

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

Canada

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (upstream)

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

6. What will the composition of the Board look like?

COMMENT:

which category is envisioned to be filled by Copper Mark board members? Don't believe this seat should be using up the mining company seat.

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: 3: Meets expectations

Having a 17-person board with 2 sub-committees (which have 18 people each) and 2 National panels (with 12 people each) may not create a dynamic that is 'effective'. Understand that this is created for an 'inclusive' governance structure; balancing inclusive versus effective can be a challenge.

QUESTION 2

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

Response: unsure

Unsure, mainly because time will tell.

Document:
Assurance

3. Who Can Conduct External Assurance?

COMMENT:

Does this preclude independent or retired industry person(s) who are qualified as assurance?

COMMENT:

if provider has conducted at least 3 assurances in the 3 year period, should the training still be taken?

QUESTION 1

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

Response: 3: Meets expectations

The assurance process is much more comprehensive than the previous processes. The concern would be the potential additional costs associated with meeting these additional assurance steps (ie site interviews, media scans, etc).

Document:
Standard

Introduction

COMMENT:

The terminology used to label the 3 levels of performance (i.e Foundational, Good and Leading) might be misleading and hard to communicate and to understand by stakeholders. Perhaps foundational could be replaced with core or fundamental.

COMMENT:

Considering the importance of this standard, it is recommended to provide extended implementation onboarding in order for the companies to properly roll-out and adjust their system to this new standard.

COMMENT:

Clarifications around the structure of the roll-out period would also be beneficial (i.e. how do we switch for multiple standards to one; when can we stop reporting TSM, RGMP, etc, and switch to the new standard?).

Performance Area 1: Corporate Requirements

SECTION: 1.3 Transparency of Mineral Revenues, Foundational Practice, 1

COMMENT:

Will ESTMA be considered consistent with EITI principles?

SECTION: 1.4 Risk Assessment, Foundational Practice, 1

COMMENT:

This block is part of the "Corporate Requirements". Wondering why we refer to facilities... Referring to "an individual" is quite specific. Suggest to use the same format as 1.1: an individual(s), and/or change to "to be accountable" for instead of "be responsible"

SECTION: 1.4 Risk Assessment, Leading Practice, 1

COMMENT:

At what level and to what extent? What would be the objective? Include their areas of concern? Guidance necessary to clarify the scope of this requirement

SECTION: 1.5 Crisis Management and Communications, Foundational Practice, 3

COMMENT:

Might be more than one depending on the size of the company. Use the same format as 1.1: "a senior executive(s)"

Performance Area 18: Water Stewardship

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

COMMENT:

This requirement should be reformulated to be clearer in what is expected. Suggested wording: Identify water use requirements (including quality required, i.e. fresh vs recycled).

SECTION: 18.1 Water Management and Performance, Foundational Practice, 5

COMMENT:

Long-term risks could be in Good Practice.

SECTION: 18.1 Water Management and Performance, Good Practice, 1

COMMENT:

Predictive portion could be in Leading Practice.

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

COMMENT:

should be moved to leading practice.

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

COMMENT:

"Identify" could be changed to "Maintain an opportunities register"

“improve” could be changed to “optimize” (sometimes, improving is not feasible...)

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

COMMENT:

This requirement might lead to issues with confidentiality.

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

COMMENT:

Not sure what is meant by “independent review” in the context of water management. Are we referring to the establishment of a new independent board? Please clarify.

SECTION: 18.2 Collaborative Watershed Management, Good Practice, 3

COMMENT:

Is this intentionally included in both Foundational and Good Practice? It might make sense to only have it in Foundational and then is implied to be in Good, as Good builds upon Foundational

SECTION: 18.3 Water Reporting, Foundational Practice, 1

COMMENT:

What are “primary water activities”? Please define.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 1

COMMENT:

This requirements should be in the “Leading Practice”.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 3

COMMENT:

This requirements should be in the “Leading Practice”.

No net loss and net gain concepts need to be put in appropriate physical and time frames to be meaningful; requires guidance by ecologists.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 5

COMMENT:

This requirements should be in the “Leading Practice”.

No net loss and net gain concepts need to be put in appropriate physical and time frames to be meaningful; requires guidance by ecologists.

Performance Area 2: Business Integrity

SECTION: 2.1 Legal Compliance, Foundational Practice, 1

COMMENT:

The scope of "applicable laws" can be very large. It should be defined. Do we mean environmental laws? Please define what is meant by: key legal risks, significant legal obligations.

The way this requirement is labeled now is ambiguous with reference to the scope.

SECTION: 2.1 Legal Compliance, Foundational Practice, 2

COMMENT:

This could be feasible only if the scope of "applicable laws" is limited to environmental laws and conditions in permits. Otherwise, the only process is to obtain advice from the legal department... Cannot make a list of ALL legal obligations (Constitution laws, labour law, natural resource law, civil rights, access to information rights, etc.). Either limit to environmental laws, or remove from the standard.

SECTION: 2.1 Legal Compliance, Leading Practice, 1

COMMENT:

This should be under Good Practice

SECTION: 2.1 Legal Compliance

COMMENT:

This should be in the Leading Practice category

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 1

COMMENT:

Seems redundant with Foundational requirement 3. If prohibited, already identified and addressed. What is the purpose/scope of this requirement compared to Foundational practice? Should be clarified.

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 5

COMMENT:

A KYC procedure can be a very cumbersome process. Should be moved to Leading Practice

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 2

COMMENT:

What is the objective of this requirement? Self-flagellation will not prevent breaches.

Recommendation to remove this requirement.

Performance Area 20: Climate Action

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Foundational Practice, 1

COMMENT:

Scope 3 emissions should be removed from Foundational Practice.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 1

COMMENT:

Methodologies for the establishment of objectives and targets are not refined yet. Please provide guidance.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 5

COMMENT:

Would benefit from guidance on how to establish internal carbon price.

COMMENT:

Please define "major investment decisions".

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 6

COMMENT:

What would be the required evidence to prove targets and actions are science-informed? Guidance on this subject would be appreciated.

SECTION: 20.3 Annual Climate Change Public Reporting, Foundational Practice, 2

COMMENT:

Please define "process emissions data". Some processes might present with harder to define/calculate emissions. Any threshold? Could use "significant process emissions"?

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Foundational Practice, 1

COMMENT:

What are riverine tailings?

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

Other considerations for Leading Practice is to disclose Quantitative risk assessment results. Another thing would be to disclose other type of facilities (filtered stack, heap leaches and waste rock dumps) in the summary report

Performance Area 22: Pollution Prevention

SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management, Foundational Practice

COMMENT:

Should confirm the applicable international conventions that are also being adhered to

SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management, Foundational Practice

COMMENT:

Guidance requested on what the 'proof' will consist of

SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management, Good Practice

COMMENT:

How to define "adverse"? Need to make sure there is a demonstrated impact before needing to implement a risk mitigation measure

SECTION: 22.2 Mineral Wastes, Foundational Practice, 1

COMMENT:

Assuming this encompasses waste rock and other material stockpiles?

SECTION: 22.2 Mineral Wastes, Good Practice, 2

COMMENT:

How to define "adverse"? Need to make sure there is a demonstrated impact before needing to implement a risk mitigation measure.

SECTION: 22.5 Cyanide, Good Practice, 1

COMMENT:

The standard should allow for an interim process, i.e. once the facility has indicated they become signatory (and get 3 years to implement the code and become certified), they can say yes to this requirement.

SECTION: 22.6 Accidental Polluting Releases, Good Practice, 4

COMMENT:

Should specify that this process is expected for material/significant spills/incidents (not all the incidents).

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Foundational Practice, 1

COMMENT:

It would be good to mention that closure should be included in the design phase for all new TSFs.

COMMENT:

It is not clear what level of engagement would be required. There is more specific discussion on engagement requirements under Good Practice. It would be good to better define what is expected under Foundational. It is true this is foundational, but the divide between Foundational Practice and Good Practice should be more clear.

SECTION: 24.1 Closure Management, Good Practice, 5

COMMENT:

Perhaps this should be moved to leading practice, or the words "as applicable" could be added if left in Good Practice

Performance Area 3: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Good Practice, 1

COMMENT:

How do we determine what are the "most significant" parts of a supply chain? Would benefit from more guidance here.

Is this just direct supply chain? If not, how far up or down the supply chain is required to identify, assess and prioritize? Is it expected to review the supplier's supplier, and their supplier?

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Good Practice, 6

COMMENT:

Would remove in its entirety. Not a good idea to publicly disclose this information.

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 10

COMMENT:

Should delete in its entirety.

What would be the objective of such disclosure?

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 9

COMMENT:

Should change the language to "Collaborate with business relationships to increase effectiveness of stakeholder engagement practices".

SECTION: 3.2 Responsible Mineral Sourcing, Foundational Practice, 2

COMMENT:

Should be moved to Good Practice.

Performance Area 4: New Projects, Expansions and Resettlement

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 2

COMMENT:

To confirm the scope to be cumulative impacts of existing or planned developments by the proponent and not all existing and planned developments by other developers in the area?

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 3

COMMENT:

Mitigating cumulative impacts should be Leading Practice

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice, 1

COMMENT:

The requirement as stated here has the potential to cause issues in the application. First, how do we evaluate if relevant impacts are identified, and how do we justify doing or not separate consultation sessions. Could other groups require the same treatment? We suggest either removing this requirement, or provide with more guidance on the application.

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

COMMENT:

This requirement is too large in scope, and not under companies' responsibility (claims and conflicts of land titles). Would remove it from standard.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 5

COMMENT:

How do we define full replacement cost? Depending on the situation, this might be hard to achieve. Should be clearly limited to involuntary displacements.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 6

COMMENT:

The specific reference to "persons" is too specific here, and hard to track and achieve. Would remove this part.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 7

COMMENT:

What is the objective of this public disclosure? This is not an easy thing to evaluate, and having to publicly disclose seems not reasonable, especially for a "Good Practice" requirement. Would remove this requirement, or move to Leading Practice.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 8

COMMENT:

Difficult to implement if people are gone, dispersed, not relocated close to the facility. Move to Leading Practice and should be mentioned that it is only applicable if reasonably feasible.

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 1

COMMENT:

Very difficult to implement. People are gone, so why would we be required to track them? This requirement should be removed from the Standard.

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 2

COMMENT:

Please provide some context around this requirement. Would suggest to remove from the Standard.

Performance Area 6: Child Labour and Modern Slavery

SECTION: 6.1 Risk, Mitigation and Operating Performance, Foundational Practice, 7

COMMENT:

What is meant by offsite? Could we not have just used within the "operation or facility" as presented in 6.1.1 Leading practice? Does this include the supply chain when referring to offsite?

SECTION: 6.1 Risk, Mitigation and Operating Performance, Good Practice, 5

COMMENT:

Pretty sensitive. Would suggest to remove this requirement or move to Leading Practice.

COMMENT:

Is this harm in direct operation or in the supply chain?

Performance Area 7: Rights of Workers

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 13

COMMENT:

Language may be misleading to require sites to encourage unions rather than encourage employee representation. Another option should also be available

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 17

COMMENT:

Additional clarification on this is needed; unsure what this means

Performance Area 8: Diversity, Equity, and Inclusion

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 2

COMMENT:

Diversity “objectives”, per say, may not be the desired outcome. The standard should focus more on eliminating biases, not targeting % diversity. The following wording is suggested:

“Set objectives to minimize bias in recruitment, and to support retention and representation among...”

Performance Area 9: Safe, Healthy and Respectful Workplaces

SECTION: 9.1 Health and Safety Management, Foundational Practice, 1

COMMENT:

Why is this requirement only focusing on psychological? Could we add “physical” as well?

SECTION: 9.1 Health and Safety Management, Foundational Practice, 3

COMMENT:

When referring to “health”, do we refer to both physical and psychological health? Could define for enhanced clarity.

SECTION: 9.1 Health and Safety Management, Foundational Practice, 6

COMMENT:

What is included under the term “basic first-aid? Equipment? Facility? Training? Would benefit from a definition.

SECTION: 9.1 Health and Safety Management, Good Practice, 2

COMMENT:

Point f) of the list should be under Leading Practice

SECTION: 9.1 Health and Safety Management, Leading Practice, 2

COMMENT:

How do we define ‘oversight’? Is there a frequency, or scope of activities to be performed? Would benefit from more guidance.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Leading Practice, 6

COMMENT:

Concretely, how do we do this?

SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 5

COMMENT:

Should specify “work-related” fatalities.

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

COMMENT:

Should specify “work-related” fatality.

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

We believe that the 24 Performance Areas adequately cover the material topics of a mining company to contribute to a sustainable society, enabled by the responsible production, sourcing, and recycling of metals and minerals.

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

Additional guidance and clarification could be provided for specific performance areas and categorization of certain aspects could be revisited.

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

The perception of being 'Foundational' may be seen as poor performance; potentially change to a different descriptor (core, fundamental) to overcome this, or need to ensure messaging is well communicated and accepted.

Document:
Claims

1. Introduction

SECTION: 1.3 The Consolidated Standard and related claims

COMMENT:

Can there be explicit guidance on use of Claims once a standard is revised and facility transitions in the adoption of the revised standard?

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**

No additional comments on the threshold example 1 and 2.

1. Agree that this is a good approach to encourage adoption, however there should be a time limit for how long a company can remain in 'transition' for a claim.
2. If there are Performance Areas that must be at Good Practice, then the Foundational Practice category(ies) should be removed, and only two should remain (Good and Leading Practice)
3. Incentivizing Leading Practice performers is a good idea; perhaps the incentive could come after attaining said claim byway of a more relaxed assurance schedule/allow for assurance to be completed virtually/ 'perks' realized in the assurance process