

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:

My main concern is around the reduced mining representation. It is a mining standard and should have at least half of the board represented by mining companies, big and small. Half of the representation is from the value chain and they do not need to implement any of the standards, which leads me to think that this standard will evolve into something not realistically implementable by mining companies.

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

The board's ability to uphold the standard's usability and ensure its requirements continue to provide value is essential to the standard's success. The current composition of the Board is not likely to be able to uphold this requirement.

QUESTION 2

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

Response: no

The concern revolves around the small proportion of representation from the industry, which means that the standard is likely to evolve in a way that will not be practical.

4. Consolidated Standard External Assurance Process

COMMENT:

I did not notice whether the significant event notification triggers were included in the body of the consolidated standard but this should be in there as a note to further highlight it. Also, who should report? The facility? Corporate? and to whom? we should be specific.

QUESTION 1

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

Response: 3: Meets expectations

It will require adequate training of assurance providers.

Introduction

SECTION: Introduction

COMMENT:

• There seems to be a large range in levels for leading practice, which conveniently aligns with commitments large companies have made. For example, net positive biodiversity and net neutral by 2050, while leading practice for mineralized waste management is engagement with stakeholders.

COMMENT:

Are the scores given for a performance area? or for sub topics? perhaps a clarification or example should be included.

COMMENT:

How is the facility qualified if they do not meet Foundational requirements?

Performance Area 1: Corporate Requirements

SECTION: 1.1 Board and Executive Accountability, Policy and Decision, Making, Good Practice

COMMENT:

How would you go about demonstrating this?

Performance Area 18: Water Stewardship

SECTION: 18.3 Water Reporting, Good Practice, 1

COMMENT:

Operational water reporting reported “relative to established objectives and targets”. It’s unclear if all measures require objectives and targets. It is not context specific to require a target for all reported data. For instance, water withdrawals are often entirely dependent on rainfall for the year, and are difficult and often unnecessary to have a target set.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Foundational Practice, 2

COMMENT:

Key Biodiversity Areas are managed by NGOs who list CPAWS, the David Suzuki Foundation, WWF, and Environment and Climate Change Canada as member organizations. Even the KBA website notes that once identified it does not automatically lead to formal protection or management requirements. Complying with these restrictions as a foundational practice is not practical or realistic.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Leading Practice, 4

COMMENT:

Requiring net gain of biodiversity to achieve leading practice likely to limit companies without the funds to purchase offsets. Doesn’t necessarily lead to improved practices and shuts out companies without significant benefit

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature

COMMENT:

The term ecosystem services needs to be better defined rather than be a catch all phrase. If not well defined, it becomes impossible to meet these criteria

Performance Area 2: Business Integrity

SECTION: 2.1 Legal Compliance, Good Practice, 2

COMMENT:

Publicly disclose significant fines or regulatory actions “in line with existing disclosure standards applicable to a company”

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

COMMENT:

Identify and address key ethical and integrity risks in the Code of Conduct “or similar corporate policies”

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 6

COMMENT:

Where political donations are permissible, establish guidance on their use and publicly disclose any "significant or material" donations.

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

COMMENT:

It would be difficult to publicly disclose material breaches, as well as the nature and remedy, while protecting the confidentiality and privacy of the complainants/individuals involved

Performance Area 20: Climate Action

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

COMMENT:

The reference to TCFD should be eliminated as it is no longer active. It should also reflect jurisdictional guidelines/law.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 4

COMMENT:

For item 4, requiring investments in climate adaptation with social value and benefits for local stakeholders would be challenging for smaller companies. 20.2 item 2 is more appropriate and has opportunity to provide meaningful collaboration.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Foundational Practice, 1

COMMENT:

The tailings PA feels out of place compared to the others as it only references two other standards. It doesn't feel clear as to what is happening to TSM and GISTM if the consolidated standard exists

SECTION: 21.1 Tailings Management, Foundational Practice

COMMENT:

It isn't clear whether GISTM and/or MAC TSM will still exist once the consolidated standard is in place. Committing to implementing these standards as foundational becomes unclear

SECTION: 21.1 Tailings Management, Good Practice, 1

COMMENT:

What does "conformance" with above standards mean? AAA? A?

COMMENT:

Although tailings management has been top of mind for many years now, a few incidents over the last year should make us pay more attention to heap leach management, which has the potential to cause significant environmental, health & safety and social impacts. This is a blatant omission of the CMSI

Performance Area 22: Pollution Prevention

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

COMMENT:

Is this achieved as simply as recycling some waste? Metals for instance have salvage value that means it would be achieved very easily if that is all that is required.

SECTION: 22.2 Mineral Wastes, Foundational Practice

COMMENT:

It is illogical to require a public commitment to prevent creating mineral waste. No mining method will change to avoid producing mineral waste.

SECTION: 22.2 Mineral Wastes, Leading Practice, 1

COMMENT:

Engaging stakeholders on how to manage mineralised waste is not leading practice, it should be bare minimum. For instance involving stakeholders in waste rock dump decisions and planning allows for collaborative planning and reduces the risks of rework down the line

SECTION: 22.2 Mineral Wastes

COMMENT:

This feels like an incredibly light touch considering the potential long term impacts of mineralised waste. No consideration for source control, no requirement to plan to avoid long term management, not requirement to ensure baseline/operational databases are sufficient for the risk. There are other standards that could be referenced for ARD planning such as the GARD Guide that could be referenced here without a lot of additional work

COMMENT:

Mineral waste management feels out of place in this section - it should be as a mineral waste section (including tailings)

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

For item 2, is the expectation that there is a net positive impact on air quality? Baseline data is noted that it could be pre-mining conditions

COMMENT:

It is not always possible or practical to establish targets around air quality emissions, especially if this is not a significant concern for the site.

SECTION: 22.4 Mercury

COMMENT:

Need to define applicability of this sub section of the performance area.

SECTION: 22.5 Cyanide, Leading Practice, 1

COMMENT:

How would you even evidence this requirement? It feels self serving of the ICMI

SECTION: 22.6 Accidental Polluting Releases

COMMENT:

This section overlaps with too many other sections and feels duplicative.

SECTION: 22.7 Noise, Vibration and Light pollution/nuisance, Leading Practice, 1

COMMENT:

Engaging stakeholders for leading practice again should be bare minimum. As an example: a mine site I worked at had light plants for tailings construction. A First Nation in the area used surrounding mountains for spiritual practices, and the light was visible from the mountains. The issue was addressed, but this was reactionary and not leading practice for light pollution management.

COMMENT:

Using the word pollution implies that mines are polluting, which continues to reinforce negative perceptions of mining. The word should be changed.

Performance Area 23: Circular Economy

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

COMMENT:

This doesn't feel aligned with continuing production. It is also a tailings piece - should be in the tailings section

SECTION: 23.1 Circular Economy Management at all facilities

COMMENT:

This section overlaps too many other sections. It is addressed extensively in 22.1

Performance Area 4: New Projects, Expansions and Resettlement

SECTION: Applicability

COMMENT:

How is 'major' or 'significant' expansion defined? Should there be some wording around the regulatory triggers?

Performance Area 6: Child Labour and Modern Slavery

SECTION: 6.1 Risk, Mitigation and Operating Performance, Good Practice, 4

COMMENT:

For item 4, such a framework should only be required to be developed where risks have been identified. Consideration given to jurisdiction

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

COMMENT:

For items 1 and 2, we can have contractors make certain reps and warranties in the contracts and currently have this language but would be difficult to require them to implement certain practices - too high of a threshold

Performance Area 9: Safe, Healthy and Respectful Workplaces

SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 2

COMMENT:

How is performance measured? Do we have metrics that are accepted widely? As far as I know, there is not 'best practice' around this yet.

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

COMMENT:

The last two points (5&6) are counter to each other. If a fatality occurs, one cannot reach good practice. The next item should be in Foundational practice (If a fatality occurs, then an investigation...)

SECTION: 9.4 Monitoring, Performance and Reporting, Leading Practice

COMMENT:

I think there is a fatal flaw in the way the scores are calculated. If a facility has a fatality, it cannot be Leading for the next 4 years across the entirety of the Performance Area. One fatality and companies will not be incentivized to improve psychological safety or other aspects of this performance area.

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: 2: Below 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: 2: Below expectations

- There is significant overlap between Performance Areas which makes it more complex to implement. A strong area of MAC is the protocols have integration but are able to be implemented by area in a more efficient way

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: 2: Below expectations

Having only 3 levels does not allow for an easy gradual improvement. It requires a lot of effort to move from one level to the next.

Document:
Claims

3. Types of Reporting & Claims

COMMENT:

The reporting cycle figure is highly confusing. There is only 18 months to ramp up to full assurance? That is not enough time. The rest of the timelines are very confusing. You should keep things simple so that there are no confusions and no missed deadlines. Having an actual timeline as the figure would be a good place to start.

COMMENT:

How does one define the commencement date?

COMMENT:

Need clarification around the 'report published' - does this mean published on the website by CMSI? or sent to CMSI?

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

Threshold question: What happens with the Corporate performance areas? Does a facility/company get credit for Leading practice in the calculation?

I think the 75/75 is too complicated - or perhaps not explained in a way that I can comprehend. The 80

At the end of the day - a gap assessment should be done to understand how many companies/facilities would get the logo with each of these rules and then see what makes sense. Is this something that needs to be announced right away? Could it be rolled out over the implementation phase?

Other questions: 1. perhaps that's the right approach. I don't know that the performance claim is what would push away smaller players. 2. Making such a decision would mean that some aspects are more important than others, and material topic at each site are different. A mine site with poor heap leach management could get a N/A for tailings management and still get a Performance Claim and then have a heap leach failure. I don't think it would be in our best interest to implement such a system. 3. I don't think a recognition is necessarily what will incentivize smaller companies to do the right thing. They are likely not going to invest huge amounts of money to become net positive in climate or biodiversity just for a logo. You should think instead about incentives for different size of companies. Whether it's awards or recognition, but make it practical for everyone, not just the larger companies with large budgets.