

International Seabed Authority Secretary-General  
cc President of the ISA Council, President of the ISA Assembly  
Sent via email

20 January 2023

Dear Secretary-General,

**Re: reporting by NORI/TMC relating to incident during at-sea trial in October 2022**

Last week the Deep Sea Mining Campaign, Greenpeace International and MiningWatch Canada published video footage documented during The Metals Company (TMC)/Nauru Ocean Resources Inc (NORI)'s deep sea mining tests in the Clarion Clipperton Zone.<sup>1</sup> The footage shows the discharge of wastewater containing debris and sediment from the seabed into the sea at surface level. Following the release of these videos, TMC confirmed to the media that this overflow incident occurred in October 2022.<sup>2</sup>

TMC/NORI subsequently released a public statement that describes the incident as “*an overflow of seawater mixed with a small amount of sediment and nodule fragments, which contain no toxic levels of heavy elements and which did not have the potential to cause harm to the marine environment.*”<sup>3</sup> They further asserted that “*NORI and Allseas conducted an assessment to determine if the overflow had the potential to cause serious harm to the marine environment. Based on the estimated discharge volumes and contents, NORI and Allseas concluded that this incident did not have the potential to cause serious harm.*”

These claims from TMC/NORI require the support of scientific data and analysis of the contents of the spill, including data on Total Suspended Solids and metal levels, the total volume of sediment and nodule pieces released into the sea, results of monitoring of exposed species, toxicity assays, mitigation measures and an independent peer review of this data. However, none of this has, as yet, been made publicly available.

TMC/NORI also stated to the media that this incident was only reported to the ISA “*as a matter of courtesy.*”<sup>4</sup> TMC/NORI's statement affirms that a “*further update on the event and the mitigation measures implemented to prevent it from occurring again was presented by NORI to the ISA during the ISA's inspection and audit visit to the Hidden Gem at demobilisation.*”<sup>5</sup>

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<sup>1</sup> Raw footage available here: <https://media.greenpeace.org/shoot/27MZIFJLPEZ7W>

<sup>2</sup> Statement to Glacier Media, quoted here: <https://www.nsnews.com/highlights/watch-footage-alleges-vancouver-company-leaked-mining-waste-into-sea-6360066>

<sup>3</sup> <https://metals.co/cyclone-separator-overflow/>

<sup>4</sup> <https://www.nsnews.com/highlights/watch-footage-alleges-vancouver-company-leaked-mining-waste-into-sea-6360066>

<sup>5</sup> <https://metals.co/cyclone-separator-overflow/>

As you are aware, ISA member states<sup>6</sup> and civil society<sup>7</sup> have expressed many concerns about the company's EIS and the ISA's approval process for the trial. This incident and the company's public response deepen concerns over what appears to be industry self-regulation and self-assessment with regard to the protection of the marine environment.

In the interest of transparency and accountability, we the undersigned organisations request that the ISA, as the regulatory authority with responsibility to uphold obligations for the effective protection of the marine environment and to act on behalf of humankind, make publicly available:

- The initial report the ISA received of the event, including the distribution list for this report
- All information the ISA received from NORI/TMC and Allseas relating to their assessment of (no) harm to the marine environment, especially on the specific aspects noted above
- Responses, including guidance or assessment, from the ISA to NORI/TMC
- The presentation by NORI to the ISA during the latter's inspection at demobilisation, giving a further update and the mitigation measures taken
- The assessment by the ISA of the spill and its effects, as well as the criteria on which this was based and any independent peer reviews
- Details of the provisions that the ISA requires of contractors for independent observers of such trials and for whistleblower protection of on-board crew and scientists
- The ISA's audit report on the TMC/NORI trial
- Details of the methodology the ISA expects contractors to employ to assess the level of harm associated with an unauthorized surface spill, and the criteria that the ISA requires contractors to report against in order to determine potential for harm

We look forward to receiving this information in a timely manner.

Yours sincerely,

Dr Helen Rosenbaum  
Deep Sea Mining Campaign

Dr Catherine Coumans  
MiningWatch Canada

Louisa Casson  
Greenpeace International

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<sup>6</sup> Statements made by Costa Rica, Chile, Germany, Aotearoa New Zealand, Belgium, Italy, Portugal at 27th Session of the ISA Part III Council, 10 November 2022. Summaries available here

[https://savethehighseas.org/isa-tracker/category/country-positions/?\\_gl=1\\*14wpch\\*\\_ga\\*MjA4NzczNTE4MS4xNjcwMjUyNTIw\\*\\_ga\\_5KWL20JJRW\\*MTY3NDIwNTQ2My4xLjEuMTY3NDIwNTUwMy4yMC4wLjA](https://savethehighseas.org/isa-tracker/category/country-positions/?_gl=1*14wpch*_ga*MjA4NzczNTE4MS4xNjcwMjUyNTIw*_ga_5KWL20JJRW*MTY3NDIwNTQ2My4xLjEuMTY3NDIwNTUwMy4yMC4wLjA)

<sup>7</sup> Letters to the ISA Secretary-General, from the Deep Sea Conservation Coalition

[https://savethehighseas.org/wp-content/uploads/2022/09/DSCC-letter\\_ISA\\_NORI-test-15Sept2022.pdf](https://savethehighseas.org/wp-content/uploads/2022/09/DSCC-letter_ISA_NORI-test-15Sept2022.pdf) & [https://savethehighseas.org/wp-content/uploads/2021/11/20211109\\_DSCC-letter-re-NORI-EISEIA-1.pdf](https://savethehighseas.org/wp-content/uploads/2021/11/20211109_DSCC-letter-re-NORI-EISEIA-1.pdf) and from the Deep Ocean Stewardship Initiative [https://www.dosi-project.org/wp-content/uploads/LetterDOSI\\_NORI\\_EIS\\_LTCrecommendation.pdf](https://www.dosi-project.org/wp-content/uploads/LetterDOSI_NORI_EIS_LTCrecommendation.pdf)