



# North Pacific Fishery Management Council

Simon Kinneen, Chair | David Witherell, Executive Director  
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October 18, 2018

Liz Chilton  
National Observer Program  
NMFS Office of Science and Technology  
1315 East-West Highway  
Silver Spring, MD 20910  
VIA email: [elizabeth.chilton@noaa.gov](mailto:elizabeth.chilton@noaa.gov)

Dear Ms. Chilton:

The North Pacific Fishery Management Council (Council) writes to you today to commend NOAA Fisheries and the National Observer Program for carrying out a voluntary Observer Program Safety Review<sup>1</sup> to examine factors facing observers and at-sea monitors.<sup>2</sup> At their meeting during September 2018, the Council's Fishery Monitoring Advisory Committee (FMAC) received a presentation from staff at the Alaska Fisheries Science Center Fisheries Monitoring and Analysis Division (FMA) about the National Observer Program Safety Review Document released in May 2018. The FMAC appreciated the presentation from FMA staff and subsequently provided a summary for the Council in their report at the October 2018 Council meeting.

The Council appreciates the thoroughness of the Safety Review document and would like to stress our strong support for regional-specific solutions to observer safety challenges whenever possible, as opposed to prescriptive national guidance. Specifically, we hope that you will consider the following:

- Improvements in the observer safety system should include provider companies as part of the feedback team along with the Office of Law Enforcement, individual observers, and the observer program. This includes an open flow of information concerning safety equipment, interference, harassment, assault, or other safety issues to the extent possible, without interfering with ongoing investigations.
- Decisions about fitness for duty (including medical issues) are best decided by an observer and their physician.
- Observer providers are equipped to retain health records and providers should continue to retain these records. The Alaska region FMA should not be required to retain medical records for observers.
- Vessel operators, providers, and/or FMA should not ask for or receive information about medical history or medications that observers may be taking.
- Regional observer program staff should continue efforts to remind observers that it is likely in their best interest to voluntarily divulge medical issues to providers, FMA, OP, and/or vessel operators.
- Regional observer program staff should consider reviewing current observer provider certification standards and determine whether those certification standards need updating to include criteria expectations as requirements (e.g., emergency action plan, storing medical records as necessary, etc.).
- In the Alaska region, vessels having difficulty creating safe space for observers at sea should continue to be encouraged to be in EM and should continue to be prioritized for the EM program.

<sup>1</sup> <https://www.fisheries.noaa.gov/webdam/download/71400710>

<sup>2</sup> <https://www.fisheries.noaa.gov/resource/document/observer-safety-program-review-report>

- In the Alaska region, there is currently adequate support through providers to facilitate FECA claims.
- The Alaska Region (and all regions) should be allowed to maintain autonomy concerning observer insurance requirements. As a CFR issue, insurance processes should remain as regional decisions.
- The USCG should be encouraged to recognize extra safe or meritorious behavior (e.g., during emergency situations) of observers and vessel operators/crew hosting observers. The USCG has various letters/awards that they give to civilians in certain situations.

Again, we commend NOAA Fisheries and the National Observer Program on this voluntary and independent review. Safety is of the utmost importance in our region and everywhere. We find the safety review document extremely helpful, but we hope that it does not result in overly prescriptive requirements in the Alaska region.

The Alaska region has a good record concerning observer safety. We host the largest observer program in the Nation and have a robust record of providing safe working environments for our observers. We have been able to do an excellent job creating regionally-specific solutions to regionally-specific challenges to date.

We endorse the objectives of the recommendations in the safety review document and we urge you to trust the Alaska region to continue developing our own best approaches to achieve those objectives. We sincerely hope you will consider our bulleted list of recommendations (above) and work to ensure each region continue to be granted flexibility to develop regionally-specific solutions to regionally-specific challenges regarding observer safety.

Sincerely,



Simon Kinneen  
Chairman, NPFMC

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cc: Mr. Dennis Hansford (Observer Safety Lead)  
Mr. Lee Benaka (Bycatch Lead)  
Mr. Brett Alger (Electronic Technologies Coordinator)  
Ms. Jane DiCosimo (Fisheries Science Branch Chief)