

20 January 2023

Dear Mr Barron, Ms Ocampo and Mr McLachlan,

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

We are writing following the publication of video footage by Deep Sea Mining Campaign, Greenpeace International and MiningWatch Canada documented during The Metals Company (TMC)/Nauru Ocean Resources Inc (NORI)'s deep sea mining tests in the Clarion Clipperton Zone.<sup>1</sup> This footage shows the discharge of wastewater containing debris and sediment from the seabed into the sea at surface level.

We note that TMC confirmed to the media that this overflow incident occurred in October 2022,<sup>2</sup> and that your public statement released on TMC's website claims 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.*"<sup>3</sup>

These claims require the support of publicly available scientific data and analysis of the contents of the spill, including measurements of total Suspended Solids and metals, the volume of sediment and nodule pieces released into the sea, 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.

At the side event given by NORI in Kingston last November, numerous participants heard NORI state that they did not know the contents of the plume. In addition, in response to a specific question at the same side event whether any spills had occurred, NORI representatives failed to disclose the incident. The company statement affirms that, "*NORI notified the regulator (ISA) of the event after it occurred*" and 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>4</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 <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://metals.co/cyclone-separator-overflow/>

We are concerned by what appears to be corporate self-assessment and self-regulation in a nascent industry that carries multiple environmental risks. In the interests of transparency and accountability, we the undersigned organisations request that TMC make publicly available full details about the process and methodologies that NORI/TMC and Allseas used for assessment, including the data sources and the criteria that were used to reach your conclusion. This includes:

- All data and analysis that NORI/TMC and Allseas used to inform the assessment of (no) harm to the marine environment, especially on the specific aspects noted above
- The initial report that NORI sent to the ISA, including the distribution list at the ISA for this report
- Any response (including guidance or assessment) from the ISA to NORI/TMC to assess and report the level of potential harm to the marine environment
- The presentation by NORI to the ISA during the latter's inspection at demobilisation giving a further update and the mitigation measures taken, as well any audit report or summary provided to TMC/NORI by the ISA
- The provisions made for independent observers of the trial and for whistleblower protection of on-board crew and scientists.

We look forward to receiving this information in a timely manner, within 1 week of writing.

Yours sincerely,

Dr Helen Rosenbaum  
Deep Sea Mining Campaign

Dr Catherine Coumans  
MiningWatch Canada

Louisa Casson  
Greenpeace International