

**TEMPLATE FOR COMMENTS**

<i>Document reviewed</i>	
<b>Title of the draft being reviewed:</b>	General comments applicable to all drafts
<i>General Comments</i>	
<p>The United States congratulates the Legal and Technical Commission and the Secretariat staff on the development of these draft standards and guidelines. These drafts and the comments of stakeholders during this consultation process will enable a more fulsome consideration by the Council.</p> <p>Given the impacts of the pandemic on the holding of in-person sessions, the need for more iterative exchanges between the Council and stakeholders on the further development of the regulatory framework is even more critical. The Council should consider ways to engage with stakeholders prior to the next in-person session of the Council. In this regard, as these draft standards and guidelines are refined to reflect the stakeholder comments, engagement through correspondence or another round of stakeholder comments on the revised drafts could be considered.</p> <p>As the drafts are updated to incorporate the comments received, the following drafting note is offered. Each of the drafts contains introductory language that creates confusion regarding the legal nature of the document and its relationship with other ISA documents. The language of concern reflects in varying form that the draft should be read in conjunction with “the Exploitation Regulations, the relevant Exploration Regulations as well as other relevant International Seabed Authority rules, regulations, recommendations and procedures, as well as other relevant Standards and Guidelines.” This formulation is not standardized throughout the drafts, and in some instances, suggests that guidelines are binding in nature. Standards and Exploitation Regulations are intended to be binding, while Guidelines are not so binding.</p> <p>Best Available Scientific Evidence appears throughout the drafts, both capitalized and uncapitalized and without clear reference to the definition for the term provided in the draft regulations. We also recall previous discussions about the term “best available scientific information.” While both terms are used in other contexts and forums, “best available scientific information” is more commonly used. Notably, the exploration regulations use the term “best available scientific and technical information.” “Evidence” conveys a higher threshold of usable information, which may not be attainable in this part</p>	

of the world. If “best available scientific evidence” is retained, perhaps one option is capitalize the phrase (BASE) each time it appears in the drafts to more clearly denote that it is a defined term of art for the purposes of these documents and to link it to any definition in the final regulations.

Alternatively, the reference could simply be to best available science which seems to be a recent trend in scientific literature.

Also, the drafts raise a question on the desirability of more precisely describing direct effects, indirect effects and cumulative impacts as those terms appear in the drafts. A uniform understanding of those terms may be helpful in the implementation of the guidelines. The following proposals may be helpful to consider:

- Direct effects are caused by the action and occur at the same time and place.
- Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
- Cumulative impact is the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what entity (public or private) undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Cumulative impacts may also include the effects of natural processes and events, depending on the specific resource in question. Cumulative impacts include the total of all impacts to a particular resource that have occurred, are occurring, and will likely occur as a result of any action or influence. There may be different cumulative impacts on different environmental resources.