CMSI Consultation Response

Respondent Details

NAME
Johanna Lindkvist

COUNTRY
Sweden

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

STAKEHOLDER
Other: Industry (upstream & midstream)

ORGANISATION
Boliden Mineral AB

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: `5: Significantly exceeds`

QUESTION 2
Does the proposed governance model ensure no single group is able to unduly influence decisions?
Response: `yes`

Document:
Assurance

3. Who Can Conduct External Assurance?

COMMENT:

Item No. 2: "Demonstrate technical experience" is very vague in comparison to other demands, which is a quality weakness but also opens up possibilities to find auditors.

_____

COMMENT:

Item No. 4: Would "independent of the facility and free of conflict of interest" also exclude members of non-mining NGO:s (and not just our own consultants) from acting as auditors?

_____

COMMENT:

Item No. 5: These training requirements will be costly money/ timewise for the assurance provider, which might lead to few assurance providers within certain areas / smaller languages choosing to provide assurance to this specific standard and a subsequent risk of monopoly/ high prices for the facilities.

4. Consolidated Standard External Assurance Process

COMMENT:

Unclarity: What is adequate lead time?

COMMENT:

Bullet point 6: Sharing might not be compatible with the whistle blower legislation.

COMMENT:

Bullet point on Performance Area 8: Not legally possible in some countries. According to Swedish law, for instance, it is prohibited to register minority groups by ethnicity/heritage, disabilities, sexual preference, religion etc. In the Swedish society women and men also have equal lawful rights and opportunities.

Thus e.g. separate consultations based on gender or other individual fundamentals can be seen as discriminating, or at least backwards from an equality perspective and would not be applicable in Sweden, it might even be against national law.

COMMENT:

The "guide" sample is quite a lot of people...

Appendices

COMMENT:

We are missing designated column/s or similar to document that a requirement is deemed not applicable due to context, or covered by national law or an equivalent standard which the facility has committed to and is validated against.

QUESTION 1
From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?
Response: 2: Below expectations

The process is over-all well-written and systematic in ensuring quality, trust, improvements and ways to handle e.g. pandemics."

However, there is one remaining question mark regarding the standard's ability to achieve one of its targets - to decrease the over-all ESG validation stress on the organizations - since:

1) the draft validation process and suggested reporting template are missing a possibility for the facility/assessor to mark the specific requirement or individual practice "not applicable" or "covered by an equivalent standard/law" based on: a) irrelevance (the facility's context is lacking the

reason for the requirement/practice, e.g. no indigenous people in the area; no tailings facilities etc.); b) equivalency* (the requirement/practice is already required by local law or an equivalent standard** that the facility has committed to and is validated against); c) illegitimacy (the requirement/practice is not allowed by or is contradictory to local law, e.g. in Sweden registration of minorities according to heritage/ethnicity; disabilities; sexual preference/ identification; religion etc. etc. is prohibited by law in order to prevent discrimination, so keeping statistics, having separate communication activities etc. with them cannot be done). 2) the validation process' "guide's" sampling is also quite extensive compared to what is audited today in any of our standard validations, suggesting this validation in itself will be extensive.

(We suppose No. 1) has been overlooked due to the early draft stage of the reporting template and hope for improvement in this area in the next consultation draft.)

We are missing designated column/s or similar to document that a requirement is deemed not applicable due to context, or covered by national law or an equivalent standard which the facility has committed to and is validated against.

> **Document:**
> # Standard

Performance Area 1: Corporate Requirements

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 10: Emergency Preparedness and Response

SECTION: 10.1 Emergency Preparedness and Response Planning, Good Practice, 2

COMMENT:

On the foundational level, this, test notification and chain of alarm, should be tested at least once a year.

SECTION: 10.1 Emergency Preparedness and Response Planning, Leading Practice, 1

COMMENT:

From the facility level up to corporate level? Needs clarifying.

SECTION: 10.1 Emergency Preparedness and Response Planning, Leading Practice, 2

COMMENT:

From the facility level up to corporate level? Needs clarifying.

Performance Area 11: Security Management

SECTION: Glossary and Interpretive Guidance

COMMENT:

See the overall comment on this Performance Area, perhaps the type of Security needs to be defined.

___

COMMENT:

Ok, but the term Security for this chapter is a bit misguiding as it is not about overall protection from antagonistic threats, its more about the impact of security-measures on human rights.

Performance Area 12: Stakeholder Engagement

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 13: Community Impacts and Benefits

SECTION: 13.2 Community Development and Benefits, Foundational Practice, 5

COMMENT:

No, a community investment program is not foundational practice but could be a requirement for good practice.

___

SECTION: 13.2 Community Development and Benefits, Good Practice, 2

COMMENT:

These requirements must be adapted to the size of the facility and to the social context.

___

SECTION: 13.2 Community Development and Benefits, Good Practice, 3

COMMENT:

These requirements must be adapted to the size of the facility and to the social context.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Foundational Practice, 4

COMMENT:

Suggest to delete. Cultural awareness training should be part of Good Practice and can be part of Requirement 12.

___

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 1

COMMENT:

Suggest to delete. A wordy and unnecessarily detailed requirement. The essence of this requirement is covered by Requirements 2-12 of Good Practice anyway.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 4

COMMENT:

Suggest to delete the second sentence. A general requirement to obtain permission for using cultural or intellectual information and knowledge is not compatible with other established principles regarding freedom of thought, freedom of speech and freedom of information. An acceptable requirement could be that personal data shall be handled in accordance with law and that sensitive information shall be handled responsibly.

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 6

COMMENT:

Change the requirement's "obtain agreement" to a requirement to "strive to obtain agreement", since the actual conclusion of an agreement is not something that the facility can control.

SECTION: Intent

COMMENT:

We suggest that "obtaining agreement" is changed to "striving to obtain agreement", since the actual conclusion of an agreement is not something that the facility can control.

Performance Area 15: Cultural Heritage

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 16: Artisanal and Small-Scale Mining

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting, Foundational Practice, 2

COMMENT:

OK and this is an important point, worthy to note however if there are sensitivities around formalization efforts in certain country context that should be considered. E.g. would formalization of a nearby ASM constitute limitation or restriction to the mining concession within an LSM permit etc. as this is something we have seen in our supply chain where in order for ASM to be formalized, the LSM would need to relinquish certain land rights.

Performance Area 17: Grievance Management

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 18: Water Stewardship

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

COMMENT:

OK - from a mining side this makes sense, uncertain as to the detail required or the detailed needed for smelters, as their intake and discharge flow rates are more constant over time. (Important that requirements are suitable to both, if meant to be applicable.)

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

COMMENT:

OK as stated, very important to understand the relationship between contact water area, local climate, and process water requirements. Good that the focus is only on process efficiency.

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

COMMENT:

OK, but wouldn't this be the natural result of following Foundational practice point 7 and Good practice point 5?

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

COMMENT:

This may or may not be relevant in certain countries.

SECTION: 18.2 Collaborative Watershed Management, Foundational Practice, 3

COMMENT:

OK, but may not be OK to be driven by a private entity in some jurisdictions.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 2: Business Integrity

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 20: Climate Action

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Foundational Practice, 1

COMMENT:

Our expert's opinion is that the standard's long term goal should be to make use of riverine tailings prohibited.

SECTION: Applicability

COMMENT:

Legacy sites (no tailings currently produced and will not be produced over a foreseeable future) will not be included as this applicability is written. Can be changed from "all facilities that produce tailings" to "all facilities that are managing tailings".

SECTION: Intent

COMMENT:

Can also include PA 5: Human Rights, PA 13: Community Impacts and Benefits, PA 14: Indigenous People and PA 20: Climate Action, due to the width of GISTM.

Performance Area 22: Pollution Prevention

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 23: Circular Economy

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

COMMENT:

Move from Good Practice and change to Leading Practice and merge with Leading Practice nr.1. Thereafter, it is OK if industry guidelines are developed first.

SECTION: 23.2 Additional Requirements for Smelters, Leading Practice, 1

COMMENT:

Merge with Good Practice no. 3 and have it under Leading Practice.

SECTION: 23.2 Additional Requirements for Smelters, Leading Practice, 4

COMMENT:

Remove. Not applicable for our industry. In the coming decades the metal need will increase more than the availability of metals that can be recycled, hence there will not be sufficient material to increase recycling during a long period of time as metal can be used in products for several decades. In the distant future we will reach a steady state where recycling can increase.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Foundational Practice, 1

COMMENT:

Potential gap in wording and/or commitment:

* Wording for Foundational Practice Level 1 includes "...responsible closure.." and "...physically and chemically stable post-closure conditions that do not pose ongoing material risks to people or the environment".

* Definition of Rehabilitation includes the wording "The return of land to a safe and stable condition that supports the intended post-mining land use".

* GISTM uses the wording Safe Closure.

SECTION: 24.1 Closure Management, Good Practice, 2

COMMENT:

Suggested to use "Consult" or "Engage with" instead of Collaborate, or that "work together" is removed from the definition of Collaboration, as it may not be possible for some processes.

SECTION: 24.1 Closure Management, Good Practice, 3

COMMENT:

Suggested to use "Consult" or "Engage with" instead of Collaborate, or that "work together" is removed from the definition of Collaboration, as it may not be possible for some processes.

SECTION: 24.1 Closure Management, Good Practice, 4

COMMENT:

"Engage" is a good wording that could be considered for Good Practices 2 and 3?

SECTION: 24.1 Closure Management, Leading Practice, 1

COMMENT:

Will e.g. "Costs assessed by Qualified Person" or "Cost estimated by third party consultation (technical specialist or subject matter expert" be sufficient to describe the "how?

SECTION: Applicability

COMMENT:

How about the different lifecycle phases? Change wording to "This Performance Area is applicable to all facilities and all stages throughout the life of the facility"?

SECTION: Glossary and Interpretive Guidance

COMMENT:

ML needs to be explained, e.g.: Metal leaching (ML) refers to drainage that contains elevated metals regardless of the conditions of acidity.

COMMENT:

Reference placement is weird in "Financial Assurance".

(Reference no. 120)

COMMENT:

Potential gap in wording and/or commitment:

* Wording for Foundational Practice Level 1 includes "...responsible closure.." and "...physically and chemically stable post-closure conditions that do not pose ongoing material risks to people or the environment".

* Definition of Rehabilitation includes the wording "The return of land to a safe and stable condition that supports the intended post-mining land use".

* GISTM uses the wording Safe Closure.

SECTION: Intent

COMMENT:

Why are opportunities not part of intent? E.g. "Plan and design for progressive rehabilitation and closure in consultation with relevant authorities, stakeholders and rights-holders, address closure-related environmental and social risks and impacts opportunities and make financial provision to enable implementation of closure and post-closure commitments".

Performance Area 3: Responsible Supply Chains

SECTION: Applicability

COMMENT:

Responsible sourcing entails responsibility within various sub-areas, e.g. human rights, so good performance throughout supports responsible sourcing.

Performance Area 4: New Projects, Expansions and Resettlement

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

COMMENT:

Suggest to move Social Impact Assessment to Good Practice. EIA is a standard requirement and appropriate for foundational practice. Social Impact Assessment might be an appropriate requirement for ICMM members and for major mining projects but seems more appropriate to place at the level of Good Practice in this standard.

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

COMMENT:

Separate consultations with women etc. should only be required where this is relevant in the social context. In some mining regions, women are mine managers, decision makers, etc. and are capable of looking after their interests on the same terms as the population at large.

In some countries, e.g. Sweden, it is also illegal to register minorities according to heritage/ethnicity; disabilities; sexual preference/ identification; religion etc. etc., so having separate communication activities with them would not be possible.

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

COMMENT:

Suggest to change "possible" to "reasonable". It is always possible to avoid resettlement, but it might not be reasonable when considering other interests.

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

COMMENT:

OK (but see the general comment on Performance Area 4)

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

COMMENT:

These requirements must be adapted to the severity of the impacts, to the social context and to the Jurisdictional regulations. In many jurisdictions, there are regulated official procedures with the same purpose.

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

COMMENT:

These requirements must be adapted to the severity of the impacts, to the social context and to the Jurisdictional regulations

---

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

COMMENT:

These requirements must be adapted to the severity of the impacts, to the social context and to the Jurisdictional regulations.

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

COMMENT:

These requirements must be adapted to the severity of the impacts, to the social context and to the Jurisdictional regulations.

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

COMMENT:

These requirements must be adapted to the severity of the impacts, to the social context and to the Jurisdictional regulations.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 9

COMMENT:

These requirements must be adapted to the severity of the impacts, to the social context and to the Jurisdictional regulations.

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

COMMENT:

These requirements must be adapted to the severity of the impacts, to the social context and to the Jurisdictional regulations.

SECTION: 4.2 Land Acquisition and Resettlement

COMMENT:

(1) Section 4.2 seems to have been written with the situation in developing countries in mind. In other parts of the world, many of these requirements will be managed by authorities in accordance with Jurisdictional regulations, for example regulations on physical planning.

(2) The requirements on resettlement are quite comprehensive and should only be applicable to major resettlements. See also the comment on the definition of Involuntary Resettlement.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Definition of Involuntary Resettlement needs to include a qualification relating to the magnitude or severity of the displacement (not just to the magnitude of the project). Almost all acquisitions of land will be regarded as involuntary resettlement (physical or economic displacement) with the currently proposed definition. This is because there is almost always a possibility to use expropriation (or similar measures) for land needed for mining. Qualification could be that a large part of the local community is affected (not just one or two individual land owners).

Performance Area 5: Human Rights

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 6: Child Labour and Modern Slavery

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 7: Rights of Workers

COMMENT:

The Performance Area has been reviewed and found ok by our company experts on the area. (No other comments given.)

Performance Area 8: Diversity, Equity, and Inclusion

SECTION: Intent

COMMENT:

Suggested to also refer to "Responsible Supply Chains" and "Indigenous Peoples" in the Other Relevant Performance Areas part.

Performance Area 9: Safe, Healthy and Respectful Workplaces

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

COMMENT:

It is unclear what "Maintenance of Health & safety records" means, should it be "Maintaining of Health & safety records"?

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

COMMENT:

It needs to be clarified what "Establish oversight" means in this and how it is different from level 2c step in the "Good practice" in Leading indicators.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Foundational Practice, 1

COMMENT:

Should be exchanged for requirement 1 in good practice. Reporting matters of psychological safety in a system is not supporting the creation of psychological safety and openness in a team, those matters should be discussed directly in the team.

Or, if this is too high level for foundational practices, perhaps "Good practice criteria 5" could be a better alternative as that is more of a baseline.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Good Practice, 2

COMMENT:

Recommend moving this section to 9.1:Good practice as it is more broadly connected to health and well-being, not just connected to psychological safety.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Good Practice, 5

COMMENT:

Recommend to remove "trauma-informed" as a word. It is a bit unclear on how to interpret the meaning of it. To write "processes for reporting…" would be sufficient.

SECTION: 9.2 Psychological Safety and Respectful Workplaces, Leading Practice, 3

COMMENT:

Recommend moving this requirement to 9.1 Leading practice as it targets Health & Safety more broadly. Also recommend to remove psychological safety and exchange it with psychosocial safety.

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

COMMENT:

Propose to remove this. It is involved in "Performance Area 13: Community Impacts and Benefit"

SECTION: 9.4 Monitoring, Performance and Reporting, Foundational Practice, 1

COMMENT:

Ok. By "workers", do that mean for "all employees"?

SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 1

COMMENT:

Reporting matters of psychological safety in a system is not supporting the creation of psychological safety and openness in a team/workplace, those matters should be discussed directly with the persons involved.

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

COMMENT:

Can this requirement be formulated differently to be more proactive and actionable?

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

COMMENT:

This requirement should be under Foundational practice instead.

SECTION: Intent

COMMENT:

"Responsible Supply Chains" could be added under "Other Relevant Performance Areas"

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: 3: Meets 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: 4: Exceeds expectations

> ### Document:
> ## Claims

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

Example 2 is preferred to begin with. Further improvement can be done later.

1. Yes

2. Yes

3. Yes