

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 30TH SESSION:
COUNCIL - PART I**

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

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

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

Regulation 98 - Inspectors' powers

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.

Regulation 98

Inspectors' powers

1. ~~An~~ Inspector~~s~~ may, for the purposes of monitoring or enforcing compliance with the rules, regulations and procedures of the Authority and the terms of the Exploitation Contract:

(a) Question any ~~[relevant]~~ person ~~[who is deemed relevant by the Inspector and is]~~ engaged by the Contractor in the conduct of ~~[Exploration and]~~ Exploitation activities on any matter [regulated by] the rules, regulations and procedures of the Authority relate;

~~(a) bis Conduct an announced or unannounced, remote, virtual or onsite visit to the ship and installations used by the Contractor;~~

~~(b) Subject to any legal requirement, obligation or duty that would prevent disclosure:~~

~~(i)~~ Require any person who has control over, or custody of, any ~~[relevant]~~ document, whether in electronic form or in hard copy, including a plan, book or record, to ~~preserve and~~ produce a copy of that document to the Inspector ~~[immediately]~~ or at any other ~~[reasonable]~~ time and place required by the Inspector in writing;

~~(ii)~~ bis Inspect any relevant documents or items which are necessary to monitor the Contractor's compliance, all other recorded data and samples and any ship or Installation ~~engaged~~~~used~~ ~~[into carry-out]~~ Exploitation activities and activities related to such ~~E~~xploitation activities in the Area] including its log, equipment, records and facilities and question ~~[relevant]~~ personnel.

~~(iii) [(f)]~~ [Seize] documents, articles, substance or any part or sample of such for [further] examination or analysis that the Inspector may reasonably require;]

~~(iv)~~ take pictures, audio or video footage, or obtain contractor recordings necessary to document and *substantiate* Contractor's compliance or failure to comply with agreements, terms and conditions. Inspectors shall have access to any area needed to obtain documentation needed in the course of an inspection or investigation.

(c) Request from any person referred to in subparagraph (b) above the reason for any entry or non-entry in any ~~[relevant]~~ document over which that person has custody or control;

(d) Examine any document produced under subparagraph (b) and make a copy of it or take an extract from it;

e) Inspect ~~[and/or test]~~, ~~and preserve~~ any machinery or equipment under the supervision of the Contractor or its agents or employees that, in the Inspector's opinion, is being or is intended to be used for the purposes of the Exploitation activities;

~~[(f) [Seize] [Acquire copies of] [relevant] documents, articles, substance or any part or sample of such for [further] examination or analysis that the Inspector may reasonably require;]~~

[(g) ~~[Remove]~~ [Label] representative samples or [acquire] copies of assays of such samples from any ship or equipment used for or in connection with the ~~Exploration and~~ Exploitation activities that the Inspector may reasonably require;]

(h) Require the Contractor to carry out such procedures in respect of any equipment used for or in connection with the Exploitation activities as may be deemed [reasonably] necessary by the Inspector; and,

[(h) *bis* Issue a "~~do not disturb notice~~" stop work order, component shut-in, or facility shut-in, in writing, in order to allow the further inspection, examination or measurement of, or the conducting of tests concerning, any ship, Installations, equipment or facilities engaged in Exploitation activities and activities related to such Exploitation activities in the Area.]

[(h) *ter* Make recommendations to the Compliance Committee for increased oversight of facilities and operators that require special onsite inspections or attention based on their history of serious injuries or fatalities, pollution events, and inspection findings, or other appropriate actions related to systematic violations.

(i) ~~An Inspector may~~ Performs any other prescribed function of the Authority as its representative in accordance with written authorization of the Council.

[3. Before an Inspector may seize any document under subparagraph 1(f) above, the Contractor may copy it.]

[4. When an Inspector seizes or removes any item under this Regulation, the Inspector shall issue a receipt for that item to the Contractor.]

5. An Inspector shall document any site visit or inspection activity and shall use any means to do so, including video, audio, photograph or other form of recording.

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

Paragraphs 1(b) i and e: Inspectors should have authority to compel preservation in appropriate circumstances and subsequently release equipment or documentation as needed to ensure an orderly inspection or investigation.

Paragraph 1 (b) iv: Added to ensure an inspector can collect visual documentation of violations, incidents or general conditions.

Paragraph (h) bis: The use of the terminology "do not disturb notice" is confusing. The term does not cover the variety of powers available to the Inspector when a decision is made to pause or stop work at the site(s) for further investigation. The Inspector should have the authority to use a range of options, depending on the nature of the issue/incident, such as component shut-in, facility shut-in, or halt operations completely with a stop work order.

Paragraph (h) ter: Per industry standards, the Inspector should also have the authority to take action when there are systematic violations or where a Contractor or facility's inspection report is so egregious as to warrant a strong response. Such action has the potential to make the Contractors more accountable and is likely to encourage Contractors to keep a "clean" record.