

# CMSI Consultation Response

## Respondent Details

NAME

Anonymous

COUNTRY

United States

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (upstream)

ORGANISATION

Anonymous

## COMMENTS & QUESTIONS BY DOCUMENT

### QUESTION 1

**Overall does the revised version of the Consolidated Standard system (including Standard, Assurance Process, Governance Model\* and Claims Policy) meet your expectations for improvement relative to the original public consultation version?**

Response: 2: Below expectations

### QUESTION 2

**From your perspective, does the updated Consolidated Standard system, including Standard, Assurance Process, Governance Model\* and Claims Policy meet expectations for driving performance improvement across the industry at a global scale?**

Response: 2: Below expectations

Document:  
Assurance

## 4. Consolidated Standard External Assurance Process

SECTION: 4.2 Planning, 4.2.2 Review and Acceptance of Facility Applications

COMMENT:

*It is ineffectual/unclear to state 3-6 months; change to "within 6 months".*

SECTION: 4.5 Reporting

COMMENT:

*The 3 month total timeframe for reporting is not likely to be enough for large scale Facilities, or if the Assurance Provider is assessing multiple Facilities within the same timeframe.*

*Additional flexibility and/or acknowledgement of the potential for exceptions to be considered by secretariat in some circumstances is needed.*

## Appendices

SECTION: C. Table of Activities and Deadlines for Facilities

COMMENT:

*It is ineffectual/unclear to state 3-6 months; change to "within 6 months".*

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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

### General comment on Performance Area

COMMENT:

*Add chapter number to page numbers so it's easier to know which PA each page refers to, while scrolling through/navigating the document.*

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### Overarching Glossary

COMMENT:

*Re: rights-holders definition:*

*Suggest deleting "abstain from human rights violations". This is inherent in protecting and respecting human rights - respecting human rights means not interfering with people's enjoyment of their rights.*

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COMMENT:

*Re: stakeholder definition:*

*Delete "that are or could be affected by adverse impacts associated with the Facility's operations" since there is a separate definition for "affected stakeholders".*

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COMMENT:

*Re: Corporate-level definition:*

*Clarify whether you are referring to a related company that controls the company, such as a majority shareholder, parent company, partner company, or similar.*

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COMMENT:

*Re: stakeholders definition:*

*Add workers. Sites may or may not be unionized and workers are stakeholders regardless.*

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## Performance Area 01: Corporate Requirements

SECTION: 1.3 Transparency of Mineral Revenues

COMMENT:

*It seems inappropriate to require government advocacy (for any subject matter in a standard), which could also be challenging to assure.*

*Suggest deleting this requirement. If requirement not deleted, consider the extent to which advocacy by company's trade associations can fulfil this intent and clarify.*

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COMMENT:

*(Applies to TGP.2, GP.1, GP.2)*

*Requirements to disclose material payments to governments at a country and project level is not practical or meaningful given some companies file consolidated federal and state income tax returns in the US.*

*Confirm that, in situations where taxpayers are permitted to file consolidated returns, reporting income tax payments at the country level rather than at the project level is acceptable.*

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SECTION: 1.4 Risk Assessment, Leading Practice, 1

COMMENT:

*Add "as appropriate" after "rights-holders".*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*Re: "corporate level" definition:*

*The definition presented in this section differs from that in the overarching glossary. It is critical to replace the former with the latter as this issue conflates operational control with legal entity, which is not appropriate.*

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## Performance Area 02: Business Integrity

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

COMMENT:

*Add "and business partners" after "officials".*

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SECTION: 2.2 Business Ethics and Accountability, Good Practice, 3

COMMENT:

*Add "and provide information to business partners, as appropriate" after "workers".*

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SECTION: 2.2 Business Ethics and Accountability, Towards Good Practice, 2

COMMENT:

*Add "and business partners" after "workers".*

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SECTION: 2.2 Business Ethics and Accountability, Towards Good Practice, 4

COMMENT:

*Add “and business partners” after “workers”.*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*To clarify the 2.2, LP.5 requirement, add a definition for “significant issues in public policy”.*

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### **Performance Area 03: Responsible Supply Chains**

SECTION: 3.1 Responsible Supply Chain (applicable to all Facilities), Good Practice, 5

COMMENT:

*Add “, where feasible” after “provided”.*

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SECTION: 3.1 Responsible Supply Chain (applicable to all Facilities), Leading Practice, 4

COMMENT:

*Given all other references in this PA are to suppliers, confirm it was intentional to expand this requirement to “business relationships” by adding “Building on supplier-focused requirements” to the beginning of first sentence.*

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SECTION: 3.2 Responsible Mineral Sourcing, Good Practice, 2

COMMENT:

*Confirm this is referencing, for example, the JDDS and that the “independent audit” can occur as part of the audit for the Consolidated Standard, assuming the auditor is approved for both.*

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COMMENT:

*Facilities should have the flexibility to determine how to meet the 3.2 requirements and not be mandated to use processes established to meet the 3.1 requirements. The approach to identifying CAHRA red flags for minerals/metals will likely differ than that for identifying sustainability risks in the broader supply chain, but the Facility should be able to decide that based on their own systems.*

*Delete “Using the risk-based supply chain due diligence management system established for Performance Area 3: sub-section 3.1,”.*

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### **Performance Area 04: New Projects, Expansions and Resettlement**

SECTION: 4.1 Environmental and Social Impact Assessments, Good Practice, 5

COMMENT:

*Add language from previous requirements (e.g., “in the absence of jurisdictional regulations or where they are not enforced”) to clarify intent is to require disclosure when not already mandated by relevant authorities.*

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SECTION: 4.1 Environmental and Social Impact Assessments, Leading Practice, 3

COMMENT:

*Delete or replace “fully” with “comprehensively, as desired” (or similar) language. “Fully” implies a level of assurance that may not be practical or possible.*

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## **Performance Area 05: Human Rights**

SECTION: 5.1 Human Rights, Leading Practice, 2

COMMENT:

*Add “, where feasible” after “required”.*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*In the references list:*

- 1) Include the UNGPs interpretive guide on corporate responsibilities as it is foundational.*
  - 2) Include ILO Core Labor Standards, which are a core commitment under the UNGPs but not referenced here.*
- 

COMMENT:

*“HRDD” definition should be better aligned with UNGPs; change “most significant” to “most severe”.*

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## **Performance Area 07: Rights of Workers**

SECTION: 7.1 Rights of Workers

COMMENT:

*This requirement is very general. Add reference and related definition and resources related to responsible recruitment to make the intent more clear.*

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

COMMENT:

*Change “Consult” to “Receive input from”.*

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SECTION: 7.2 Grievance Mechanism for Workers (Employees and Contractors), Leading Practice, 2

COMMENT:

*Re-write as follows: “Design, or integrate improvements to the grievance mechanism, considering feedback from with workers, both unionised and non-unionised.”*

*While we believe that a leading practice should take workers into account, this mechanism should not be subject to them, as the risk is that it may become bureaucratic and shift away from its original purpose.*

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## **Performance Area 08: Diversity, Equity, and Inclusion**

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

COMMENT:

*Delete ", including relevant labour or worker groups and individuals who are underrepresented in the mining industry". This additional commentary is not needed and may imply mandatory engagement with the fore-mentioned groups.*

---

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

COMMENT:

*In LP.1 and LP.2, remove disclosure requirements or add "where possible". Local/regional laws may prevent companies from publicly disclosing this information.*

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

COMMENT:

*Delete "accountabilities", which may imply formal consequences; "responsibilities" is adequate to cover intent.*

---

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Good Practice, 2

COMMENT:

*Delete ", including relevant labour or worker groups and individuals who are underrepresented in the mining industry". This additional commentary is not needed and may imply mandatory engagement with the fore-mentioned groups.*

---

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Good Practice, 5

COMMENT:

*Delete "all", which suggests a comprehensiveness of training that would be difficult to assure.*

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SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Good Practice, 8

COMMENT:

*The intent of this requirement is already covered by others related to UNGP implementation. It is redundant and overly detailed since the broader context already includes assurances about data privacy and ethical handling. Additionally, if the company has well-established and documented privacy protocols, referencing them separately may be more effective than reiterating them in every communication.*

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SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Leading Practice, 1

COMMENT:

Re-write "c." as follows:

*Enable and demonstrate the opportunity for all, based on their competence at leadership and other levels of the organisation and across different employment fields.*

*We believe that organizations should provide "opportunity for all" based on competence. This includes diverse individuals, and therefore the objective should be more oriented toward "ensure or demonstrate" that there is opportunity for everyone to enter different fields of work and levels within the organization, including leadership positions.*

---

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Leading Practice, 4

COMMENT:

*Add "as appropriate" at the end of the sentence.*

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SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Towards Good Practice, 2

COMMENT:

*Delete "accountabilities", which may imply formal consequences; "responsibilities" is adequate to cover intent.*

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## **Performance Area 10: Emergency Preparedness and Response**

SECTION: 10.1 Emergency Preparedness and Response, Good Practice, 7

COMMENT:

*Add ", when feasible" after "emergency".*

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SECTION: 10.1 Emergency Preparedness and Response, Good Practice, 8

COMMENT:

*Clarify whether the personnel being referred to pertain to the Facility or the first responder agencies.*

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## **Performance Area 12: Engagement**

SECTION: Glossary and Interpretive Guidance

COMMENT:

*Re: meaningful engagement definition:*

*Add "and women" after "Indigenous Peoples".*

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## **Performance Area 13: Community Impacts and Benefits**

SECTION: 13.1 Community Impact Management, Leading Practice, 4

COMMENT:

*Delete or replace “fully” with “comprehensively, as desired” (or similar) language. “Fully” implies a level of assurance that may not be practical or possible.*

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SECTION: 13.2 Community Development and Benefits, Good Practice, 7

COMMENT:

*Add “operational opportunities and needs, and the social context” after “priorities”.*

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## **Performance Area 14: Indigenous Peoples**

SECTION: 14.1 Indigenous Peoples, Good Practice, 3

COMMENT:

*Delete “fully”, which implies a level of assurance that may not be practical or possible.*

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SECTION: 14.1 Indigenous Peoples, Good Practice, 6

COMMENT:

*Re: third bullet:*

*1) Replace “redress mechanism” with “grievance mechanism or other legitimate avenue(s) of redress” (using defined term).*

*2) Add “adverse impacts on” before “Indigenous Peoples”.*

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COMMENT:

*Add language to clarify that this process must respect and be articulated, as applicable, with processes implemented by States in their role of protecting the rights of Indigenous Peoples.*

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SECTION: 14.1 Indigenous Peoples, Good Practice, 9

COMMENT:

*1) Replace “infringement of” to “adverse impacts on”.*

*2) Replace “independent mechanisms” with “other legitimate avenues of redress” (using defined term).*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*“HRDD” definition should be better aligned with UNGPs; change “most significant” to “most severe”.*

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COMMENT:

*“Opposition” definition should be better aligned with UNGPs; change “nature and scale” to “nature and severity”.*

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## Performance Area 16: Artisanal and Small-Scale Mining

SECTION: Glossary and Interpretive Guidance

COMMENT:

*Emphasis should be added to clarify that legitimate ASM must not include illegal operators, in order to prevent the possible concealment of illegal miners under the category of informal.*

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## Performance Area 17: Grievance Management

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Leading Practice

COMMENT:

*Add "and other stakeholders" after "complainants".*

---

## Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Good Practice, 12

COMMENT:

*This requirement is confusing and could be difficult to assure since there is both an element associated with meeting targets and an element associated with identifying what to do if targets are not met. Can a facility NOT meet an established target but still meet the PA requirement if the appropriate next steps (i.e., "assess the reasons and incorporate lessons learned") are taken?*

*Re-write as follows: Change to: If Facility water-related objectives and/or targets have been missed in the reporting year, assess the reasons and*

*incorporate lessons learned to increase the chance of meeting objectives or targets in the next year.*

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

COMMENT:

*Add "may" in between "Facility" and "contribute" to 1) make more clear the implied flexibility in the assessment approach and 2) make assurance more feasible.*

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

COMMENT:

*Rewrite as follows: "Develop, implement and update, at defined intervals, a plan to mitigate impacts and risks identified in GP.3 and GP.4.". Language is duplicative with previous two requirements and introduces potential confusion.*

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

COMMENT:

*For long-lived operations of certain ores, elimination of post-closure, active management is not a realistic expectation, even with the design and implementation of best management practice infrastructure. This requirement, therefore, seems suited to only a subset of facilities that may pursue the standard.*

Add “where appropriate” or other similar language to indicate this may not be possible at some sites.

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SECTION: 18.3 Water Reporting, Good Practice, 2

COMMENT:

*Though it is italicized, “significant water related fines” is not defined. This should be added and include recognition of the fact that the resolutions imposing fines can be challenged at both the administrative and judicial levels; therefore, it should be understood that the disclosure refers to resolutions that have been finalized or consented.*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*Re: water balance definition:*

*Rewrite last two sentences as follows:*

- 1) An operational water balance can use a combination of regular monitoring, management and control of water resources to assess and respond to immediate water needs.*
  - 2) A predictive water balance can use a combination of historical data, climate models and other relevant information to anticipate potential water needs and inform long-term water management strategies.*
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## **Performance Area 19: Biodiversity, Ecosystem Services and Nature**

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 2

COMMENT:

*Ramsar Sites are included in the definition of legally protected areas (they are an official component of the World Database of Protected Areas).*

*Remove specific mention of Ramsar to keep the requirement as direct/clear as possible.*

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## **Performance Area 20: Climate Action**

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

COMMENT:

*Add “Scope 1 and Scope 2” after “emissions”.*

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SECTION: 20.2. Climate Change Management (Facility Level), Good Practice, 3

COMMENT:

*This requirement is confusing and could be difficult to assure since there is both an element associated with meeting (or being on track to meet) targets and an element associated with identifying what to do if targets are not met. Can a facility NOT meet an established target but still meet the PA requirement if the appropriate next steps (i.e., “assess the reasons and incorporate lessons learned”) are taken?*

*Re-write as follows: Change to: If objectives and/or targets have been missed on the timescale identified, assess the reasons and incorporate lessons learned to increase the chance of meeting objectives or targets.*

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SECTION: 20.3 Annual Climate Change Public Reporting, Good Practice, 1

COMMENT:

*Re-write "a" as follows:*

*"Publicly disclose the corresponding absolute increase or decrease in GHG emissions compared to the established baseline when intensity targets are used."*

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### **Performance Area 23: Circular Economy**

SECTION: 23.1 Circular Economy for all Facilities, Good Practice, 1

COMMENT:

*Add "among others" after "recycling".*

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SECTION: 23.1 Circular Economy for all Facilities, Good Practice, 4

COMMENT:

*Add "where feasible," after "planning".*

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SECTION: 23.1 Circular Economy for all Facilities, Towards Good Practice, 1

COMMENT:

*Add "among others" after "recycling".*

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SECTION: 23.2 Additional Requirements for Smelters, Good Practice, 5

COMMENT:

*This same requirement is classified as a LP requirement in PA 3, but a GP requirement here.*

*Align performance level associated with this activity so it's consistently in LP across PAs.*

---

SECTION: Intent

COMMENT:

*Re-write "Intent" as follows: "Promote a circular economy through the application of principles of circular economy, including: 1) eliminate waste and pollution, 2) circulate products and materials, 3) regenerate nature, taking into account the collection, reuse and recycling of materials, the reduction of waste and increased resource efficiency in Facility design, operation and decommissioning, among others."*

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COMMENT:

*The circular economy has several ways to address circularity, such as the technical cycle and the biological cycle. In almost everything described at different levels, the emphasis is placed on the technical cycle (reuse, recycling), but there are many more approaches, such as remanufacturing/refurbishing, among others. The biological cycle is not mentioned, such as biodegradable materials, regeneration, etc. Therefore, we suggest including 'among others' to encompass both cycles. Additionally, although the glossary identifies the principles of circular economy, it may be necessary to make them visible upfront in the intent, as we have included.*

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## Performance Area 24: Closure

SECTION: 24.1 Closure Management, Good Practice, 4

COMMENT:

*Similar to a previous comment, for long-lived operations of certain ores, opportunities for progressive closure may be limited. This requirement, therefore, seems suited to only a subset of facilities that may pursue the standard.*

*Add "where appropriate" or other similar language to indicate this may not be possible at some sites.*

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QUESTION 1

**Does the scope, content, and narrative style of the consolidated standard meet your individual expectations 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

QUESTION 3

**From your perspective, does the three-level performance structure (Towards Good Practice, Good Practice, Leading Practice) 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

Document:  
Claims

### 3. Claims

SECTION: 3.1 Types of Claims, 3.1.1 Public Commitment to Participate

COMMENT:

*Specify parent company of Facilities that have committed to participate can also express/state the specific Facilities' public commitments (on behalf of each Facility) in parent company communications. This includes Committing more than one Facility at a time.*

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SECTION: 3.1 Types of Claims, 3.1.3 Performance Claim

COMMENT:

*Specify parent companies of Facilities are also eligible to make claims about its Facilities in good standing in parent company statements/communications provided the Consolidated Standard rules are adhered to by the Facility.*

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COMMENT:

*Consider and propose alternative options to the 80% Good Practice proposal for maintaining the Copper Mark (and other Marks). It is our view that as the standard currently sits, this is not practical.*

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QUESTION 1

**Does the level of transparency provided by the Claims Policy (i.e. through disclosing scores for each Performance Area, aggregated scores to indicate overall progress towards Good Practice, and Performance Claims) meet your expectations to incentivise continuous performance improvement?**

Response: 2: Below expectations