

MEMORANDUM

To : **Persoonsgegevens**
Senior beleidsmedewerker
Ministerie van Infrastructuur en Waterstaat
Zeebeleid

From : **Persoonsgegevens**, Director Oceans for and on behalf of
Stichting The Ocean Cleanup (“The Ocean Cleanup”)
Batavierenstraat 15
3014 JH ROTTERDAM

Re : **Response of The Ocean Cleanup to the Final Assessment of the Updated Final EIA for Ocean Cleanup System 002 prepared by Bureau Waardenburg (Report No. 22-147 dated 20 September 2022) (the “Report”)**

Date : 4 November 2022

We refer to our call on 20 October 2022 in which we have briefly discussed the Report and the initial reaction of The Ocean Cleanup to it. We would like to thank you for giving us the opportunity to provide our formal reply in writing and trust that you would consider the view of The Ocean Cleanup in preparation for the letter of the Ministry of Infrastructure and Water Management (the “**Ministry**”) to the Dutch House of Representatives.

The Report is a review by Bureau Waardenburg of the final environmental impact assessment for System 002 (“**EIA**”). We have contributed to the review by providing a scientific rebuttal to a draft version of the Report, as well as supporting the work of Bureau Waardenburg by providing a broad range of additional information on our operating-, research- and monitoring activities.

The general query the Report had to answer is whether The Ocean Cleanup is taking the necessary precautionary measures that can reasonably be expected to prevent damage to the marine environment and/or species occurring in the area of deployment of System 002.

In its final assessment, the Report decisively and unambiguously confirms that The Ocean Cleanup is taking the necessary precautionary measures to prevent damage to the marine environment. The Report further confirms that The Ocean Cleanup is optimising the technology deployed for its mission both technically and environmentally.

In answering the general query of the Report Bureau Waardenburg points out the following relevant context and facts which should also be considered in the letter to the House of Representatives:

- Founded in its belief in the need for responsible behavior “The Ocean Cleanup is one of the very few parties to have carried out an EIA for new activities in areas beyond national jurisdiction”¹.

¹Preface of Report

- The Ocean Cleanup has pro-actively “chosen to voluntarily conduct an environmental impact assessment”² to properly assess the impact of its activities and the effects of the mitigation measures applied to reduce such impact³;
- The Ocean Cleanup has chosen to voluntarily report incidents with protected species to the Ministry;⁴
- Although not formally required, The Ocean Cleanup incorporated recommendations formulated by the Espoo convention for the elaboration of the EIA⁵;
- In the absence of specific regulatory requirements, The Ocean Cleanup applied the 1999 International Association for Impact Assessment Principles of EIA best practices⁶;
- The Ocean Cleanup has taken into account the draft text of the upcoming and not yet entered into force Biodiversity Beyond National Jurisdiction Treaty⁷;
- Not all recommendations made in the Report are within the scope of The Ocean Cleanup’s mission and the legal framework of the Agreement between the State of the Netherlands and The Ocean Cleanup concerning the deployment of a cleanup system in the upper layer of the high seas (the “Covenant”) and Bureau Waardenburg clearly states that such recommendations are “nice to haves” and not only beyond the scope of The Ocean Cleanup but also beyond what can be reasonably expected of The Ocean Cleanup⁸;
- Bureau Waardenburg acknowledges the improvements made to the final EIA and recognizes the incorporation of the recommendations made to the EIA⁹;
- It is The Ocean Cleanup’s mission to rid the oceans of plastic with the aim of preserving and positively impacting the environment. In accordance with the recommendation of Bureau Waardenburg and going beyond the scope of The Ocean Cleanup’s duty to take necessary precautionary measures that can be reasonably expected of it, The Ocean Cleanup has performed a thorough net environmental benefit analysis (“NEBA”) the result of which shows that removal of ocean plastic by System 002 provides a greater long-term environmental benefit for all marine resources impacted (including marine mammals, sea turtles, fish, sharks, seabirds and neuston and fishery resources etc.) compared to leaving the plastics in the ocean¹⁰.
- The Report acknowledges the lack of scientific data and general ecosystem knowledge about the North Pacific Garbage Patch, which is currently the area of operation of The Ocean Cleanup. it foresees a role for The Ocean Cleanup in the collection of such data on marine life, but also recognizes that this is not an obligation nor the primary focus of The Ocean Cleanup, and that its activities should not be judged on this scale.¹¹

²Report section 1.2

³Report section 1.2

⁴Report section 3.1.2

⁵ Report section 1.2 and section 3.1.2

⁶Report section 3.1.2

⁷Report section 3.1.3

⁸Report section 1.3

⁹Report section 3

¹⁰Report section 3.2

¹¹ Report section 3.2

The Report concludes that The Ocean Cleanup is taking the necessary precautionary measures to prevent damage to the marine environment and recognises the significant efforts and results achieved by The Ocean Cleanup. It further acknowledges the effectiveness of the measures taken not only after but also during ocean cleanup campaigns by applying an adaptive management approach and iterative learning process.¹² It also confirms that the overall potential environmental impact of The Ocean Cleanup's system was lower than initially expected – for instance, no large accumulations of neuston were observed, since they seemed to pass through or above the system.¹³

The Ocean Cleanup recognises its position as a pioneer in the improvement of the marine environment and its leading role in cleanup activities and research on the high seas, however, the continuation of monitoring, collection of data and its analysis, while critical, is also costly and time-consuming task, currently performed by the highly motivated and dedicated staff of The Ocean Cleanup, being a not-for-profit organisation funded by private donations and supported by a group of specialised service providers, at market rates.

As the cleanup activities and improvement of the marine environment benefit the general public and the international community as a whole, we would like to thank the Government of the Netherlands for supporting our activities so far. However, the continuation of our mission, and the improvement of our ability to monitor and research on the high seas, will also require more support from Governments and most importantly, from the Government of the Netherlands, a signatory to our innovative and groundbreaking Covenant.

In its closing remark the Report refers to a recommendation of Bureau Waardenburg in their previous review stating that The Ocean Cleanup should not expand its activities as long as the net environmental benefit of their offshore cleanup activities has not been demonstrated. We are pleased that the long term net environmental benefit has now been sufficiently proven with the NEBA analysis performed and discussed in section 3.2 of the Report which has been acknowledged and underwritten by Bureau Waardenburg.

As a final remark we would like to thank Bureau Waardenburg for their constructive and professional conduct of the assessment and their improvement suggestions and recommendations, which undoubtedly have led to a more comprehensive and robust updated final EIA for Ocean Cleanup System S002.

¹² Report section 4

¹³ Report section 4