

28 September, 1999

Dr. Daniel Ito, Task Leader
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Dear Dr. Ito,

Congratulations on your new position with the Alaska Groundfish Observer Program. As the new Task Leader, I'd like to take the opportunity to introduce myself and the Association for Professional Observers (APO). I have worked as an observer intermittently since 1990 and am currently the acting Executive Officer of the APO. The APO was organized in 1995 to be an advocacy group for professional, certified groundfish and shellfish observers working in Alaska, the North Pacific Ocean and the Donut Hole. Our primary goal is to provide a voice for the observer at the NMFS Observer Program, the NMFS Regional and at the Council level on issues which can enhance the working environment for professional observers. Many people equate the APO with the Alaska Fishermen's Union (AFU). Although we support the observers' unionization effort wholeheartedly, the APO's goals, objectives and perspective on the Observer Program range much more broadly than compensation. Since the initiation of the APO our objectives have expanded to include issues such as observer safety, improving data quality, increasing awareness among observers and industry on how observer data is used by scientists and managers throughout NMFS and the scientific community and learning more about other observer programs. The APO publishes a quarterly newsletter sent to over 200 observers and members of industry. We are a grassroots organization supported entirely by volunteers and membership fees.

The APO would like to applaud the observer program and its staff for recent efforts to improve the observer program. The positive changes I've observed are:

- Increased emphasis, training and thought regarding sampling protocol. Sampling on a commercial fishing vessel is difficult even under ideal conditions. Initially, there may have been complaints about protocol changes, but I think overall observers (and the fishing industry) are feeling better about the data collected. When industry questions the sampling methods, the observer is now armed with a reasonable set of tools to justify their methods.
- More training for priors and MS-CSQ observers. The APO strongly supports more effective training.
- The ATLAS data entry program has made the lives of observers easier overall. There is better in-field support from staff. Data collection and data entry problems can be corrected as they occur instead of 3 months after the fact.
- Fiscal support to initiate an experienced corps (or cadre) of observers who are federal employees.

Despite the recent positive changes, the program is far from perfect. The APO has made numerous comments and suggestions in the past but would like to reiterate a few of them for your benefit. I would also like to meet with you to discuss the items below. My intent isn't to overwhelm you with too much information but rather to give you a working background of our concerns.

Problem #1: The current observer procurement system is seriously flawed. I could list a plethora of consequences but a major problem observers have been aware of for years (starting before the Arctic Observers fiasco in 1993) is a lack of contractor oversight by NMFS. NMFS certifies contractors but there is no mechanism to decertify a contractor if they do not comply by the tasks they agreed upon in their original certification application. Current evaluation process has no teeth and the evaluations tell very little about how a contractor really performed.

Possible solutions:

- Eliminate contractors and make all observers federal employees.

- Maintain status quo system but increase contractor accountability by implementing a no-cost contract with biannual reviews between NMFS and the current contractors. If there are two consecutive poor reviews, they are decertified. This criteria would be consistent with observer performance reviews. If observers can be evaluated (and technically observers have no “legal” ties to NMFS), then contractors can be evaluated as well.
- Eliminate current system and implement a Research Plan-like procurement strategy so that the contractors work for NMFS alone, not for the fishing industry.

Problem #2: Ability to place observers based on data needs is inadequate. For example, I’ve witnessed NMFS scientists during Plan Team meetings state that they do not receive sufficient data from the Observer Program which is primarily due to the 30% coverage rules allowing, and in some cases encouraging, vessels to manipulate when they take or don’t take an observer. Turbot and some rockfish fisheries are prime examples. NMFS should have the ability to place observers anywhere data inadequacies exist. The only solution to date is the Research Plan.

Problem #3: While I understand NMFS is trying to accomplish certain goals (better training and improved sampling conditions) under the MS-CDQ program that it cannot accomplish under status quo, there are some frightening consequences. MS-CDQ observing requires prior observer experience while observing in normal open access fisheries does not. Many of the best observers are ‘locked up’ in the MS-CDQ program and on AFA vessels. While data quality is important for the MS-CDQ program, the best observers are working under the easiest sampling conditions while inexperienced trainees are being forced into some of the most challenging sampling situations. Rather than improving data quality for all fisheries, the MS-CDQ program has effectively accomplished the reverse.

Problem #4: The APO agrees with the 90-day/4 vessel limit rules should exist. However, recent policy at NMFS has been a wholesale denial of extensions. Again, in theory the rules are great but in practice they force observers who want to continue working to debrief and lose opportunities to work while potentially forcing observers who want to return from the field to continue working. Logic would dictate that people who want to continue working collect better data and those who want to go home might not be as diligent.

Possible solution: Ease the radical enforcement of the 90-day/4 vessel rules. If NMFS is concerned that observers are being taken advantage of and are being forced to work longer than they want, NMFS could require that the observer check in with NMFS in Seattle by telephone. The observers should also be required to submit all forms and do a thorough mid-cruise review in the field before the extension is approved. Data quality and timeliness concerns are then taken care of, as are any concerns that the observer is being held hostage.

Problem #5: Service Contract Act wages do not apply to observers in this program. Observers unionized mainly because the wage problem wasn’t solved by the Research Plan. Although the union effort increased wages significantly, they are a far cry from what a professional field biologist currently makes with the government or in the private sector. NMFS currently takes no responsibility for our employment yet NMFS has ALL of the control. When an observer is decertified, s/he is effectively fired from the program. NMFS needs to play a more active role by taking responsibility for the people who collect the bulk of their data. The Alaska Fishermen’s Union (AFU) has filed a petition with the Department of Labor (DOL) asking for a wage determination for observers in the North Pacific. The DOL has not responded which I interpret as the DOL not wanting to make a ruling against another government agency. The APO asks that you support a ruling by the DOL that SCA wages should apply to observers in the North Pacific regardless of whether a physical contract exists between NMFS and the current contractors.

Suggestion #1: There has been a lot of confusion and speculation regarding the potential uses for the new Observer Cadre once it is established. The Cadre has tremendous mentorship potential and provides a unique opportunity for morale building. I feel that the existence of the Cadre can have both positive and negative effects on the program. I prefer the former only. Some thoughts from observers and the fishing industry on how to utilize the Cadre to positively improve the program include:

- Build a bridge between observers and the Observer Program. NMFS currently has a serious problem with relations between staff and observers. Diplomacy among the Cadre is going to be paramount to its success.

- Ground-truthing of observer methods. Send Cadre out with current observers to work as a team, sample concurrently or independently and make comparisons. For example, I was recently out with one of your staff on a seabird/longline project. We took the opportunity to groundtruth our halibut length estimates. Our estimates of halibut length were performed from a deck above where the line is hauled on board (approximately 10' from the fish) but miraculously enough, our estimates of individual halibut length were off by 3 cm at the most. I was pleasantly surprised and think that more of this kind of sampling method reassurance should be employed.
- Performance of a pre-season review on each vessel by a member of the Cadre and the assigned observer to review specific vessel sampling possibilities and NMFS' preferences.
- Mid-cruise reviews on board the actual vessel.
- Build a bridge between RACE and the Observer Program. There is so much valuable information that isn't shared between the groups. Observers would be more excited about the data collected if they understood who was using it and to what extent.
- Industry outreach. Pre-season meetings with the actual fishers in the major ports discussing the Observer Program, it's goals & expectations from the crew, etc. The crew could also be involved with pre-season review on each vessel. Vessel personnel frequently have useful suggestions but do not always have the motivation to pass the information along or are simply never asked.
- Perform a post-cruise interview with vessel captains similar to ADF&G.
- Supplemental coverage on 30% vessel or vessels which do not currently carry observers. The cadre could be a partial solution to Problem #2.

Suggestion #2: Use the APO to it's full potential.

- Observers are currently leery (if not downright paranoid) of discussing sensitive issues with NMFS staff. There's a long history of distrust between debriefers and observers which is not healthy for the program. The Cadre and/or periodic deployment of all NMFS staff may help this situation. An additional option may be to have monthly discussion groups for observers and staff to attend in a non-threatening environment. This would require staff and observers to be willing to put in time after hours. I also think contractors should have this kind of avenue for communication.
- Allow a representative of the APO (possibly even the AFU) to present a brief introduction and have Q&A session during training. Utilize the collective experience of prior observers to train new observers.

Hopefully, the APO can continue to foster a positive relationship with the Observer Program. After all, we are all supposed to be working toward the same goal: Improved data quality.

Either Erika Acuna, the observers' Advisory Panel representative, or I will call next week to schedule a time to meet. Thank you for your time and consideration.

Kim Dietrich
Executive Officer
Association for Professional Observers

cc: Mark Coles, AFU
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Data Contractors
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