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Neil A. Jacobs
Under Secretary of Commerce for Oceans and
Atmosphere and NOAA Administrator,
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
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**Subject: Comments of the National Ocean Industries Association in Response to
Notice of Intent to Prepare an Environmental Impact Statement for the Proposed
Issuance of an Exploration License to The Metals Company USA, LLC for
“USA-B”**

Docket No. 260707-0164; XRIN 0648-XA008

Under Secretary Jacobs:

Thank you for the opportunity to provide comments in response to the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed issuance of an exploration license to The Metals Company USA, LLC (TMC USA). The National Ocean Industries Association represents companies investing in the commercial development and production of critical minerals and rare earth elements from the seabed in U.S. and international waters. We fully support the preparation of the EIS, a key step toward maintaining U.S. leadership in global ocean mineral exploration, development, mining, and processing, and building a stable supply of much-needed critical minerals for the U.S. economy and national security.

For more than 50 years, NOIA has represented the interests of all segments of the offshore energy industry, including offshore oil and gas, ocean minerals, offshore wind, and offshore carbon sequestration. Our membership includes energy project developers, leaseholders, operators, and companies throughout the entire supply chain that make up an innovative ecosystem contributing to the safe and responsible exploration, development, and production of energy and mineral resources.

Given the economic and national security interests at stake, it is critically important that the United States continue to advance policies and authorize activities that support long-term U.S. leadership in ocean mineral exploration, development, and processing. This includes continued progress by NOAA pursuant to its authority under the Deep Seabed Hard Mineral Resources Act (DSHMRA) to authorize the exploration and development of critical minerals in the high seas, and specifically the completion of the EIS for the exploration license for TMC USA.

In the global economy, regulatory uncertainty across any business sector can



inevitably push investment to other regions of the world. This is particularly true for an emerging industry like ocean mineral exploration. U.S. companies, already developing world-class mapping, robotics, marine science, subsea engineering, and environmental technologies, are encouraged by the Administration's strong steps to advance ocean exploration opportunities. A clear and durable U.S. regulatory framework is necessary to support continued domestic investment, keep intellectual property and high-value jobs in the United States, and avoid ceding additional control over the global critical mineral and rare earth element market to China.

The advancement of the domestic ocean mineral exploration and production industry will support American prosperity through capital investment, job creation, manufacturing, technology leadership, and economic and national security. Moreover, these benefits will be felt well beyond any development of the resources of a potential lease block itself. Standing up a domestic ocean minerals sector means sustained work for marine scientists, subsea engineers, naval architects, shipyard welders, port operators, and logistics providers across the maritime supply chain, supporting and strengthening America's broader maritime strategic capabilities.

The Trump Administration has taken a series of actions over both terms to strengthen U.S. critical mineral supply chains, reduce dependence on foreign adversaries, and, most recently, accelerate American leadership in offshore mineral exploration and development. These actions provide important policy context for NOAA's consideration of the proposed exploration license.

On December 20, 2017, President Trump signed Executive Order 13817, "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals," directing federal action to reduce the nation's vulnerability to disruptions in the supply of critical minerals¹. On September 30, 2020, President Trump signed Executive Order 13953, "Addressing the Threat to the Domestic Supply Chain From Reliance on Critical Minerals From Foreign Adversaries and Supporting the Domestic Mining and Processing Industries," making it the policy of the U.S. to "prioritize the expansion and protection of the domestic supply chain for minerals and the establishment of secure critical minerals supply chains." This Executive Order further directed federal agencies to allocate their resources to fulfill these purposes².

That policy priority has accelerated during the President's second term. On January 20, 2025, President Trump signed Executive Order 14156, "Declaring a National Energy Emergency," directing federal agencies to "facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources," including critical minerals³. Most directly relevant to this proceeding, on

¹ <https://www.federalregister.gov/documents/2017/12/26/2017-27899/a-federal-strategy-to-ensure-secure-and-reliable-supplies-of-critical-minerals>

² <https://www.federalregister.gov/documents/2020/10/05/2020-22064/addressing-the-threat-to-the-domestic-supply-chain-from-reliance-on-critical-minerals-from-foreign>

³ <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>



April 24, 2025, President Trump took action specific to offshore mineral exploration, issuing Executive Order 14285, “Unleashing America’s Offshore Critical Minerals and Resources,” which specifically identifies offshore and seabed critical minerals as vital to U.S. national security, economic strength, and supply chain resilience⁴. The Executive Order directs federal agencies to accelerate the responsible development of seabed mineral resources, strengthen domestic critical mineral supply chains, and counter China’s growing influence over global mineral resources.

Taken together, these actions demonstrate a sustained federal policy recognizing secure critical mineral supplies as an economic and national security imperative, with the most recent actions placing particular emphasis on offshore and seabed resources. NOAA’s implementation of its existing authority under DSHMRA, including timely consideration of exploration license applications, is an important component of advancing that policy.

As described by Daniel Yergin, Peter Orzag, and Atul Arya in the March/April 2025 volume of *Foreign Affairs*, “China already has a dominant position in mining and predominant position in processing of minerals into metals essential for renewable energy infrastructure. It accounts for over 60 percent of the world’s rare-earth mining production (compare with nine percent for the United States) and more than 90 percent of the processing and refining of rare earths. It produces 77 percent of the world’s graphite, processes 98 percent of it, and processes over 70 percent of the world’s lithium and cobalt and almost half of the copper.” While China’s lead in land-based mining and processing is clear, it does not currently lead in deep-sea mineral development. Though Chinese state-owned enterprises hold the most exploration contracts under the parallel international regulatory regime, the International Seabed Authority’s inability to adopt mining regulations and growing concern that regulations will be unworkable for private industry position China as the main beneficiary of any commercial operations should regulations be agreed. This presents an invaluable window of opportunity for the United States, afforded by its historic leadership in ocean mineral technology development and environmental research, to encourage and support American companies in their participation under the only complete regulatory framework for this industry: the American framework.

The President has made clear that seabed minerals are a key strategic pillar in addressing America’s mineral supply chain vulnerabilities. The high seas provide major opportunities for our country to prospect for and develop the critical minerals we will need for decades to come, compete on the global scale, and ensure our long-term national security. Every bit of resource the U.S. mines, extracts, and processes at home means less need to source through a supply chain that China can restrict, tax, or cut off on short notice with an export ban, as it has done with rare earth export controls this year⁵. Scaling up ocean mineral production in international and OCS

⁴ <https://www.whitehouse.gov/presidential-actions/2025/04/unleashing-americas-offshore-critical-minerals-and-resources/>

⁵ <https://www.reuters.com/world/asia-pacific/china-targets-us-rare-earth-other-firms-with-export-controls-2026-06-22/>



waters also addresses the other side of the China problem: processing. Investment in new domestic refining and separation capacity has historically stalled in part because processors have lacked a reliable, non-Chinese-controlled source of ore to run through it.

America's offshore energy industry has decades of experience working in the marine environment, in ultra-deep water conditions, to safely and responsibly produce the energy required to fuel America and our allies. Indeed, many of the technological advancements made by U.S. companies to support the development of offshore energy resources have been and are being readily applied in the seabed minerals industry, with future developments in artificial intelligence, data analytics, subsea robotics, autonomous vessels, and modern geophysical mapping expected to deliver operational, environmental, and economic advantages. Keeping that edge in ocean science and marine technology at home, rather than watching it migrate to competitors, is itself a strategic asset: it keeps the engineering talent, intellectual property, and research capacity behind these breakthroughs based in the United States.

From our industry's experience, offshore safety and environmental stewardship has also been enhanced through modern geosciences, leading-edge engineering design, improved subsea and remote technologies, shared best practices, and innovative safety systems. Continuous advances in technology, engineering, and operational practices have improved safety and environmental performance across offshore industries. Our offshore industry is well-suited to the challenges of ocean mineral exploration and development, helping the U.S. better achieve its goals of reducing dependency on China and other adversaries for critical mineral supplies.

After decades of environmental research, technology development, and innovation, the industry is ready to move forward with executing commercial projects, from exploration through commercial recovery. The publication of the Notice of Intent to prepare an EIS is an important step in NOAA's regulatory review process to enable exploration within the license. Importantly, NOAA's review does not begin from a blank slate.

This EIS builds on more than fifty years of environmental research, engineering, and a dozen commercial and academic tests in the Clarion-Clipperton Zone (CCZ). NOAA, of course, played a central role in advancing scientific understanding of deep seabed mining impacts through its Deep Ocean Mining Environmental Study from 1975-1980, a broad program of environmental impact assessment and monitoring, culminating in the publication of its extensive findings in a Programmatic Environmental Impact Statement for the entire CCZ in 1981. In the 1980s and 1990s, NOAA then conducted further research into seafloor sediment plumes through its Benthic Impact Experiment program, using a custom-built machine to simulate and study seafloor disturbance, which was later shared with other governments.

That scientific record is extensive, but it is not static. Since then, the industry has supported considerable offshore environmental research and technology trials in the



CCZ, conducting over 300 research cruises representing more than 9,000 days at sea. Observations extend from larger organisms at the surface down to the microbes that make up the vast majority of life on the abyssal seafloor and have supported the development of one of the most comprehensive biological baselines ever assembled for a deep-sea region. TMC USA's parent company has compiled the industry's largest deep-sea dataset from which over 40 peer-reviewed studies have been published, out of a larger body of literature on polymetallic nodules that now exceeds 200,000 papers. This scientific research, as well as more than five decades of offshore innovation, has enabled the industry to continue to reduce its environmental footprint.

This substantial body of existing knowledge provides a strong scientific foundation for NOAA's review and the basis to further expand our collective understanding. The exploratory activities outlined in TMC USA's exploration license application will generate extensive new scientific data in the Central and Western CCZ, improving scientific understanding of these areas and supporting additional academic research.

NOIA welcomes NOAA's timely and rigorous development of an EIS for TMC USA's proposed exploration license under DSHMRA. Based on five decades of ocean science and offshore innovation, this review can provide a clear path for responsible exploration that expands environmental knowledge and supports American investment and technological leadership. Advancing this process is an important step toward a domestic seabed minerals industry that strengthens critical mineral supply chains and serves the nation's long-term economic and national security interests.

NOIA and its members stand ready to work with the National Oceanic and Atmospheric Administration and the entire Administration to advance our common objective of securing critical mineral supplies for the U.S. economy. Please contact Erik Milito (milito@noia.org) with any follow-up questions or to set up a meeting.

Very respectfully,

A handwritten signature in black ink, appearing to read "Erik Milito". The signature is fluid and cursive, with a prominent initial 'E'.