

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

United Kingdom

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (upstream)

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

QUESTION 1

The governance principles that guided the development of the governance model are inclusive, effective, credible, impact-driven, pragmatic and efficient. From your perspective, does the proposed governance model meet expectations for consistency with these principles?

Response: 4: Exceeds expectations

QUESTION 2

Does the proposed governance model ensure no single group is able to unduly influence decisions?

Response: yes

Document:
Assurance

QUESTION 1

From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?

Response: 4: Exceeds expectations

Document:
Standard

Performance Area 16: Artisanal and Small-Scale Mining

COMMENT:

Focus of this PE appears to be the risks that ASM may pose to the Facility (see, eg, articulation of GP.1 and 2). Given that ASM can pose serious risks to the human rights of those involved (eg, child workers) and the

environment (eg, through use of mercury), suggest that people/planted impacts should be more prominent. Suggest to add a reference.

Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Foundational Practice, 6

COMMENT:

18.1F6 Make the sentence clearer. Replace with something like: "Implement a water monitoring program for surface water and groundwater, informed by compliance requirements and identified risks, for both water quality and water quantity parameters."

SECTION: 18.1 Water Management and Performance, Good Practice, 2

COMMENT:

18.1 GP2. Unclear why only the groundwater context needs to be characterised. Also the context requirement is a repeat of 18.2.Foundation1. Reference 18.2.1 for the context to the risk, or replace with something like "Characterise the hydrological and hydro-geological context and predict risks on surface water and groundwater resources with a level of detail informed by identified risks."

SECTION: 18.1 Water Management and Performance, Good Practice, 4

COMMENT:

18.1 GP 4. Unclear why this clause is included because 18.1F5 already requires identification, impacts and controls for all water-related risks.

The clause is also ambiguous. Start of the sentence is about general impacts and risks, but the end implies it is only about discharge.

Recommend to remove the clause. Or if there needs to be something specific on discharge, replace with something like: "Develop and implement a plan to mitigate impacts and risks of discharge to surface water and groundwater considering the possibility of whether the discharges are likely to affect the quality and quantity of watershed resources downstream of the Facility available for environmental requirements, local users and rights-holders."

SECTION: 18.1 Water Management and Performance, Leading Practice, 3

COMMENT:

18.1 LP 3. "Plan, design and implement measures across the life of the Facility to minimise the need for long-term active water management...". This should be a standard requirement. Include as Good Practice.

SECTION: 18.3 Water Reporting, Good Practice

COMMENT:

18.3 Good Practice - should include disclosure of water-related risks and how they are managed. 18.3 Good Practice - include disclosure of water-related risks and how they are managed.

SECTION: NA, Foundational Practice

COMMENT:

18.1. F5. "downstream" doesn't capture all potential water impacts (e.g. dewatering). 18.1.5. Replace "downstream" with "in the area of influence" or similar.

Performance Area 3: Responsible Supply Chains

SECTION: NA, Leading Practice

COMMENT:

LP.2 -unclear how this requirement differs from GP.5. Is it just that it applies to a broader set of business relationships? To the extent there is a difference, suggest clarifying. If no difference, remove one of the requirements.

COMMENT:

Current drafting is not fully clear on whether there will be a corporate requirement on OECD-aligned due diligence for minerals and metals purchases or if it will be contained to the facility level. If a site leverages a group-level due diligence management system, that system will be inherently subject in audits to OECD Steps 1, 2 and 5, hence by definition a company has to have a management system and reporting that covers all types of minerals and metals purchases.

Recommend ensuring this is clearer in Performance Area 3 to avoid different interpretations between implementing companies and ensuring implementing companies are not gaming the system. If companies do take different interpretations, it will undermine the credibility of the standard with stakeholders and they will be comparing apples with oranges (not a level playing field)..

COMMENT:

Confusing to have different definitions of terms (eg, business partners) between PE and main glossary. This comment applies generally too. Recommend aligning definitions or just having a single glossary.

COMMENT:

Definition of "stakeholders" would benefit from an express reference to rightsholders (eg, supply chain workers). Suggest adding a reference.

COMMENT:

Definition of "risk-based due diligence" would benefit from highlighting that the severity and likelihood analysis is focused on impact to people/planet as opposed to the Facility. Suggest to add emphasis.

Performance Area 7: Rights of Workers

SECTION: 7.2 Grievance Mechanism for Employees and Contractors (Workers), Leading Practice, 1

COMMENT:

LP.1 -the concept of "co-design" is introduced here (and referred to again in passing in PE 12) but is not defined elsewhere. It is also not explained how the concept of co-design may differ from concepts of collaboration,

engagement and consultation etc used in other PEs. Define 'co-design' and use consistently throughout CMSI (including by replacing existing concepts of collaboration etc if co-design is what is intended).

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations and the collective industry expectation for responsible production practices?

Response: 4: Exceeds expectations

QUESTION 2

Do the requirements meet your expectations for being sufficiently clear to support consistent and practical implementation and to achieve necessary performance improvement?

Response: 4: Exceeds expectations

QUESTION 3

From your perspective, does the three-level performance structure (Foundational, Good, Leading) of the Consolidated Standard meet your expectations for providing an effective on ramp and clear articulation of good practice and effective path to continuous improvement?

Response: 3: Meets expectations

Meets expectations however there could be a greater form of recognition of claims for companies that mature from Good to Leading.

Document:
Claims

Disclaimer

COMMENT:

There is a clear incentive for implementers to move from Foundational to Good Practice in terms of the ability to make certification claims however there does not appear to be any clear recognition for implementers that achieve Leading Practice. Recommend incorporating some level of differentiation of claims (e.g. Tier 1 Certification) for implementers that can achieve say 80% of Leading Practice.

QUESTION 1

We would value perspectives on a few additional questions related to threshold of performance associated with achievement claims. Please click here/ see page 11 of Reporting and Claims Policy.

Response: No Response \begin{quote}It is difficult to determine if 75% or 80% as a threshold for Good Practice is more appropriate at this stage for a Logo Claim until seeing the final version of the performance criteria. Intuitively, 80% appears more credible for Logo Claim purposes.

For the additional consultation questions: (1) We do not believe a more gradual on-ramp is required given the standard already sets a Foundational Practice level which does seem like the minimum expectation for any type of industrial miner; (2) We do not see any specific Performance Area as needing to be in a mandatory for Logo Claims as long as the 80% (for example) of Good Practice is met, also as Foundational should be set for each Performance Area; (3) Yes, we feel strongly that there should be a higher-level claim although we believe that should be more like meeting 80% of Leading Practice (plus 100% of Good and Foundational) in order for that higher claim to kick in.\end{quote}