

April 8, 2011

Mr. Eric Schwaab
Assistant Administrator
NOAA Fisheries

Via Electronic Mail

Dear Eric:

We write to convey our serious objection to a proposal pending in Multispecies Framework 45 (FW45) to require dockside monitors (DM) to inspect fish holds at the conclusion of offloading to determine if all fish has been offloaded.

Boarding of vessels by DMs in order to determine that all fish has been offloaded does not achieve the NOAA's goal of improving the utility of the DM program, will increase the cost of the DM program, and poses liability concerns for vessel owners.

The economic impact analysis set forth in the FW45 states:

"Because dockside monitoring service providers are required to have sufficient insurance to cover liability associated with dockside monitor injury, this should result in no impact to either inspected vessels or service providers."

We strongly reject this conclusion.

Dockside monitors will require additional safety training, which will add cost to the program, and DM providers will need to obtain additional liability insurance because climbing in and out of fish holds is an inherently dangerous activity.

The referenced insurance coverage will not protect individual vessel owners from civil action claims by DMs, or their family members, should an injury occur in the course of inspecting the vessel. In fact, as vessel owners are acutely aware, an actual injury does not have to occur in order for an injury claim to be made. False injury claims must also be addressed by insurers. Vessels wishing to protect themselves against such civil actions will be required to either purchase new coverage or increased coverage at significant cost.

In addition, inspection of fish holds by DMs puts those individuals in the position of acting as enforcement agents, instead of data collectors, which will undoubtedly set up an adversarial relationship between the DMs and the industry. We question where this type of inspection will end: will DMs need to move ice in the fish hold; will they inspect the lazarette, crew cabins, and refrigerators?

We strongly urge the NMFS to disapprove this unworkable proposal.

Sincerely,

Maggie Raymond
Associated Fisheries of Maine

Jackie Odell
Northeast Seafood Coalition