

CMSI Consultation Response

Respondent Details

NAME

Nicolas Moureau

COUNTRY

Canada

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Industry (upstream)

ORGANISATION

The Metals Company

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

12. How would the Board be renewed over time?

COMMENT:

*We suggest this minor language update to make it more inclusive to the marine minerals industry "different * extractive methods,* commodities, geographies and company size".*

13. What is the role of National Panels?

COMMENT:

Our future ore collection operations will occur in international waters beyond national jurisdiction. Therefore, would it be possible to update the term 'National Panels' to a more inclusive term such as 'Regulatory Panels' or 'Jurisdictional Panels'?

Given the described role of Panels, it seems the existence of a 'Supranational Panel' focused on activities taking place in the High Seas may prove relevant once the marine minerals industry commences.

7. How will the Board make decisions?

COMMENT:

If marine minerals companies were not to be part of ICMM, it would be valuable to include a representative of this industry once it commences.

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: 2: Below expectations

Generally speaking, we would welcome your consideration to make the language inclusive of a Facility focused on marine minerals, so that the standard and governance model is compatible with such an industry when it commences.

QUESTION 2

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

Response: unsure

Document:
Assurance

2. Roles and Responsibilities

COMMENT:

We are planning to implement CMSI's standard, and since the ore collection part will take place in international waters beyond national jurisdictions; would it be possible to update the limited description of "National Panels" to something more encompassing such as "Regulator Panels" or "Jurisdiction Panels"?

COMMENT:

Does that mean that a Good Practice level or better is needed in all performance areas in order to be eligible for receiving assurance against the standard? If so, it may be relevant to mention this in the "Performance Level" section of the standard as well (p.2). Please disregard if I missed it and it is already mentioned in the Standard.

COMMENT:

As noted above, our future ore collection operations will occur in international waters beyond national jurisdiction. To accommodate this situation, would it be possible to update the term 'National Panels' to a more inclusive term such as 'Regulator Panels' or 'Jurisdiction Panels' throughout the standard?

4. Consolidated Standard External Assurance Process

COMMENT:

As noted above, would it be possible to update the term 'National Panels' to a more encompassing term such as 'Regulator Panels' or 'Jurisdiction Panels'?

COMMENT:

We look forward to using and implementing the standard in our future operations. However, our ore collection operations will take place far offshore, in the Clarion-Clipperton Zone (CCZ). Given this context, and considering that a return journey to the CCZ can be over 10 days, a 30-day timeframe for on-site assessments may be too short.

COMMENT:

We suggest a minor language adjustment to make this section more compatible with our future nodule collection operations taking place far offshore: "seasonal and/or operational constraints (e.g., wet season, snow covered ground, port calls, crew changes, etc.)"

COMMENT:

Under what conditions could this be a viable alternative for nodule collection operations in the remote Clarion-Clipperton Zone? Could the use of technology, such as digital twins, help facilitate the assurance program?

COMMENT:

Perhaps mention that interview responses could be provided anonymously? It would seem reasonable for a Facility to have the opportunity to review the results, be informed about the types of stakeholders involved, and, if relevant, provide responses and/or documentation related to the findings.

COMMENT:

Would it be useful to further specify the operations- and infrastructure-related information that should be provided systematically (e.g., ore type(s), metals processing and refining flowsheet, equipment characteristics, products)?

COMMENT:

Does the standard specify whether the requirements for each performance level are intended to evolve over time? If so, would it be beneficial to clarify the frequency of review?

COMMENT:

Should this say all **material** Performance Areas?

5. Dispute Resolution Process

COMMENT:

This may need to be defined more precisely.

Appendices

COMMENT:

Maybe this could be "Address or UTM coordinates"?

COMMENT:

Does this refer to ore type? Maybe a more specific title and/or adding examples would be useful.

QUESTION 1

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

Response: 3: Meets expectations

Document:
Standard

Introduction

COMMENT:

It would be beneficial to state how CSMI will relate to other key Standards, such as those from the Initiative for Responsible Mining Assurance (IRMA) and Responsible Minerals Initiative (RMI).

COMMENT:

Certain performance areas incorporate a significant number of leading practice requirements (e.g., 3.1, 7.1, 8.2), which, when taken together, can be challenging to satisfy completely.

In these instances, mandating that facilities fulfill all requirements before earning credit for any leading practices might unintentionally discourage partial compliance (i.e., if a Facility deems compliance with one or two specific leading practices will be hardly attainable and unlikely and/or uncertain, what is the incentive for this Facility to seek compliance with the other leading practices?)

Performance Area 12: Stakeholder Engagement

SECTION: 12.1 Stakeholder Identification and Engagement, Foundational Practice, 1

COMMENT:

The standard provides a definition for "stakeholders", but not for "local stakeholders". Does this mean it is the Facility's responsibility to define this concept, and the Assurance Provider's responsibility to validate the definition? Or should the standard provide a definition?

SECTION: 12.1 Stakeholder Identification and Engagement, Foundational Practice, 2

COMMENT:

Maybe point 2 should come first? Do the mapping and then publicly commit? Generally speaking, we believe it would be helpful to present the requirements in a logical, prioritized order whenever possible.

Performance Area 13: Community Impacts and Benefits

SECTION: Glossary and Interpretive Guidance

COMMENT:

It would be beneficial to define more precisely what “affected” stakeholders means. Are we talking about stakeholders who are directly impacted, indirectly impacted, or both? What kind of impact are we considering, and from whose perspective? The idea of “affected stakeholders” can vary depending on different viewpoints and types of operations.

Is it the facility’s responsibility to define the term “affected” and identify who the “affected stakeholders” may be? If so, would it be helpful for CMSI to specify the process and parameters to be considered? What steps should a facility take to ensure that the findings of this assessment are accepted by the assurance provider?

Performance Area 18: Water Stewardship

COMMENT:

Knowing that water stewardship is also a priority for the marine minerals industry, there needs to be more clarity on freshwater vs. seawater. This Performance Area as it is written should specifically talk about freshwater, as all the requirements below indicate this focus.

Unless you want to include the use and impact on seawater and ecosystems, in which case you can talk about deep sea tailings disposal. In regards the marine minerals industry, the Marine Minerals ESG Handbook (<https://www.dnv.com/publications/marine-minerals-esg-handbook/>) has an entire topic on water quality, pollution and marine disturbances that could be of relevance here. We would very much welcome this inclusion as we are planning to follow and implement CMSI’s standard.

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy Management at all facilities, Leading Practice, 2

COMMENT:

Should tracing of minerals through the supply chain and recovering a percentage of them be a leading practice? Or at least, support downstream value chain tracing of products to advance a circular economy? Circular economy is not just about the recycled content, it is also being able to track where things go and help get them back to be recycled.

SECTION: 23.2 Additional Requirements for Smelters, Good Practice, 3

COMMENT:

It would be useful to provide a few examples / recommendations

SECTION: 23.2 Additional Requirements for Smelters, Good Practice

COMMENT:

Would it be useful to explain why there are no “foundational practices” for smelters?

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Good Practice, 1

COMMENT:

Adding the term "seafloor" would improve the compatibility of the standard with nodule collection operations from the deep seabed: "related to land, seafloor, biodiversity,...". This addition would also be relevant for operations involving deep-sea tailings disposal.

SECTION: 24.1 Closure Management, Good Practice, 3

COMMENT:

As noted above, adding the term 'seafloor' would enhance the CMS's inclusivity for nodule collection operations from the deep seabed ("... land, seafloor, beneficial future land uses,...")

Performance Area 3: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice

COMMENT:

The list of leading practices seems too long (10 leading practice on top of 6 good practice + 3 foundational practice), and several requirements are repetitive. We believe there are opportunities to simplify (e.g., maybe 3 and 9 could be merged?) to encourage facilities to seek full compliance with all requirements.

Performance Area 4: New Projects, Expansions and Resettlement

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 3

COMMENT:

This seems to be a foundational practice, instead of a good practice.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 4

COMMENT:

5 and 6 are some of the actions and remedies that are requested on 4. Can these three become one?

Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Foundational Practice, 2

COMMENT:

Should it be, "publicly commit to respecting the rights of groups...."? Otherwise, without public commitment, this is just a though.

Performance Area 9: Safe, Healthy and Respectful Workplaces

SECTION: 9.3 Training, Behaviour and Culture, Leading Practice, 1

COMMENT:

Can we provide some guidance to standardize how a facility/organization can demonstrate this? By having controls, training, everything under good practice, they are technically demonstrating it. But if there is something else, can we be more explicit?

SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 6

COMMENT:

p.3 of the Standard states that a facility must meet all requirements from a level and the previous one to reach a certain performance level.

In this case a facility cannot comply with both point 5 and 6 of the "Good Practice" level, hence it seems these points should be merged (e.g., "Record zero fatalities in the reporting year. If a fatality has occurred, the facility is not eligible for the Good Practice Level and must conduct an investigation and implement actions to mitigate root causes and contributing factors").

Should setting a zero fatalities goal be what is under good practice rather than recording zero fatalities as requirement to achieve good practice?

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: 3: Meets expectations

We are happy with the creation of the CSMI and fully support it. We would welcome the opportunity to be able to use this standard in our future operations, and our comments to the CSMI generally invite you to consider making minor language adjustments to make the standard compatible with nodule collection operations from the deep seabed

Generally speaking, we consider it would be helpful to further consolidate some of the requirements, as they might become at time redundant (mainly in the social section where there can be >7 requirements per level).

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: 3: Meets expectations

We consider it would be useful to systematically organize requirements in a manner that reflects a logical course of actions and helps a Facility determine what actions they should prioritize.

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

3. Types of Reporting & Claims

COMMENT:

Example 1 seems more straightforward. Example 2 may potentially expose CMSI to more disputes with Facilities that are close to the 75% threshold of the Good Practice requirements of individual performance areas.

COMMENT:

I would think so, yes. It would incentivize a Facility to keep improving.

4. Submission, Review and Approval of Reporting and Claims

COMMENT:

Should a facility that produces nickel, cobalt, copper and manganese metals or intermediates apply for the Consolidated Standard logo, or for both the Copper Mark and Nickel Mark?

6. Review of this Policy

COMMENT:

Should the review frequency be more specific?

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**

We provided feedback within the document