

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27<sup>TH</sup> SESSION:  
COUNCIL - PART II**

***Informal Working Group - Environment***

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to [council2022@isa.org.jm](mailto:council2022@isa.org.jm).

**1. Name(s) of Delegation(s) making the proposal:** United States

**2. Please indicate the relevant provision to which the textual proposal refers.**

48 Environmental Management and Monitoring Plan

**3. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.**

3. The Environmental Management and Monitoring Plan shall include all matters prescribed by the Authority in Annex VII to these regulations and shall be:

- (a) Based on the environmental impact assessment and the Environmental Impact Statement;
- (b) In accordance with the applicable regional environmental management plan, ~~if any~~; and
- (c) Prepared in accordance with the applicable Standards, Good Industry Practice, Best Available Scientific Evidence, Best Environmental Practices and Best Available Techniques, taking account of the applicable Guidelines; and consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.

~~(d) Consistent with other plans in these regulations, including the Closure Plan and the Emergency Response and Contingency Plan.~~

~~[3bis. A Contractor shall reflect in its Environmental Monitoring and Management Plan:~~

- ~~(a) — Its methodology for maintaining compliance with the Standards and thresholds of the Authority developed in accordance with Regulations 45 and 94, and any thresholds set by the relevant Regional Environmental Management Plan;~~
- ~~(b) — Any conditions included in the Council’s environmental impact assessment decision and will set out approval of the Plan of Work~~
- ~~(c) — Commitments and procedures on how the Mitigation measures will be implemented,~~
- ~~(d) — How the impacts of the operation as well as the effectiveness of mitigation measures will be monitored, in accordance with Regulation 46ter and the EMMP Standard;~~
- ~~(e) — What the management responses will be to the monitoring results.]~~

[3ter. The EMMP shall contain a supplementary monitoring programme to be conducted by an independent expert for at least the first seven years of Exploitation ~~, to be conducted by independent experts~~ and in compliance with the applicable Standards. The Contractor shall conduct monitoring for the entire duration of exploitation and comply with any post-closure monitoring requirements.]

4. The Contractor shall provide information in its annual report on the implementation of the Environmental Management and Monitoring Plan in accordance with regulations 38, paragraph 2(g), and 46ter, paragraph 3, for evaluation by the Legal and Technical Commission, as well as publicly

release, in an accessible format consistent with best scientific practices, monitoring data and information at monthly intervals.

**4. Please indicate the rationale for the proposal. [150 word limit]**

We agree with the many delegations who prefer to strike “if any” after referencing the applicable REMP. We note 3(d) is redundant to text directly above in 3(c), and we propose that the level of detail presented in paragraph 3bis may be better suited to Annex VII paragraph 2, which considers the elements that the EMMP is to contain. In paragraph 3ter, regarding the monitoring programme during the Exploitation phase, we propose that in presenting a requirement for independent monitoring, the text should be clear that independent monitoring will be undertaken in addition to monitoring undertaken by the Contractor, and that the monitoring conducted by the Contractor is to occur for the entire duration of the Exploitation phase of the mining operation. Finally, we suggest the addition of “consistent with best scientific practices” to qualify the public release of data in an accessible format to future-proof the regulations and ensure data released meets current scientific standards.