

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

United Kingdom

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Consultancy

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: 3: Meets 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

I'm a little unclear around the governance of the CMSI.

Once the standard is approved by the board, do all ICMM members need to comply with the standard?

And what about equivalency with IRMA - the only standard that seems to be left out of this process?

Document:
Assurance

QUESTION 1

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

Response: 3: Meets expectations

I'm not clear about whether the facility level reports should be made public, including any findings and the actions that companies need to take to close the findings out.

Document:
Standard

General comment on Performance Area

COMMENT:

GENERAL COMMENT ON THE ENTIRE STANDARD

I'm unclear as to how this CMSI applies to Joint Ventures. Specifically, as I expect that ICMM members will need to implement the standard and it will be voluntary for non-ICMM members to do so.

Where an ICMM member doesn't have management control of an asset, how will CMSI be implemented at that asset?

If there is no requirement for ICMM members to have JVs assessed, this will impact the effectiveness of the CMSI.

COMMENT:

GENERAL COMMENT ON THE ENTIRE STANDARD

The standard seems to assume that facilities and companies are compliant with legal requirements (permitting, disclosures, regulatory requirements etc)

There needs to be a requirement that every facility should publicly declare their permit register and whether they are compliant with the conditions of those permits - this obviously should be audited too.

In relation to this, context may rapidly shift, especially in relation to social context. For example a water withdrawal permit/license may be easily applied in bountiful years of rainfall, but in drought situations - compliance may not be enough. Or in another example, permitting delays can hold up projects that aim to massively improve environmental and societal impacts, purely because government agencies don't have the capacity to understand and approve new works.

COMMENT:

GENERAL COMMENT ON THE ENTIRE STANDARD

Disclosure of any PA requirement shouldn't be leading practice. It should be good practice.

COMMENT:

GENERAL COMMENT ON THE ENTIRE STANDARD

Leading practice elements should include (where applicable) science based (or science informed) targets. They should include thresholds and allocations. They should be transparent and reported.

Please refer to the UNSDPI for guidance of how to do this and what PAs the targets should apply to.

COMMENT:

GENERAL COMMENT ON PERFORMANCE TARGETS

There are several PAs where there is a call for performance targets.

This could be problematic in several ways.

Firstly, aggregation of facility targets, don't always equal a company wide objective - this is a frequent challenge.

Secondly, what if the targets are wrong? In some areas, setting targets should be treated with extreme caution, as they could create unintended consequences and could lead to "gaming" of the standard requirements.

Introduction

COMMENT:

With respect to the Para opening with “While the standard is not directly applicable to the exploration phase” I think it’s an oversight to state this explicitly.

Rather reframe as “Specific PAs that apply to the exploration phase of projects are:” [or similar]

Overarching Glossary

COMMENT:

Definition : Baseline Data

Who gets to choose wha the baseline data is?

For example, in an area the current level of biodiversity may be severely impacted due to (for example) over-grazing by sheep and goats (or any other detrimental human activity).

This means that a mine could implement a rehabilitation programme at closure to meet a degraded level of biodiversity, rather than implementing a regenerative programme of works.

Performance Area 01: Corporate Requirements

SECTION: 1.3 Transparency of Mineral Revenues

COMMENT:

The EITI has a definition of “project” which I believe is inconsistent with the definition of “project” within the CMSI. You may want to clarify what is required in this section.

This is also in the good practice section too.

Performance Area 03: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all Facilities), Towards Good Practice, 0

COMMENT:

How is a facility level system integrated with a corporate level system? Who gets to choose what suppliers are assessed by what teams?

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.1 Environmental and Social Impact Assessments, Leading Practice

COMMENT:

I would suggest that the language around “collaborate” is not strong enough. The asset by definition [most likely at least] has the power in this relationship. Collaboration and participation don’t necessarily mean that stakeholders consent to the project happening.

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

COMMENT:

Level 4 & 5.

Who decides what "full replacement cost" is?

And who decides what "appropriate development benefits" are?

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

COMMENT:

There is an assumption here in level 1, that displaced people would like their livelihoods and standard of living improved.

What if they do not want ANY development at all?

Performance Area 06: Child and Forced Labour

SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 1

COMMENT:

Also #2

How would this relate and integrate into supply chain due diligence carried out at the corporate level? For example?

Performance Area 07: Rights of Workers

SECTION: 7.1 Rights of Workers, NA

COMMENT:

Who gets to decide what a "fair wage" is?

Performance Area 08: Diversity, Equity, and Inclusion

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 3

COMMENT:

Why is there to be board level oversight of DEI, but not of other PAs? Surely this needs to be wider spread throughout the PAs?

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

COMMENT:

Some jurisdictions do not allow this data to be collected. Also, this may become sensitive data - especially if you have very small numbers of minority groups.

COMMENT:

This is an interesting one.

There is a problem in the mining industry. I believe that there should be a flexible approach in determining what a desirable situation should be with respect to DEI.

And that needs to take into account the current context of where we are.

Historical prejudice and poor education systems and outcomes lead to a systemic shortage of previously under represented groups.

So there should be systemic approaches to solving this problem AS WELL AS defining with multiple stakeholders what a desirable situation/outcome looks like.

Performance Area 09: Safe, Healthy and Respectful Workplaces

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

COMMENT:

What are the critical controls to be established for?

SECTION: 9.1 Health and Safety Management, Good Practice, 4

COMMENT:

Why is only injury included - surely you'd want to include level 4 and above health incidents too?

SECTION: 9.3 Training, Behaviour and Culture, Leading Practice, 2

COMMENT:

How do you do this?

I have personal experience of facilities using threatening behaviour toward people who speak out - and sometimes they even communicated to us not to speak out - even to them - and especially not in writing!

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Community Impact Management

COMMENT:

There is nothing here about legal compliance!

COMMENT:

I'm struggling to find anything here related to end-of-life or closure benefits?

Surely, when a mine closes there should be some benefit for the community in perpetuity?

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 4

COMMENT:

In practical terms, what does permission look like?

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: Glossary and Interpretive Guidance

COMMENT:

What if the current context relating to biodiversity and nature is so depleted, that the baseline is to all intents and purposes meaningless?

What should facilities do in terms of understanding the historical levels of biodiversity in a given area? (Pollen sampling for example)

Performance Area 20: Climate Action

SECTION: 20.2. Climate Change Management (Facility Level), Leading Practice, 0

COMMENT:

There is nothing in leading practice relating to regional/broader systemic collaboration and awareness to deliver facility level reductions. Mines don't operate on their own, and accordingly cannot easily be expected to deliver carbon reductions by themselves.

COMMENT:

There's a reality check needed here.

Some purchasing decisions are out of the facilities control. So there should be some sort of acknowledgement that this is a facility and corporate level responsibility.

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

COMMENT:

Might need clarity of what emissions to include, Sc1, Sc 2 and Sc 3 upstream only? Or what?

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

COMMENT:

This isn't leading practice - it should be good practice.

COMMENT:

How does this actually work in practice?

There is nothing about implementation into mine planning, declining ore grade (yes mines take out the good stuff first), and sensitivity that customers may prefer to buy product from lower carbon facilities and not others.

How do facility targets translate into corporate targets and how do corporate ambitions translate into facility targets.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Leading Practice, 0

COMMENT:

Surely, under leading practice you need to have some sort of commitment toward R&D into technology that:

1/ Mitigates the need for TSF in mines

2/ Developing processes to reduce the current storage volumes within TSF

In the context of declining ore grades and water scarcity?

Mines should be dewatering their TSF and returning that water into the ecosystems.

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy for all Facilities, Leading Practice

COMMENT:

Shouldn't a zero waste to landfill commitment be an aspiration here?

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SECTION: 23.1 Circular Economy for all Facilities

COMMENT:

The circular economy, at the facility level, depends upon having accurate data of your purchases and your inventories.

SECTION: 23.2 Additional Requirements for Smelters

COMMENT:

NA

COMMENT:

Shouldn't smelters need to attempt (at least) some sort of traceability regarding where products end up, who the customers are, and what circularity principles they use?

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Leading Practice, 2

COMMENT:

Why is this leading practice only? Surely this should be the bear minimum of Good Practice?

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations for responsible production practices?

Response: 3: Meets expectations

The standard falls short in terms of delivering authentic Sustainability as defined by doughnut economics and the UNSDPI.

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: 4: Exceeds 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: 3: Meets expectations

It isn't called foundational practice any more it's called "toward good practice"

Document:
Claims

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: No Response

I have no interest in the claims policy