

NATIONAL MARINE FISHERIES SERVICE INSTRUCTION 04-109-01
August 6, 2007

Science and Technology
National Observer Program Minimum Eligibility Standards

NATIONAL MINIMUM ELIGIBILITY STANDARDS FOR MARINE FISHERIES
OBSERVERS

NOTICE: This publication is available at: <http://www.nmfs.noaa.gov/directives/>.

OPR: F/ST4 (D. Hansford)
Type of Issuance: Initial

Certified by: F/ST4 (S. Brown)

SUMMARY OF REVISIONS:

Signed

John Borenman, Ph.D.

Director, Office of Science and Technology

Date

[Handwritten Signature]
1/23/07

NATIONAL MINIMUM ELIGIBILITY STANDARDS FOR MARINE FISHERIES OBSERVERS

<u>Table of Contents</u>	<u>Page</u>
1. Introduction and Background	2
2. National Minimum Eligibility Standards for Marine Fisheries Observers	2
2.1 Education/Experience	2
2.2 Training Requirement	3
2.3 Conflict of Interest	3
2.4 Physical/Medical Condition	4
2.5 Communication Skills	4
2.6 Citizenship and Ability to Work Legally in the U.S.	4
3. Observer Safety Training Acknowledgement of Risk Form	5

1. Introduction/Background

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) observer programs deploy observers to collect data required for fishery conservation and management under the Magnuson-Stevens Fishery Conservation and Management Act regulations, the Marine Mammal Protection Act, and the Endangered Species Act. Quality observer data are essential for management decisions. Therefore, observers must meet minimum eligibility standards to help ensure professionalism, provide quality assurance, prevent conflict of interests, and promote agency credibility.

The purpose of this procedural directive is to establish national minimum eligibility standards for individuals admitted to and completing observer training. Detailed standards that implement NMFS Policy Directive 04-109, "National Minimum Eligibility Standards For Marine Fisheries Observers" and this procedural directive can be found in applicable Regional Supplements.

2. National Minimum Eligibility Standards for Marine Fisheries Observers

2.1 Education/Experience

Unless the Regional Administrator or Science Director has waived this requirement, observer candidates must have: 1) a bachelor's degree from an accredited college or university with a major in one of the natural sciences and a minimum of 30 semester hours or equivalent in the biological sciences; 2) at least one undergraduate course in math or statistics; and 3) experience with data entry on computers. All relevant course work must have been completed and performed at a level equivalent to similar course requirements at the candidate's academic institution.

Regional Administrators and Science Directors may waive the education and experience requirements of this section if an observer candidate has acquired the required skills to be considered eligible for observer training through a NMFS authorized alternative training program. Pending the granting or denial of the waiver, the justification will be filed at the regional observer program with a copy or copies provided to the National Observer Program and

observer service provider. The alternate training program must include activities and functions including, but not limited to:

- a) participating in or/and observing ocean fishing activities consistent with those that would be required during observer work performance;
- b) participating in fisheries research cruises;
- c) recording data on marine mammal sightings and fishing activities;
- d) tallying incidental take of marine mammals, sea turtles, and sea birds from fishing platforms;
- e) collecting biological samples and specimens from postmortem animals;
- f) entering data into a database using computers; and
- g) completion of a biological training program, equivalent to that received as part of a bachelor's degree, conducted by or approved by NMFS with the specific objective of preparing potential candidates for observer training.

2.2 Training Requirement

Observer candidates must complete required observer training by passing, with an overall score of 80% or greater, a written and/or oral tests developed by the program they wish to work in. In addition, candidates must successfully complete the safety training and review information on the risks of participating in hands on training as identified in the acknowledgment of risk form (see "Observer Safety Training Acknowledgement of Risk"). Failure to pass a training course for one program does not preclude subsequent application to participate in other programs.

2.3 Conflict of Interest

(A) An observer:

- 1) May not have a direct financial interest, other than the provision of observer services, in the fishery, including, but not limited to,
 - (i) Any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing of fish;
 - (ii) Any business selling supplies or services to any vessel or processor in the fishery;
 - (iii) Any business purchasing raw or processed products from any vessel or processor in the fishery.
- 2) May not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the observer's official duties.
- 3) May not serve as observers on any vessel or at any processors owned or operated by a person who previously employed the observers in another capacity (e.g., as a crewmember).
- 4) May not solicit or accept employment as a crewmember or an employee of a vessel or processor while employed by an observer provider.

(B) Provisions for remuneration of observers do not constitute a conflict of interest.

(C) For the purposes of these standards “a fishery” means, any fishery that is covered by a FMP that requires or will possibly require observer coverage.

2.4 Physical/Medical Condition

A licensed physician must certify not more than 12 months prior to the end of the observer training that the observer candidate is physically capable of serving as an observer. Documentation must be provided to the program prior to the observer candidate’s completion of training.

2.5 Communication Skills

Observer candidates must be able to clearly and concisely communicate verbally and in writing in English.

2.6 Citizenship or ability to work legally in the U.S.

All observer candidates must be a U.S. citizen, or a non-citizen who has a green card, TN authorization, H1 visa, or valid work visa, and a social security card.

Observer Safety Training Acknowledgement of Risk

I, _____ (print name) recognize the activity in which I desire to participate involves a risk of injury, which may include but are not limited to: striking objects when entering 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, life rafts, personal flotation devices, dewatering pumps, fire extinguishers, etc.

_____ (Date)

_____ (Signature)

If you have any medical conditions that may limit your ability to safely participate in our training activities, we encourage you to talk to the instructor.

Regional observer programs are required to discuss with observer candidates the risks involved in participation in these hands on training sessions. Trainers are encouraged to obtain the candidate's signature on this form.

