FMA generally does not support a requirement to disclose medical information.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The requirements for provider Emergency Action Plans are non-existent or vague, and their implementation varies widely between providers.</p>	<p>Each ROP and its current observer providers should develop and maintain coordinated EAPs</p> <p>If a tragic incident such as the loss of an observer or staff member occurs, the EAP should include making appropriate counseling available to observers, staff and observer providers.</p>	<p>Alaska uses a phone tree that we believe has worked well in the past. Improvements are welcome, with the understanding that it is the observer providers, the fishing companies, OLE, and the USCG who are the most responsive in an emergency.</p> <p>FMA does provide counseling service information to staff and observers after tragic events.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Although regulations are clear, a lookout (wheel watch) is not always followed by commercial fishing vessels.</p>	<p>NOAA Fisheries should develop a national policy to address this issue, including outreach material included with fishing permits, and possible steps to take in cases of non-compliance with the relevant USCG regulations.</p>	<p>FMA, AKR, USCG, and OLE have worked well in the last 5 years at educating observers and the fleet in that wheel watches must be maintained.</p> <p>Without policy changes, further improvements in education, communication, and enforcement can be made within ROPs.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The use of an “Equipment Test Checklist” is considered by the review team to be a best practice, as a means of ensuring observer familiarity with and attention to maintenance of all their assigned equipment.</p>	<p>Observer programs should consider the use of an “Equipment Test Checklist” similar to that employed in the WCGOP, as a minimally burdensome means of ensuring that observers inspect and test all of their issued safety equipment at least monthly.</p>	<p>FMA supports the development of this recommendation, noting the differences among ROPs.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Due to the great distance offshore, isolation on the vessel, lack of prompt SAR, and lack of standardized reporting protocols international observers work in a heightened risk environment.</p>	<p>Especially on small vessels, the review team recommends that observers be required by policy to wear a lifejacket with the PLB attached whenever on deck, or at a minimum in situations where there is a significant risk of a fall overboard.</p>	<p>FMA recommends this be explored within the ROPs to determine if additional wear-and-tear on PLBs, as well as risk of accidental triggering, would outweigh the potential benefits.</p> <p>Alaska observers are instructed to wear flotation devices when on deck.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Observer provider contracts may state that the recruitment and retention of fully qualified observers is essential to successful performance under the contract, and a few specify retention rate requirements. Program staff report that they have limited staff time and budget to provide safety training for new and current observers beyond those currently accommodated. Low retention may increase training costs and may result in higher safety risks due to lack of at-sea experience.</p>	<p>Recruitment and retention requirements should be more explicitly defined and included in contract PWS.</p> <p>Contracts or regional policies should include exit interviews of departing observers performed by NOAA Fisheries staff and use responses to inform future policy regarding retention and/or training of observers.</p>	<p>Performance Work Statement should only include enforceable requirements.</p> <p>Exit interviews are impractical with a program the size of Alaska's. FMA already has an observer exit survey, which includes questions on returning. Observers complete a contract without knowing if they will return or not, introducing further difficulties in interviewing.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The policy language for physical and medical eligibility requirements lacks specificity and is inconsistently applied by ROPs</p>	<p>NOAA Fisheries should review data on observer retention/turnover across programs and consider a quantitative longitudinal study comparing retention versus payment systems, working conditions including safety culture on observed fleets, contract types, eligibility requirements, etc. Study design should be informed by the NOP 2016 retention survey (Wang, unpublished data)</p>	<p>The NOP 2016 data should be finalized and published before additional studies are started.</p> <p>Future studies should explore if longer term observers are safer at sea, as this may be contraindicated if they become complacent.</p>



# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Some but not all observer providers (or their contracted insurance brokers) facilitate the submission of Federal Employee Compensation Act (FECA) documentation on the observer's behalf.</p>	<p>NOAA Fisheries should take steps through policy or regulation to ensure that all observer providers facilitate observers' FECA documentation, and to annually, at a minimum, report status of FECA and other injury claims.</p> <p>ROPs should include processes for the completion and submission of FECA forms in their EAPs.</p>	<p>FMA is unsure if this would work, as FECA claims can be filed after the observer is no longer employed by the observer provider.</p> <p>FMA already receives a status of each FECA claim as the non-billable agency of record.</p> <p>FMA does not currently have FECA expertise in house; this would require new resources.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Several ROPs and international observer programs do not have a routine check in procedure for observers in place. Some programs use pre-programmed codes with InReach communicators for observers to report their status, or facilitate emergency extraction.</p>	<p>NOAA Fisheries should develop a policy requiring that at a minimum, the observer provider or NOAA Fisheries establish a weekly check in procedure with observers deployed at sea.</p>	<p>FMA has daily reporting on 90% of the observed fleet.</p> <p>Smaller non-ATLAS vessels do not have a check-in requirement, although providers require check-in upon return to port.</p> <p>FMA has purchased 5 InReach devices to test in the Kodiak Rockfish and shoreside fleet.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Vessel Safety Checklists for the various ROPs have certain common elements, they are all slightly different, likely in keeping with the characteristics of the observed fleets.</p>	<p>Safety Checklists should be reviewed either on a regional basis, or at the national level to ensure that the appropriate information is sought, that it is laid out in a logical manner, and that sufficient space is provided for it.</p> <p>A more consistent “look and feel” would also facilitate use by observers who may move from region to region.</p>	<p>The FMA Vessel Safety Checklist is being reviewed for 2019. We believe regional differences are warranted to best reflect the observed vessels.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>USCG now prefers to receive a digital distress message generated automatically on channel 70 by the red DSC distress button on newer VHF radios.</p> <p>Once the message is acknowledged by a USCG shore station, the radio switches to channel 16 to allow voice communication between the shore station and the distressed vessel.</p> <p>Observer training does not yet consistently include this procedure as part of the curriculum.</p>	<p>Observer radio distress call training should be reviewed to ensure it addresses the DSC alert procedure in addition to the traditional Mayday call procedure.</p>	<p>FMA involves USCG representatives in all our safety training, and this change has been recommended to our program. USCG trains observers on the use of the DSC and MAYDAY.</p> <p>The ROPs should work with their USCG Districts to ensure what works best in their region is implemented.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>While hands-on fire-fighting exercises and use of pyrotechnic distress signals are not currently required by the Observer Safety Training Standards, the review team is of the view that such training is potentially extremely valuable to observers.</p>	<p>Whenever practicable, regional observer training programs should include opportunities for hands-on training with all emergency equipment, including pyrotechnic distress signals and fire extinguishers used on live fires.</p>	<p>FMA uses a BULLEX and Bullseye fire simulators for in class training. Actual fire is not possible at our facility. We also train observers that they are not part of the fire fighting crew and stress recognition and preparing safety equipment.</p> <p>Live pyrotechnics are not logistically or financially feasible for FMA.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The USCG can sometimes support observer training by sending personnel with equipment such as a helicopter rescue basket, a dewatering pump, and/or their damage control training trailer.</p> <p>These are important added elements of the survival training because a fishing vessel crew may not have had this kind of training.</p>	<p>Training programs should incorporate rescue basket, dewatering pump, hands-on damage control procedures and practical fishing vessel stability training, leveraging existing USCG resources for the purpose as available.</p>	<p>FMA currently uses rescue baskets in training and is purchasing dewatering pumps for hands on training.</p> <p>FMA has no plans to include the damage control device in safety training and using it in observer training has not been recommended by our USCG.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>Conducting mock drills and pre-deployment checks in the classroom, rather than on an actual vessel, forfeits a valuable opportunity for exposure of the trainees to the environment in which they will soon be living and working, for engagement of the observer program with the fishing fleet, and for an opportunity for observers to walk the docks with knowledgeable observer program staff for familiarization with various types of vessels and fishing gear.</p>	<p>Whenever practicable, regional programs should identify and utilize actual fishing vessels in their respective areas as platforms for carrying out mock drills and pre-deployment checks during initial observer training programs.</p>	<p>While using a commercial fishing vessel for training is not feasible for our program, we have a well established drill training process.</p> <p>Once observers are deployed, they are encouraged (and often required) to participate in drills aboard their vessels.</p>

# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>USCG or state law enforcement boarding parties occasionally are unaware of the observer's role on board commercial fishing vessels.</p>	<p>NOAA Fisheries, in consultation with the USCG liaison, should develop an outreach strategy to engage field boarding personnel from the USCG or state law enforcement so that observers aren't accidentally compromised while on board a vessel.</p>	<p>FMA staff work USCG Districts 13 and 17 and this is rarely a problem. FMA has a long history of training boarding parties on the observer's role and incorporating USCG staff in observer training.</p> <p>Similarly, Alaska State Troopers have a joint enforcement agreement with OLE and actively investigate observer cases.</p>



# Findings and Recommendations

Finding	Recommendation	FMA Comments
<p>The role of a vessel crew's response in an emergency is critical to a positive outcome. Both captains in the two recent serious medical incidents called the POP fairly quickly when their observers were either not responsive or behaving erratically; however, captains may not always be comfortable reaching out to the program.</p>	<p>Create a reward/recognition system for vessels or crew that act appropriately in an emergency (e.g., EPIRB replacement).</p> <p>Develop additional outreach material for vessel selection packets to encourage captains to contact the program in case of a non-emergency or a situation that may develop into an emergency.</p>	<p>We aren't aware of any ability to reward crew or operators for maintaining safety requirements.</p> <p>FMA relies on our observers to provide information on issues that may become safety concerns through inseason messages.</p>