

January 7, 2002

Ms. Victoria Cornish
National Observer Program
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910-3282



P.O. Box 30167
Seattle, WA 98103

Dear Ms. Cornish,

The Association for Professional Observers (APO) would like to commend the National Observer Program (NOP) for providing a very timely and useful workshop on the complicated issue of observer insurance and labor status.

As a follow up to the NOAA Fisheries Workshop on Fisheries Observer Insurance, Liability and Labor held June 12-14, 2001 in Silver Spring, Maryland, we are requesting information on the status of the workshop report. The workshop report could provide clarification on a couple of questions that have come up recently as well as provide background information to our membership. Could you also provide information regarding any follow up or future actions by NMFS that pertain to insurance?

The APO is excited to learn that the contract has been awarded to Quantech, Inc., to defining risks to observers while in performance of their job and clarify insurance needs for adequate and fair coverage. We also hope they will investigate insurance risks for observers who are self-employed and/or subcontracted by NMFS or a non-profit organization.

In addition to the request for the workshop report, we would appreciate any information on follow-up discussions with the Department of Labor (DOL) or any other government entity as to the status of observers and the Service Contract Act for the North Pacific groundfish and West Coast groundfish observer programs. Tom Obert, DOL, indicated at the workshop that the DOL would interpret the North Pacific relationship as qualifying under the SCA. A letter from the Alaska Fisherman's Union's labor lawyer, Bob Gibbs, dated 16 September, 1998, also indicates that the SCA could be interpreted as applying to our situation.

Again we thank the National Observer Program for the providing the funding for and organization of this workshop, and addressing these serious issues that affect the well being of all observers.

Please feel free to contact me if you need further information.

Sincerely,

Kimberly S. Dietrich
Association for Professional Observers

Cc: Dan Ito, Task Leader, Alaska Groundfish Observer Program
Sue Salvesson, NMFS Alaska Region (via email)
Tom Meyer, NOAA General Council (via email)