OBSERVER SAFETY COMPLIANCE GUIDE FOR OBSERVER PROVIDERS AND VESSELS

IN THE PACIFIC COAST GROUNDFISH FISHERY

April 2015

Magnuson-Stevens Act National Standard 10 – Safety of Life at Sea

"Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea."

Did you know that in 2012, the Coast Guard and Maritime Act of 2012 was signed into law? Did you also know that this law required NMFS to update the safety and survival equipment responsibilities for commercial fishing industry fishing and processing vessels?

Observer Provider Responsibilities include, but are not limited to:

- Ensure the observer/observer candidate has a physical examination confirming there are no health problems or conditions that would jeopardize their or the safety of others while deployed
- Before the vessel is underway on an observer's first trip, ensure that the observer completes a current observer vessel safety checklist and verifies that the vessel has a valid USCG Commercial Fishing Vessel Safety Decal
- Submit vessel safety checklists to the Observer Program
- Have an employee on call 24 hours a day to handle communications with observers who are at sea, in transit, or in port awaiting vessel reassignment
- Report to the Observer Program at least four hours before to the vessel's estimated departure if an observer isn't available
- Report refusal to deploy an observer or an observer refusal or board or reboard and unsafe vessel
- Report any possible observer harassment of the observer, including:
  - Any attempt to assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with an observer or a sampling procedure employed by an observer
- Report fishing (including processing, as defined at 50 CFR §600.10) in the Shorebased IFQ Program, the MS Coop Program, or the C/P Coop Program if NMFS determines the vessel is unsafe for an observer or without observer coverage
- Report issues with vessel safety or marine casualty
- Report any observer illness or injury that prevents the observer from completing their duties
- Ensure that observers return all safety gear at the termination of the observer's contract

PROVIDER PROHIBITIONS

- Fish for, land, or process fish without an observer onboard when in the trawl sector
- Fish when a vessel is inadequate or unsafe for an observer
- Require, pressure, coerce, or threaten an observer to perform duties outside the scope of their position
- Fail to meet either the observer provider or vessel safety responsibilities
- Fail to maintain observer coverage in port when in the trawl sector
- Discard or attempt to discard IFQ species/species group at sea without documentaion

DON'T FORGET: An observer may refuse boarding or reboarding a vessel and may request a vessel to return to port if operated in an unsafe manner or if unsafe conditions are identified.

And don't forget to check out the Coast Guard's website for your decal needs. www.uscg.mil/d13/cfvs

Vessel Responsibilities include, but are not limited to:

- Have on board a valid Commercial Fishing Vessel Safety Decal issued within that last 2 years (§600.746) that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I
- The owner, operator, or designee must accompany the observer in checking major items required by USCG regulations, including: personal flotation devices/ immersion suit ring buoys, distress signals, fire extinguishing equipment, EPIRB when required, survival craft, with sufficient capacity to accommodate the total number of persons, including the observer(s), that will embark on the voyage; and other fishery-area and vessel specific items required by the USCG. (600.746)
- Maintain safe conditions on the vessel, including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel
- Have a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311
- Upon request by the observer, NMFS employee or provider, the owner or operator must provide must provide information or visual examination of safety or accommodation requirements. (600.746)
- Ensure a crew member is onboard whenever the observer is housed on a vessel
- Return to port within 36 hours of the last haul sampled by the observer if an observer is unable to perform their duties for any reason

This small entity compliance guide was prepared pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. 104-121. The statements in this document are intended solely as guidance. This document is intended to provide a plain-language summary of how small businesses can comply with new regulations for the observer and catch monitor programs in the Pacific Coast groundfish fishery (80 FR 22270, April 21, 2015). Any discrepancies between this guide and the *Federal Register* will be resolved in favor of the *Federal Register*.

For more information on this issue or any other groundfish related issues, please see:
www.westcoast.fisheries.noaa.gov/groundfish or call 206-526-6140