CMSI Consultation Response

Respondent Details

NAME
Anonymous

COUNTRY
Australia

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: 3: Meets expectations

Branding | In order to effectively market the CMS, an appropriate final name for the standard should be decided upon in the short term. Any positive brand recognition being gained during the current initiation processes will be eroded when a new name is adopted.

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: 3: Meets expectations

Uptake | It remains concerning that some Partner organisations that originally committed to the adoption of CMS through their formal governance processes are now indicating that they will not be requiring adoption by members, or not requiring initiation of adoption in a reasonable time period. This is and will continue to damage the reputation of the CMS and should be resolved.

Document:
Assurance

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4. Consolidated Standard External Assurance Process

SECTION: 4.2 Planning, 4.2.8 Determining Methodology and Risk

COMMENT:

Corporate requirements: It should be clarified that elements of PAs that apply at the 'corporate" level should only require assurance on a three-yearly cycle, not each time a facility is assured.

SECTION: 4.3 Execution of Facility Assessment, 4.3.5 Non

COMMENT:

Clarity is needed on the extent of detail that is to be required in the corrective action plans that are disclosed publicly. The current Copper Mark approach is measured, and it should be acceptable that more detailed working plans remain internal.

COMMENT:

Corrective action plans | Clarity is needed on the extent of detail that is to be required in the corrective action plans that are disclosed publicly. The current Copper Mark approach is measured, and it should be acceptable that more detailed working plans remain internal.

SECTION: 4.5 Reporting

COMMENT:

Reporting deadlines | The current requirement for assurance providers to finalise and release their assurance report within three months is not always feasible. This timeframe should be extended.

SECTION: 4.6 Continual Improvement Plan, 4.6.1 Self

COMMENT:

Annual self-assessment:

The current requirement for all operators to perform a self-assessment annually where the three-yearly assurance and corrective action process essentially occurs over two-years, is excessive. Self-assessments are not considered of value by external stakeholders given they are not independently verified and are a large burden on operators. A self-assessment should only be required three-yearly, ahead of 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

Document:
Standard

Introduction

COMMENT:

Branding | In order to effectively market the CMS, an appropriate final name for the standard should be decided upon in the short term. Any positive brand recognition being gained during the current initiation processes will be eroded when a new name is adopted.

COMMENT:

Uptake | It remains concerning that some Partner organisations that originally committed to the adoption of CMS through their formal governance processes are now indicating that they will not be requiring adoption by members, or not requiring initiation of adoption in a reasonable time period. This is and will continue to damage the reputation of the CMS and should be resolved.

Performance Area 02: Business Integrity

SECTION: 2.1 Legal Compliance, Towards Good Practice, 1

COMMENT:

'Monitoring existing and emerging applicable laws' could be elevated to good practice because besides taking part in industry body discussions, it's actually challenging for most companies.

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.1 Environmental and Social Impact Assessments, Good Practice, 2

COMMENT:

Assessment of cumulative impacts should be towards good practice.

SECTION: 4.1 Environmental and Social Impact Assessments

COMMENT:

The use of ESIA in this section seems to preclude consideration of humans as receptors of impacts. In oil & gas sector the 'towards good practice" equivalent is ESHIA Environmental Social Health Impact Assessment and considers workers & on lease or within fence line people in greenfield and brownfield projects. Inclusion of human health is implied by the applicability language on page 35 which refers to " new projects or significant changes to existing operations which create potentially significant adverse impacts on the local community, workers or the environment." but there is a missed opportunity if we maintain terminology and encourage ESIA rather than ESHIA. Without early identification of potential impacts of facility design in PA4, the sector remains reliant on mitigations during operational and closure phases of mine life cycle (covered in PA9, PA21, and PA22)

SECTION: 4.1 Environmental and Social Impact Assessments, Towards Good Practice, 2

COMMENT:

Section 2 provides a list of baseline activities in the ESIA. It is a rather eclectic list - the environmental areas are too high level and the social performance are too detailed. It should go one way or the other (broaden environment to include things like groundwater, water resources, waste, cumulative impacts, etc) or simplify the social performance aspects because they would all be normal parts of a social baseline study.

SECTION: 4.1 Environmental and Social Impact Assessments, Towards Good Practice, 3

COMMENT:

The requirement to engage with different stakeholders can be jurisdictionally challenging. This section could be more high level and say something about how vulnerable stakeholders are considered but it shouldn't require engagement in all scenarios.

Performance Area 09: Safe, Healthy and Respectful Workplaces

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

COMMENT:

On page 68. Assuming that the inclusion of a hazard specific requirement 'If diesel equipment is used underground, implement a diesel particulate matter (DPM) management programme to safeguard underground mining workers against exposure to DPM" is a call out to the ICMM Cleaner Safer Vehicles initiative https://www.icmm.com/en-gb/guidance/health-safety/2024/DPM-good-practice-guide. However, it is diesel engine exhaust (DEE) which is inclusive of emissions of gas and particulates that poses the cancer risk. A specific call out of DPM underplays the importance of other carcinogens namely respirable crystalline silica and naturally occurring asbestos as mining health risks.

A more inclusive reference for PA9 GP ad LP requirements would be use of the ICMM Health Risk Assessment Guidance https://www.icmm.com/en-gb/guidance/health-safety/2016/guidance-occupational-hra

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

COMMENT:

This fails to recognise occupational illness and disease which is widely regarded as underreported within and outside of mining. LP requirement should reference reporting in line with ICMM Guidance:

https://www.icmm.com/en-gb/guidance/health-safety/2021/performance-indicators for reasons explained at https://www.icmm.com/en-gb/guidance/health-safety/2012/indicators-ohs

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

COMMENT:

LP and GP on page 68 should recognise expertise required to assess and control all 5 health hazard areas (Chemical, Physical, Biological, Ergonomic & Psychosocial) so e.g., the LP should read 'Establish oversight of health programmes by a qualified industrial hygienist and occupational health and medical professionals".

SECTION: 9.2 Psychological Safety & Respectful Workplaces, Leading Practice, 2

COMMENT:

Spelling error: take out (the)

Engage with a cross-section of people who bring diverse perspectives and

experiences, including relevant labour or worker groups and individuals who are underrepresented in (the) mining to identify, assess and address OHS risks that disproportionately affect such groups

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SECTION: 9.2 Psychological Safety & Respectful Workplaces, Leading Practice

COMMENT:

Additional Leading Practice #7 options: Establish a comprehensive program that guarantees all workers timely access to mental health support services in their preferred language. Ensure these services are available within a reasonable timeframe and that employees are provided with designated time during work hours to attend and benefit from mental health assistance without penalty or stigma.

SECTION: 9.2 Psychological Safety & Respectful Workplaces

COMMENT:

Terminology: Psychological Safety

It should be psychologically healthy, safe and respectful workplace OR psychosocially healthy, safe and respectful workplace.

To mitigate health and safety risks, we need to focus on psychosocial health and safety (psychosocial safety). ISO 45003: 2021, ICMM psychological health and safety good practice guide OR could have Psychological healthy, safe and respectful workplaces.

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COMMENT:

Terminology here is misleading: Where you refer to psychological safety, it should either be psychosocial safety OR psychological health and safety.

Definition of psychological safety in this document is 'Feeling safe to take interpersonal risks, to speak up, to disagree openly, to surface concerns without fear of negative repercussions or pressure to sugarcoat bad news'. This is not the purpose of the standard.

You should reference either psychological health and safety -'refers to the wider application of the management approach to the identification of psychosocial hazards and mitigation of risks' OR psychosocial safety. If you use psychosocial safety, it should then be added to the definitions and as per ICMM has the same definition as Psychosocial health and safety.

SECTION: 9.3 Training, Behaviour and Culture, Good Practice, 3

COMMENT:

Wording: Keep terminology consistent. Keep it to safe, healthy and respectful workplace throughout requirements.

e.g., Change to 'Establish mechanism(s) for the participation of workers in hazard identification, in risk assessment and determination of controls, and in setting safe, healthy and respectful workplace objectives."

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

COMMENT:

Wording: Keep terminology consistent. Keep it to 'psychological health and safety" throughout the requirements.

Change to 'Complete an independent review of physical, psychological health and safety performance at least every three years and establish and track an action plan to address identified opportunities for improvement."

SECTION: Glossary and Interpretive Guidance

COMMENT:

Remove the reference to ergonomics and psychosocial risks from the elements of an industrial hygiene programme in the Interpretive Guidance section:

Glossary and Interpretive Guidance for 'Industrial or occupational hygiene programme" includes 'identification and controls for ergonomic and psychosocial risks'. The Good Practice and Leading Practice requires that an industrial hygiene program be reviewed (GP) and overseen (LP) by a qualified hygienist. A qualified hygienist is not the right professional (necessarily) to be responsible for psychosocial risks or ergonomic programs as SMEs for these fields will typically have a health professional (physical or psychology) or human resources (for psychosocial risks).

Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Good Practice, 10

COMMENT:

It is not clear how this is different from "Towards Good Practice" #5. Is this above and beyond impact mitigation controls?

Clarify and distinguish from Good Practice #5.

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COMMENT:

correct typo "beneficial users" to "beneficial uses".

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

COMMENT:

With this clause is it possible to be fully conformant with "Good Practice" if targets are not achieved? If not, this should be moved back to "Leading Practice". For example, meeting targets is Leading Practice under 22.1.

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

COMMENT:

Establishing a water quality baseline is foundational work for water management and performance. Should be under "Towards Good Practice" level.

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

COMMENT:

It is not clear how this is different from Towards Good Practice #5, unless the distinction is that the mitigation must address cumulative impact, in which case, that would be considered Leading Practice.

Either retain only under Good Practice #5 (i.e., remove Towards Good Practice #5) or clarify and consider moving to Leading Practice.

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

COMMENT:

Replace "active water treatment" with "active water management" which is more comprehensive and includes treatment

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

COMMENT:

Revise to "water management plan".

Sites will typically have a water management plan that is part of an environmental management system, but not a standalone water management system.

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

COMMENT:

"and application of the mitigation hierarchy focusing first on avoidance" portion of statement is unclear and also duplicative of #5

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

COMMENT:

Quality requirements are not included in "Basic Practice" level in ICMM Water Stewardship Maturity Framework - Should be included under "Good Practice" level.

SECTION: 18.2 Collaborative Watershed Management

COMMENT:

"Collaborative Watershed Management" may be a misnomer (companies may have no formal role in managing watershed other than compliance with regulatory regime) and should consider "Watershed Collaboration" instead.

SECTION: 18.2 Collaborative Watershed Management, Towards Good Practice, 4

COMMENT:

"Towards Good Practice" would be identification of other parties (i.e.., up to #3), while engagement should be "Good Practice".

SECTION: 18.3 Water Reporting, Leading Practice, 3

COMMENT:

Suggest remove portion of statement."...as well as with other relevant water users, where possible and where useful so others can benefit from learnings, such as industrial peers." It's not clear why this requirement is included in Water when it's not included in other topic areas of the standard.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Facility-relevant watershed boundary: Remove "(or could perceive to)"

COMMENT:

Material non-compliance: Consider limiting material non-compliances to those non-compliance events that could have impact on downstream/downgradient beneficial uses. The definition here includes non-material issues like single exceedances that could be inconsequential and administrative non-compliances.

COMMENT:

Source control: Consider broadening definition - should also include limiting load of other potential contaminants (e.g., explosives best management practices to limit nitrogen loading, cyanide optimization to limit cyanide species and degradation products loading, etc.)

COMMENT:

Water activities: Update reference to ICMM Water Reporting Good Practice Guide - latest version is from 2021

COMMENT:

Water balance: Remove "real-time"

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 4

COMMENT:

Add risk trigger to the section or be clear that some of the aspects are corporate requirements verses sites that don't have a risk.

There are some sites where biodiversity is not a risk, so senior management should only be involved if risks are evident. This same type of comment can be used for TGP 7, GP 1, 2, 3, 4, 5, 6, LP 1, 2, 3. These activities are great in areas where biodiversity is a risk but they are not helpful or needed if there are no risks and the assessment shows that the risk is low.

Performance Area 20: Climate Action

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

COMMENT:

The requirement is extremely high level and needs further clarity to support documentation and alignment.

Propose that we consider establishing criteria of what is expected in incorporating/integrating into existing processes. Also, not sure why we are specifically stating aligned with goals of Paris Agreement. I would suggest that say science based instead.

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

COMMENT:

Suggest Towards Good Practice #3 to Leading Practice; should not require that companies meet or beat their targets as part of good practice.

Suggest moving to Leading Practice: Meet or be on track to meet performance targets on the timescale identified. If objectives and/or targets have been missed, assess the reasons and incorporate lessons learned to increase the chance of meeting objectives or targets.

SECTION: 20.2. Climate Change Management (Facility Level), Good Practice, 5

COMMENT:

This is very high level and could happen over a long period of time. Suggest providing some boundaries around what is expected.

Suggest: Identify, prioritise, and implement mitigation and adaptation measures that respond to the identified potentially significant physical climate impacts and support the achievement of performance objectives and/or targets, as aligned with timeline of impact and material impact to operations.

SECTION: 20.2. Climate Change Management (Facility Level), Towards Good Practice, 1

COMMENT:

Suggest Towards Good Practice #1 should be moved to Good Practice #1. Unless the wording is changed. Not all organizations are going to have a system for management and monitoring of energy and ghg emission.

Suggest either changing to say: Disclosure a methodology for management and monitoring of GHG emissions, consist with international recognized frameworks...etc. OR Move to Good Practice: Establish an energy-use and GHG emissions management and monitoring system that includes mechanisms to identify and quantify Scope 1 and 2 GHG emissions, consistent with internationally recognised frameworks or regulatory requirements, including significant sources of, non-energy GHG emissions.

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

COMMENT:

Provide clarity on whether overall disclosure of this information publicly would be sufficient or if there is additional disclosure that is required to meet this requirement.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Good Practice, 1

COMMENT:

Good Practice #1 and #4 are inconsistent. #1 requires conformance while #4 allows for gaps with a timebound summary of actions to address them.

Consider moving #1 to Leading Practice.

SECTION: 21.1 Tailings Management, Good Practice, 3

COMMENT:

Include a note regarding the establishment of the GTMI and anticipated transition from ICMM Conformance Protocols.

ICMM Conformance Protocols are anticipated to be replaced with GTMI Conformance Protocols in the near future.

COMMENT:

Consider moving to Leading Practice.

Third-party / independent assurance is considered Leading Practice under other topics (e.g., Water), so it's not clear why it's considered Good Practice for Tailings.

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

Consider cross referencing to Circular Economy.

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COMMENT:

The metrics for leading practice seem very limited, there are other leading practices that are more feasible and impactful than the three listed (reduce, repurpose, or reprocess). Consider adding other leading practice measures that are both impactful to risk reduction and obtainable for industry such as implementing measures to eliminate credible failure modes, and focusing on safely closing legacy facilities.

SECTION: 21.1 Tailings Management, Towards Good Practice, 2

COMMENT:

Towards Good Practice #2 is closely equivalent to Good Practice #4. Consider removing Towards Good Practice #2 and including Good Practice #4 only, OR, consider further clarity to show that Toward Good Practice #2 is doing the gap analysis and keeping internal, and Good Practice #4 as public disclosure.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Deep-sea tailings disposal: Fix typo "Tailings are discharges to…" to "Tailings are discharged to…"

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COMMENT:

In-lake disposal of tailings: Replace "in-lake" with lacustrine throughout.

Consider replacing with a simpler definition without the contextual information: "Lacustrine tailings disposal: disposal of tailings within lakes". It is not necessarily a legacy practice - there are modern mining examples. It is not necessarily based on abundance of lakes, but in the modern practice, lakes that do not support fish habitat. It is not limited to Canada. It does not commonly require dams or containment structures, though it may include flow control weirs. It does not commonly include water treatment.

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COMMENT:

Tailings Facility: As written the definition defines a comingled tailings/waste rock facility as a tailings facility. The Geostable Tailings Consortium had a number of discussions of what these commingled facilities should be called, with many members preferring they should not be defined as a TSF. Until the technology advances it may be prudent to not include them in a Tailings Facility definition.

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COMMENT:

Tailings Facility: Remove "e.g. waste rock."

Performance Area 22: Pollution Prevention

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

COMMENT:

Elevate to leading practice, as we have setting targets in good practice

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SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

Risk identification and monitoring should be in Towards Good Practice; it shouldn't be considered Good Practice. It should be a minimum requirement for an operation.

SECTION: 22.5 Cyanide, Leading Practice, 1

COMMENT:

Suggest remove. This is beyond the scope of the standard and a similar practice is not included in other areas whereby commitment to another standard or code is called out (e.g., GISTM, MAC TSM). Also difficult to audit/assure.

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy for all Facilities, Good Practice, 2

COMMENT:

Tailings minimization is under Leading Practice in the Tailings Section. Suggest integrating into other topic and remove or include under Leading Practice level.

SECTION: 23.1 Circular Economy for all Facilities

COMMENT:

Syggest integrating into other topic and remove.

Review redundancy with Water, Materials/Waste, Tailings, Closure, Responsible Supply Chains; This is not a standalone topic and should be integrated into other topics.

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

Branding | In order to effectively market the CMS, an appropriate final name for the standard should be decided upon in the short term. Any positive brand recognition being gained during the current initiation processes will be eroded when a new name is adopted.

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

Uptake | It remains concerning that some Partner organisations that originally committed to the adoption of CMS through their formal governance processes are now indicating that they will not be requiring adoption by members, or not requiring initiation of adoption in a reasonable time period. This is and will continue to damage the reputation of the CMS and should be resolved.

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

Document:
Claims

1. Introduction

SECTION: General Comment

COMMENT:

Equivalency mapping | A short term priority should be to undertake equivalency mapping for existing Partner standards, to understand level of additional effort for operators. A second priority should be to undertake such mapping for other applicable industry standards (eg. ISO, ASI, LME, LBMA) so that the extent of recognition is clear. Both should be completed well prior to launch.

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3. Claims

SECTION: 3.1 Types of Claims, 3.1.3 Performance Claim

COMMENT:

The current requirement to meet 100% (with conditions) of "Good Practice" in pursuit of a "performance claim (use of logo)" within two assurance cycles is onerous, particularly given the existing need for a rigorous corrective action plan. A requirement to meet 80% or a range that can be met e.g., 75-100% (with conditions), plus a plan to demonstrate improvement for validation during the next three-year assurance, would be more reasonable. There is also further opportunity to look at options to "split out" levels of claims, simplifying the standard for the reader and allowing clearer "on-ramps' for junior and mid-cap operators to join. At this stage the requirement to move to 100% Good Practice (with conditions) is challenging for those entering the CMS process and once reached, does not provide incentive for improvement.

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: 3: Meets expectations

Equivalency mapping | A short term priority should be to undertake equivalency mapping for existing Partner standards, to understand level of additional effort for operators. A second priority should be to undertake such mapping for other applicable industry standards (eg. ISO, ASI, LME, LBMA) so that the extent of recognition is clear. Both should be completed well prior to launch.