

**EMERGENCY CLEARANCE REQUEST  
SUPPORTING STATEMENT PART A  
U.S. Department of Commerce  
National Oceanic & Atmospheric Administration  
Observer Programs' Information That Can be Gathered Only Through Questions  
OMB Control No. 0648-0593**

**Abstract**

**This request is for emergency clearance of a revision to an existing information collection (OMB Control No. 0648-0593): Observer Programs' Information That Can Be Gathered Only through Questions.**

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) deploys fishery observers on United States (U.S.) fishing vessels and to fish processing plants (plants) in order to collect biological and economic data and to monitor industry regulatory compliance. Under an OMB approved information collection, observers collect information from fishing vessel captains/crew or fish processing plant managers/staff prior to deployment. This information is used to assess whether the vessel or plant satisfies applicable safety requirements. NOAA is submitting this emergency request to revise this approved collection to include additional observer pre-deployment safety questions that concern COVID-19, availability of safety equipment, and the existence of vessel or plant communicable disease safety plans.

**Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) provides authority to require observer coverage on a vessel or at a fish processing plant for the purpose of collecting information necessary for fishery conservation and management. Observers are also authorized to be deployed under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA) to collect information on species protected under those authorities. These observer programs provide the only reliable and/or most effective method for obtaining information that is critical for the conservation and management of living marine resources. An existing information collection – OMB Control No. 0648-0593 (approved IC) – authorizes an observer to collect information from vessels or plants prior to their deployment about whether the vessel or plant meets applicable safety requirements. Because those safety requirements are mandated under MSA regulations codified at 50 CFR part 600, a vessel or plant must provide the information when subject to observer coverage.

All observers are employed by contracting companies, referred to here as observer providers. To protect observer safety, these companies have requested that NOAA obtain authorization to allow observers to gather information on COVID 19 prior to deployment. Without that additional information, observer providers have said they cannot assess vessel or plant safety and therefore may not allow deployment of their observers. If observer providers are unable to deploy observers due to safety concerns, NOAA would be unable to fulfill mandatory observer monitoring requirements and would not have fishery conservation and management information needed to satisfy legal requirements such as the

establishment and monitoring of annual catch limits and monitoring of limits on incidental take of protected species.

Accordingly, NOAA requests approval of an emergency 180-day Information Collection Request (Emergency ICR) to add supplemental safety questions to the approved IC. These questions are necessary to ensure the safety of observers and the safety of vessel crew and plant staff during the evolving COVID-19 pandemic. Through the additional six questions, observers will obtain information related to the presence of COVID-19 among vessel crew or plant staff, the availability of safety equipment, and the existence of communicable disease safety plans. With that information, observer providers could then assess the safety of a deployment and take appropriate steps to mitigate any risks.

Unlike the information obtained through the approved IC, there are no regulations that require vessels and plants to provide communicable disease information. Therefore, responses to these questions would be voluntary.

Please refer to the approved IC for more background on the importance of observers to fisheries management, the information collected (beyond the safety information being discussed here) and for information on the applicable laws supporting their important role.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

We are requesting the six questions below be approved in addition to the questions that observers can ask prior to each deployment to a vessel or a plant. The added safety questions related to COVID-19 are necessary to ensure that an observer can be safely deployed on a specific fishing vessel or stationed at a specific processing plant and work safely once assigned to a specific vessel or plant. The questions also provide the observer with necessary information on protocols that will be followed if an observer, vessel crew, or plant staff become sick during the observer's deployment. An observer would collect this information either by a phone call to the operator of a vessel or management of a plant or at the location of the deployment prior to commencing their observer duties. Based on the information provided, the observer's employer would then assess whether that vessel or plant is safe for purposes of observer deployment. This information would be kept within each respective regional observer program and would not be shared inside or outside the Commerce Department or the government.

1. In the past 2 weeks, have the captain and crew been following state mandates for travel, physical distancing, or any other restrictions and guidance in response to the current health crisis?
2. Do any crew members currently have two or more symptoms of COVID-19 (fever, chills, cough, shortness of breath, headache, sore throat, new loss of taste or smell)?
3. In the past 2 weeks, have any of the crew tested positive for, or been exposed to, someone who has tested positive for COVID-19?
4. Does the vessel have procedures in place to reduce their exposures to COVID-19?
5. Is there a response plan in place should someone show symptoms of COVID-19 during a trip?
6. Is there a supply of personal protection and sanitizing equipment, such as face coverings,

hand sanitizer, etc., onboard the vessel for the crew?

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

For the additional pandemic-related questions, the observer will be able to collect the information during a brief phone call or an in-person conversation prior to commencing their observer duties. These questions would be incorporated into the pre-deployment procedure which includes authorized safety questions under the approved information collection. Because this information collection would be verbally conducted, electronic submission of responses is not possible.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2**

The pandemic-related safety questions we are seeking to add to this information collection process are unique to the current situation and do not duplicate information provided by other collection programs.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

Since most of the respondents are considered small businesses, separate requirements based on size of business have not been developed. The methods used to minimize the burden include: (1) limiting the questions that are asked to six; (2) asking questions that can be answered readily and that do not require additional recordkeeping costs; (3) having the observer ask the questions at times that are convenient for the captain/crew of the fishing vessel or plant as part of the existing pre-deployment approved IC; and (4) using plain, coherent, and unambiguous terminology that is understandable to respondents.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Prior to deployment of an observer, fishery observer programs, in coordination with observer providers, must assess the adequacy of a vessel or plant for purposes of observer safety. An observer cannot be deployed to a vessel or plant that is determined to be inadequate for purposes of observer safety unless actions are taken to address the inadequacy. Observer providers have reported that they will not deploy their employees without additional information on COVID-19 because, without that information, they would be unable to assess the safety of a deployment and steps that they could take to protect their employees. Accordingly, not collecting the information sought through this emergency information collection request would result in NOAA's inability to meet regulatory monitoring requirements through which observers collect biological, economic, and enforcement data necessary for fishery conservation and management. Fishery closures may result if observer coverage cannot be carried out as required under regulatory requirements.

**7. Explain any special circumstances that would cause an information collection to be conducted**

**in a manner inconsistent with OMB guidelines.**

The collection will be conducted in a manner consistent with OMB Guidelines at 5 CFR 1320.5.

**8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Because this is a request for an emergency approval, NOAA asks that the 60-day comment period be waived. NOAA intends to publish a Federal Register notice announcing the emergency information collection request (ICR). In addition, a 60-day Federal Register notice (FRN) will be published in the Federal Register not more than 30 days after approval of this request. That notice will describe our plans either to extend this clearance or revise the individual survey clearances to add these questions on a permanent basis.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees**

There are no payments or gifts provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

Information obtained through this emergency ICR will be treated as observer information and as such, maintained as confidential pursuant to Section 402(b) of the MSA (18 U.S.C. 1881a(b)) and regulations at 50 C.F.R. Part 600, Subpart E. Each observer is required to execute a non-disclosure agreement under which they acknowledge the MSA requirement to maintain the confidentiality of observer information.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information.**

Estimates of annual Burden Hours and Cost Burden based on the new 2019 mean Bureau of Labor Statistics wage for “first-line supervisors/managers of farming, fishing, and forestry workers” (45-1011) at \$25.25 per hour:

Information Collection	Type of Respondent (e.g., Occupational Title)	Observed Vessels		Annual Planned Observed Trips	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
		# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)				
Northeast Fisheries Observer Program	1st line supervisors of fishing workers	2,038	4.4519136	9,073	117 min	17,692	\$25.25	\$446,731.84
North Pacific Groundfish & Halibut Observer Program & Processing Plants	1st line supervisors of fishing workers	417	13.980815	5,830	56 min	5,441	\$25.25	\$137,393.67
Alaska Marine Mammal Observer Program	1st line supervisors of fishing workers	36	2.388888	86	15 min	22	\$25.25	\$542.88
WCGOP: Catch and Non-Catch Shares	1st line supervisors of fishing workers	387	8.1869465	3,168	58 min	3,062	\$25.25	\$77,325.60
Pacific Islands Region Observer Program	1st line supervisors of fishing workers	152	2.4144736	367	86 min	526	\$25.25	\$13,282.34
Southeast Shark Fishery Observer Program	1st line supervisors of fishing workers	80	1.5	120	75 min	150	\$25.25	\$3,787.50
Southeast Pelagic Observer Program	1st line supervisors of fishing workers	62	2.4193548	150	85 min	213	\$25.25	\$5,365.63
Gulf of Mexico Reef Fish & Shrimp Observer Program	1st line supervisors of fishing workers	164	1.4878048	244	110 min	447	\$25.25	\$11,295.17
WCROP	1st line supervisors of fishing workers	26	8.4230769	219	62 min	226	\$25.25	\$5,714.08
Gulf of Mexico Snapper-Group Observer Program	1st line supervisors of fishing workers	349	1	349	110 min	640	\$25.25	\$16,155.79
<b>Totals</b>				<b>19,606</b>		<b>28,420</b>		<b>\$717,594.48</b>

\*The state of Alaska has a protocol<sup>1</sup> for documenting the safety of commercial fishing boats during the pandemic. Thus, burden hours from this request will be negligible in that region.

<sup>1</sup> Please see <https://covid19.alaska.gov/wp-content/uploads/2020/05/05222020-COVID-MANDATE-017-Independent-Commercial-Fishing-Vessels.pdf>.

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

Capital and Start-Up Costs

There are no start-up, capital, or maintenance costs associated with this collection. No new or specialized equipment is needed to respond to this collection. Most of the information is collected by observers directly from fishing vessel captains/crews through one or more brief conversation during a fishing trip when it is convenient for the captain/crew. Gathering and maintaining the information in this collection is part of the customary and usual business practices of fishing vessel captains/crews. This is also true for the limited information obtained from processing plant managers/staff, as well as the pre-deployment information obtained from fishing vessel operators or permit holders.

Operations and Maintenance Costs

Excluding labor costs, the total operations and maintenance costs will be limited to approximately \$1,150, which is the cost of mailing or faxing the pre-deployment information for about 509 fishing trips (rest by local calls) and reimbursement forms to NMFS or the service providers.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

The cost to the Federal government for all observer programs in 2017 (this is the most recent data available) is provided below. These costs cover costs for the FTEs and contractors running the observer programs, FTE and contractors running the observer training programs, the staff running the National Observer Program, observer contracting companies, travel associated with observer training and deployment, etc.

**2017 Observer Costs table for total costs of \$64,606,873 broken out by six NMFS Observer Programs below.**

	Alaska	Northeast	Northwest	Pacific Islands	Southeast	Southwest
Congressional Appropriations	\$6,127,573	\$13,477,539	\$6,815,503	\$5,823,989	\$7,242,673	\$1,324,541
Industry	\$18,090,529	\$2,904,700	\$2,799,826	\$0	\$0	\$0
<b>Total</b>	<b>\$24,218,102</b>	<b>\$16,382,239</b>	<b>\$9,615,329</b>	<b>\$5,823,989</b>	<b>\$7,242,673</b>	<b>\$1,324,541</b>

**15. Explain the reasons for any program changes or adjustments reported in ROCIS.**

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
Northeast Fisheries Observer Program					17,692	16,936	5 minutes was added to the response time for each planned observer trip, with the exception of Alaskan trips for which only 1 minute was added. Alaska has their own Covid requirements specific for fishing boats that answers most of the questions the observers are planning to ask, reducing the response time for those observed trips.
North Pacific Groundfish & Halibut Observer Program & Processing Plants					5,441	5,344	
Alaska Marine Mammal Observer Program					22	20	
WCGOP: Catch and Non-Catch Shares					3,062	2,798	
Pacific Islands Region Observer Program					526	495	
Southeast Shark Fishery Observer Program					150	140	
Southeast Pelagic Observer Program					213	200	
Gulf of Mexico Reef Fish & Shrimp Observer Program					447	427	
WCROP					226	208	
Gulf of Mexico Snapper-Group Observer Program					640	611	
<b>Total for Collection</b>					<b>28,420</b>	<b>27,179</b>	
<b>Difference</b>					<b>1,241</b>		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
Northeast Fisheries Observer Program	\$446,731.84				The Labor Rate was updated using the 2019 mean Bureau of Labor Statistics wage rate for "first-line supervisors/managers of farming, fishing, and forestry workers" (45-1011). The Labor Rate was not calculated for the previous renewal.
North Pacific Groundfish & Halibut Observer Program and Processing Plants	\$137,393.67				
Alaska Marine Mammal Observer Program	\$542.88				
WCGOP: Catch and Non-Catch Shares	\$77,325.60				
Pacific Islands Region Observer Program	\$13,282.34				
Southeast Shark Fishery Observer Program	\$3,787.50				
Southeast Pelagic Observer Program	\$5,365.63				
Gulf of Mexico Reef Fish & Shrimp Observer	\$11,295.17				

Program				
WCROP	\$5,714.08			
Gulf of Mexico Snapper-Group Observer Program	\$16,155.79			
<b>Total for Collection</b>	<b>\$717,594.48</b>	<b>Not previously calculated</b>		
<b>Difference</b>	<b>\$717,594.48</b>			



**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The information collected will not be disseminated to the public.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

**18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).