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Dr. Jacobs, Mr. Oliver, Mr. Rauch, and Mr. Doremus,

We write today on behalf of our 18 member groups and thousands of fishermen from Alaska to Maine. We are proud stewards and harvesters of America’s seafood, our nation’s strategic protein reserve and a critical component of our country’s food security, especially during the COVID-19 pandemic. Recent decisions by the National Marine Fisheries Service (NMFS, or the Agency) regarding observer requirements continue to threaten the health, safety, and lives of our nation’s fishermen, fishing communities, and observers. We strongly urge you to add a third criteria to the emergency action under which NMFS may waive observer coverage requirements to take into consideration the health and safety of captains, crew, coastal communities, and observers. Additionally, we urge NMFS to fix its inconsistent and unequal application of observer waivers by extending waivers to all regions where fishermen are currently forced to take human observers.

We remain alarmed by the Agency’s illogical approach to observer waivers—issuing waivers in some regions while enforcing observer mandates in others. We are not alone; Councils around the country have raised their concerns with the Agency (Pacific Council, Mid-Atlantic Council, New England Council), commercial fishing organizations have voiced their fears about their members’ lives (here, here, and here), Members of Congress have weighed in trying to protect their constituents (Reps Moulton and Keating, Rep. DeFazio), and the issue continues to be raised in public meetings including the Council Coordination Committee (CCC) meeting in May 2020 and the recent Marine Fisheries Advisory Committee (MAFAC) meeting at the end of June 2020. Unfortunately, these concerns, fears, and letters have been ignored or met with empty words from Agency staff. The Agency has failed to issue a thoughtful, reasonable response that justifies the glaring inequities in its issuance of observer waivers in only some regions, an action that very clearly risks lives, during this global pandemic.
Our industry has taken extreme measures and made significant investments to curb the spread of COVID-19 among our crew and vessels including captain and crew education, enforcing strict quarantines, setting up testing sites for our fishermen, and implementing rigorous catch offloading procedures to minimize contact between vessel crew and processing crew. Additionally, processing companies have spent millions of dollars altering their operations to allow quick identification of any person infected with the virus and prevent further spread. The guidance documents developed for our industry were not produced by NMFS. The logistics for setting up testing sites for our captains and crew were not handled by NMFS. The monetary and resource costs associated with enforcing strict quarantines and vessel procedures were not borne by NMFS. We did these things to ensure we could continue to provide seafood for American consumers and fish in the safest way possible. Our collective efforts to maintain a healthy and COVID-free workplace on and around our vessels are undermined by the Agency’s insistence that we must take observers—observers who have not been tested, who may or may not have taken seriously their 14-day quarantine, who may have come from a different port with a higher incidence of COVID cases, and who are not accountable to the vessel captain who is ultimately responsible for the safety of the vessel and its crew.

To add insult to injury, NMFS has canceled nearly 60 scientific surveys around the country (the latest three in New England) because the logistics and risk prove too much for NMFS staff, researchers, and communities while we are being forced to risk our lives taking observers in the name of science and data collection. The Agency is sending a particularly egregious message that fishermen are expendable while NMFS staff must be protected from contracting COVID-19. That is unacceptable. NMFS is charged with “to the extent practicable, promot[ing] the safety of human life at sea.” Continuing to require human observers aboard our vessels is an abdication of this responsibility.

We understand the need for science and data—they are the underpinnings of all of our fisheries management. Our businesses, as well as sound fisheries management, depend on science and data. However, we cannot safely gather this data through the deployment of human observers at this time.

We have a long, demonstrated history of working in partnership with NMFS on accountability, science, and research, and a history of being collaborative and cooperative partners in management of our fisheries. Unfortunately, this partnership now feels one-sided at best. We want to continue our partnership with the Agency and collect as much data as we can during these unprecedented times, and we call on the Agency to work with us to jointly find a way that does not put our fishermen at risk.

It is time to think outside the box, to get creative, and we stand ready to help. We have boats with cameras and boats who want cameras and VMS—let’s use this to our collective advantage. We have fishermen ready to collect biological samples from their tows—let’s find a way to collect this data. We all agree that we are facing the enormous challenge of collecting scientific data; we agree that data collection may not happen the way we envisioned this year; we agree that the more data we collect, the better off we will all be. Let’s work together to find a path forward that does not involve risking lives for the sake of filling a data cell.

We appreciate your attention to this matter and look forward to a phone call to discuss possible avenues for moving forward in a productive manner. If we treat this as a unique opportunity to work together to develop data collection methods that don’t involve human observers, perhaps one of these methods will result in additional data streams for NMFS, or cuts costs for the industry and/or for NMFS, or better yet, save a life. We stand as willing and ready partners to achieve our mutual goals of data collection and scientific research, and protecting human lives.

Respectfully,

Bob Dooley
President

Leigh Habegger
Executive Director