

United States Senate  
WASHINGTON, DC 20510-3203

August 18, 2020

The Honorable Wilber Ross  
Secretary of Commerce  
United States Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

Dear Secretary Ross:

I write today to convey concerns regarding the National Oceanic and Atmospheric Administration's (NOAA) July 30, 2020 decision to resume the Northeast Fisheries Observers Program (NEFOP) and the At-Sea Monitoring Program (ASM) for the Northeast multispecies fishery amidst the ongoing global pandemic caused by the spread of the novel coronavirus SARS-CoV-2 and the health risks attributed to COVID-19. While these observer programs play a critical role in collecting the data that guides our fisheries management decisions, the health and safety of our fishermen, their families, and the observers must always come first. That's why I was pleased when NOAA issued a March 24<sup>th</sup>, 2020 emergency action waiving observer coverage requirements established under the Magnuson-Stevens Fishery Conservation and Management Act and subsequent waivers to the program through August 14<sup>th</sup>. NOAA's initial decision in March and its subsequent waivers were necessary to protect the health of commercial fishermen across the country, while allowing them to continue to do their job as essential food harvesters and producers. While I appreciate the initial steps NOAA has taken to protect our fishing community, the decision to redeploy observers has raised questions about whether observers can be deployed without putting the fishing community, and the observers, at risk. Before the agency moves forward, I request NOAA immediately report to me how NOAA plans to guarantee that federal health guidelines are maintained during the redeployment of observers to ensure the safety of captains, crews and observers.

In response to the pandemic, the Center for Disease Control (CDC) developed guidance to limit the spread of the coronavirus. The Occupational Safety and Health Administration (OSHA) has also developed guidance on preparing workplaces for COVID-19. Guidance from both agencies include recommendations for daily health checks, face coverings, social distancing practices, improved ventilation, and isolation of employees who show COVID-like symptoms.

While some of these safety measures can be easily implemented on a small vessel, others such as isolating individuals with COVID-like symptoms will be challenging if not impossible on a small vessel. I have heard from a number of New York's commercial fishermen who do not believe their vessels are large enough to maintain an appropriate level of social distancing from observers based on federal health guidelines. How does NOAA plan to ensure observers, fishermen, and providers are complying with OSHA and CDC recommendations so that the redeployment of observers will not pose a safety risk to the observer and fishing communities?

Can you explain how NOAA took these guidelines into consideration when making the decision to redeploy observers?

As I'm sure you are aware, many fishermen and fishing families are experiencing extreme anxiety due to NOAA's decision to redeploy observers. The graying of the industry makes fishermen more vulnerable to COVID-19 than observers who tend to be in their early to mid-twenties. Fishermen are worried about welcoming an additional person onboard who may not be following federal COVID-19 safety precautions closely and who by the nature of their work are more transient than the captain and crew.

The NEFOP and ASM programs play a critical role in collecting the data that inform our stock assessments, guide fisheries management, and ensures stocks remain healthy so we can continue to enjoy our fisheries in the future. However, in the midst of our public health crisis the decision to redeploy observers is not one to take lightly. I urge you to provide a thorough explanation of how NOAA guarantees federal health and safety guidelines will be implemented and maintained during the redeployment of observers on commercial fishing vessels. Thank you for your attention to this very serious matter and if you have any questions please don't hesitate to reach out to my staff.

Sincerely,



Charles E. Schumer  
United States Senator