



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Fisheries Science Center
166 Water Street
Woods Hole, MA 02543-1026

NORTHEAST FISHERIES SCIENCE CENTER FISHERIES SAMPLING BRANCH

NORTHEAST FISHERIES OBSERVER PROGRAM, INDUSTRY FUNDED SCALLOP OBSERVER PROGRAM, AND AT-SEA MONITORING PROGRAM

The National Marine Fisheries Service (NMFS) Northeast Fisheries Science Center (NEFSC) Fisheries Sampling Branch (FSB) collects, maintains, and distributes data for scientific and management purposes in the Northwest Atlantic. FSB manages three separate but related observer programs: the Northeast Fisheries Observer Program (NEFOP), the Industry Funded Scallop (IFS) Observer Program, and the At-Sea Monitoring (ASM) Program. Here “observer” refers to any observer or monitor working for FSB.

PROGRAM STANDARDS

This document outlines the program standards for all three FSB observer programs. Observers and trainees are required to maintain the FSB Program Standards during current and future training sessions, and for the entirety of their FSB observer career.

PHYSICAL STANDARDS

Physical standards must be met and maintained for all FBS trainings, including current and future training sessions, and for the entirety of their FSB observer career.

Physical Standards

All observer candidates must be certified by a licensed physician to be physically fit to work as an observer on domestic commercial fishing vessels. The physician must understand the observer’s job and working conditions. Physical considerations include, but are not limited to:

1. Ability to swim 100 meters (tested during safety training);
2. Ability to swim 25 meters in an immersion suit (tested during safety training);
3. Ability to tread water for three minutes (tested during safety training);
4. Ability to don an immersion suit in 60 seconds or less (tested during safety training);
5. Ability to perform various water survival skills, e.g., boarding life raft, and cold water skills (tested during safety training);
6. Ability to climb a ladder;
7. Ability to properly lift and carry 50 pounds;
8. Ability to properly drag heavy objects up to 200 pounds;
9. Ability to manage chronic motion sickness;
10. Ability to live in confined quarters; and
11. Ability to tolerate stress.

A licensed physician must certify within 12 months prior to the end of the FSB observer’s initial training program that the applicant is physically capable of serving as an observer. Documentation must be provided to the program 14 calendar days *prior* to the observer applicants’ training start date. Any physical condition that could limit an observer duties while at sea or ashore may be grounds for a failed medical certification. Though not limited to, some examples are: asthma, heart conditions, current pregnancy, diabetes, joint conditions, previous injuries that may affect work performance, inner ear injuries, head injuries, etc.

Disclosure of Existing Medical Conditions: Please list any changes in your health since physician clearance.

If there are medical conditions that may affect your ability to perform your duties as an observer trainee, please inform the training lead immediately and list them in the provided space below. Conditions may include, but are not limited to: asthma, heart conditions, current pregnancy, diabetes, joint conditions, previous injuries that may affect work performance (e.g., inner ear injuries, head injuries, and back injuries).

List any medical conditions below or record ‘NONE’

Physical Standards not met and/or maintained are grounds for removal from any or all FSB observer certification programs.

I, _____ (Print Full Name), have fully read and understand the Physical Standards for an observer.

Signature

Date

SAFETY TRAINING ACKNOWLEDGEMENT OF RISK

I, _____ (Print Full Name), recognize the activity in which I desire to participate involves risk of injury, which may include but are not limited to: striking objects when entering the water, cardiac arrest, ventricular fibrillation, inadvertent gasping and inhalation of water, sudden drowning syndrome or drowning from other causes, hypothermia, falls from walking on slippery surfaces, and other injuries which may occur due to the use of safety and survival equipment such as distress flares, liferafts, personal floatation devices, dewatering pumps, fire extinguishers, etc.

Signature

Date

STANDARDS of CONDUCT

Observers work in a self-supervised capacity and must maintain high standards of conduct. Observers are required to follow the outlined Standards of Conduct at all times. Standards of Conduct must be met and maintained for all FSB trainings, including current and future training sessions, and for the entirety of their FSB observer career.

Observers:

1. Must maintain a professional, respectful, and objective demeanor at all times;
2. Must be able to work independently, while following technical instructions;
3. Must be able to get along well with others;
4. Must be able to collect and record data in an unbiased manner;
5. Must not have ever been decertified as an observer, due to problems with data quality or standards of conduct, from any observer program. Observer's references of previous employment shall be verified by the observer provider, as a qualifying requirement;
6. Must not provide false statements to the government. Any observer or observer candidate involved in falsification of data or false statements shall be removed from all FSB programs;

Falsification of Data is defined as: *The act of deliberately or knowingly fabricating data collected during observed fishing trips, this includes intentional recording of inaccurate data, intentional omission or deletion of data, intentional plagiarism, or, in general, the selective alteration of data*

7. While employed as an observer, maintain professional relations with fishing industry members. Personal relationships with fishing industry members may lead to behaviors which violate the Standards of Conduct;
8. Must wear appropriate work and field attire during all trainings and while working in the capacity as an FSB observer;
9. Must demonstrate respect and the ability to follow confidentiality policies;
10. Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fishing related activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of an observer;
11. Must not engage in any use or distribution of illegal substances;
12. Must not consume alcohol during training, debriefings, or up to six hours prior to deployment when working in the capacity as an observer;
13. May be subject to random drug testing by their employer or by the US Coast Guard as a result of an investigation. Observers should not volunteer or agree to submit to a drug test at the request of a fishing vessel owner or operator;

14. Must complete their own trip paperwork and submit associated electronic data to NMFS within the appropriate timeframe;
15. Shall arrive 1 hour prior to the scheduled departure time (reference Late Observer Policy);
16. Shall not sleep overnight onboard a vessel at dock nor be onboard alone without a vessel representative;
17. May only sign authorized NMFS documents while employed as an FSB observer;
18. May not work, collect data, or take samples for any program not approved by NMFS while working in the capacity as an FSB observer;
19. Must submit all data and samples collected with the correct trip number to FSB within the appropriate time frame;
20. Sign and adhere to the Training and Performance Standards;
21. Sign and adhere to the Physical Standards and Acknowledgement of Risk;
22. Sign and adhere to the Standards of Conduct (this document);
23. Sign and adhere to the Statement of Non-Conflict of Interest;
24. Sign and adhere to the Statement of No Fisheries Related Convictions; and
25. Sign and adhere to NMFS FSB Confidentiality Agreement (provided during training).

Standards of Conduct not met and/or maintained are grounds for removal from any or all FSB observer certification programs.

I, _____ (Print Full Name), have fully read and understand the Standards of Conduct for an observer.

Signature

Date

STATEMENT OF NON-CONFLICT OF INTEREST

I, the undersigned, of this document, declare under penalty of perjury, under the laws of the United States of America that all statements contained in this document are true and correct, with full knowledge that all statements made in this document are subject to investigation. Any false or dishonest answer to any question may be grounds for denial or termination by FSB of an observer candidate and/or decertification as an FSB observer. The signer of this document is free from a conflict of interest¹ as described in the following paragraph:

An observer:

- (i) Must not have a direct² or indirect interest (financial or otherwise) in the fishery the observer is covering, managed under Federal regulations, including, but not limited to:
 - a. any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing catch;
 - b. any business selling supplies or services to any vessel or processor in the fishery the observer is covering;
 - c. any business purchasing raw or processed products from any vessel or processor in the fishery the observer is covering;
 - d. any groundfish sector or sector manager;
 - e. advocacy groups;
 - f. research institutions; and
 - g. consultant groups.
- (ii) Must not have any close family members including but not limited to spouse, parent, child, or siblings or other members of their household with a direct or indirect interest in the fishery the observer is covering, as defined above (a-g)
- (iii) May not serve as an observer on any vessel or at any shore-side facility owned or operated by a person who previously employed the observer
- (iv) May not solicit or accept employment as a crew member or an employee of a vessel or shore-side facility in a commercial fishery while assigned as an observer to any vessel or shore-side owned by the assigned vessel's owner
- (v) Must perform one's duties as an observer without regard to any preference by representatives of fishing vessels

¹ Conflict of Interest: participation in activities or relationships with other persons, resulting in the impairment or possible impairment of a person's objectivity in performing the contract work.

² Direct Financial Interest: any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or nonperformance of observer or observer provider duties.

- (vi) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fishing related activities regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of an observer
- (vii) Must not, in any way, misuse his/her position, including, but not limited to improper use or disclosure of information, aiding in a known violation, falsification of data, or failure to report complete and accurate data

I _____, hereby claim, to the best of my
Enter Full Name

knowledge, to be free from any conflict of interest, with regards to becoming a FSB observer.

Statement of Non-Conflict of Interest not met and/or maintained are grounds for removal from any or all FSB observer certification programs.

I, _____ (Print Full Name), have fully read and understand the Statement of Non - Conflict of Interest for an observer.

Signature

Date

Northeast Fishery Observer Program (2012). *Contract: Section H.2 Conflict of Interest*, NOAA, NMFS, NEFSC, FSB

Contract Number: EA133F-12-CQ-0014

Requisition Number: NFFM7210-12-02322

Northeast Fisheries At-sea Monitor Program (2012). *Contract: Section H.2 Conflict of Interest*, NOAA, NMFS, NEFSC, FSB

Solicitation Numbers:

MRAG, Americas: EA133F10CQ0015

AIS, Inc.: EA133F10CQ0011

East West Technical Services: EA133FCQ0012

Department of Commerce NOAA 50 CFR Part 648 (2007). *Northeast Federal Registry Volume 72, No. 113 Fisheries of Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 13*

STATEMENT OF NO FISHERIES RELATED CONVICTIONS

I hereby attest that I, _____ have not pleaded

Enter Full Name

guilty, or have been found guilty of any fisheries related offense against NOAA law, have not forfeited bond or collateral, and do not have any criminal charges pending for any commercial fisheries related violation of state or federal law or regulation.

Print Full Name

Signature

Date