

# CMSI Consultation Response

## Respondent Details

NAME

Sebastian Vetter

COUNTRY

Germany

PERMISSION

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

STAKEHOLDER

Industry (midstream)

ORGANISATION

Aurubis AG

## 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: No Response

### 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: No Response

Document:  
Assurance

### QUESTION 1

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

Response: No Response

Document:  
Standard

## General comment on Performance Area

### COMMENT:

*The Assurance Process draft currently requires a facility to meet all criteria at a given level (and preceding levels) to claim that performance level. This implies that 100% of the requirements must be fulfilled to attain "Leading Practice." Such an all-or-nothing approach may be overly stringent. A facility that substantially meets the Leading Practice expectations -say 80% of the criteria -and meets the remainder at Good Practice or even one performance area at Towards Good Practice would still be demonstrating overall excellence.*

*Under the current rule, however, any minor gap means the facility cannot be recognized at the Leading level, which could diminish the incentive to strive for higher performance. Facilities or entire corporate companies could be discouraged to go beyond Good Practice and implement preparatory improvement measures if, from the beginning, it is clear that the “underperformance” of one particular performance area may reduce overall classification.*

*We recommend introducing some flexibility in the Leading Practice achievement criteria. For example, consider allowing a facility that meets >80% of the Leading Practice requirements (with all remaining criteria solidly at Good Practice level) to be recognized as Leading Practice. Requiring a perfect 100% fulfillment may discourage facilities from attempting the highest level, especially if a few criteria are not attainable due to practical/ technical constraints. By adopting a threshold (or a “majority plus no critical gaps” approach), the Standard would reward substantial leadership efforts and encourage continual improvement, rather than creating an all-or-nothing barrier for the top performance level.*

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COMMENT:

*The Standard applies to a range of operation types across the mining value chain -from mining projects and integrated operations to standalone smelters/refiners. In many cases, it is left to the reader to deduce applicability based on context. For example, certain requirements clearly target mine sites (e.g. mine closure plans) while others apply to smelting operations (e.g. specific circular economy or recycling provisions). The draft does note applicability in each Performance Area’s introduction; for instance, it explains that some requirements (like PA23’s smelter-specific criteria) only apply if the facility has those operations. However, there is no simple mapping that tells a facility “which sections are relevant to you” based on its position in the value chain.*

*We suggest making the applicability of each requirement or Performance Area to different facility types more explicit. This could be achieved through a mapping table or clear notations indicating applicability by operation type (mining, smelting, integrated, etc.). For example, requirements could be tagged as “Mine Only,” “Smelter Only,” or “All Facilities” as appropriate. Providing this upfront guidance would improve clarity and efficiency: an integrated mine-smelter can quickly see all relevant criteria, whereas a standalone smelter can identify sections (like certain mine closure or resettlement requirements) that are not applicable. While much of this can be inferred logically, an explicit mapping or labeling in the Standard would remove ambiguity and ensure each facility focuses on the requirements pertinent to its activities.*

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COMMENT:

*Public disclosure of site-specific performance data raises concerns that could undermine the intended goals of the assurance process. We recommend maintaining public reporting at the aggregated group level (rather than publishing facility-by-facility results) for the following reasons:*

- Auditor Access: While it is essential that auditors have full access to detailed, site-level data (e.g. Life Cycle Assessment results and other KPIs) to verify compliance and performance, public-facing reports should remain aggregated at the company or group level unless a particular facility’s results deviate significantly from the norm. This approach ensures that any truly noteworthy exceptions are transparently reported without exposing every minor site difference.*
- Fair Market Access and Confidentiality: Group-level reporting in public disclosures supports fair market access and strategic confidentiality. It treats all compliant facilities equally in the eyes of customers and competitors, preventing unintended market distortions. At the same time, this aggregated approach does not compromise transparency for regulators or auditors, who would still review the granular data during the assurance process. In summary, limiting public data to the group level (absent significant deviations) protects sensitive business information and brand integrity while upholding the integrity of the assurance scheme.*

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COMMENT:

The current draft Standard requires facilities to meet a broad array of criteria across all applicable Performance Areas, without an explicit filter for materiality or significance of each topic to the facility. In other words, if a Performance Area technically applies, the facility must address all its requirements, even if the issue is of marginal relevance to their operations. Unlike some management system standards (e.g. ISO 14001, which emphasizes focusing on significant environmental aspects), the Consolidated Mining Standard does not appear to provide a formal way to deem a topic low materiality and correspondingly streamline the requirements. The Assurance Process reinforces this, stating that every applicable requirement must be evaluated, albeit with a risk-based focus for deeper probing. This “check every box” approach could divert effort towards areas that offer little value in improving sustainability outcomes for that facility.

We recommend adding a mechanism to assess the materiality or relevance of certain Performance Areas or issues for each facility, and to adjust the expectations accordingly. One approach could be requiring a materiality assessment identifying which topics (e.g. biodiversity, cultural heritage, etc.) are most significant and which are relatively minor in the facility’s context. The Standard or guidance could then allow proportionate application: all applicable areas must be addressed, but for those deemed low materiality, a simpler demonstration of basic management/control could suffice for Good Practice, rather than the full suite of documentation and initiatives that a high-impact topic would warrant. This would not eliminate any topic from consideration (thus maintaining comprehensive coverage of ESG issues), but it would right-size the effort and evidence required based on actual risk or impact. Introducing this concept of materiality will help ensure that facilities focus their resources on meaningful improvements and that assurance providers devote appropriate attention to the most pressing issues, while still verifying that nothing important is overlooked.

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COMMENT:

The criteria for Leading Practice in some Performance Areas seem to assume the facility has significant impacts or opportunities in that area to go “above and beyond.” For example, a Leading Practice requirement might call for innovative programs or demonstrable positive impact (net gains in biodiversity, exemplary community development projects, etc.). If a facility’s context means that particular issue is minimal or non-existent, it can paradoxically be harder to achieve a Leading rating. In effect, a site with no material impacts in an area may only ever attain Good Practice, because it cannot showcase initiatives or outcomes that exceed normal practice -there was simply no scope to do so. This creates a situation where a facility is penalized (in terms of recognition) for lacking problems to solve. It also skews comparisons: a mine in an ecologically sensitive area could achieve Leading Practice in biodiversity by doing extensive offsets and enhancements, whereas a smelter in an industrial zone with negligible biodiversity may top out at Good Practice despite having no impacts at all.

The Standard should account for scenarios where the highest level of performance is effectively “no significant impact” rather than proactive impact management. This should be in line with general approaches of management systems. We suggest clarifying that if a topic is demonstrably not relevant or material to a facility, the facility can still be considered for Leading Practice in that area by virtue of maintaining robust management systems and monitoring to ensure it stays that way. In practice, this could mean adjusting the wording of Leading Practice criteria to focus on excellence in management relative to the context. For instance, instead of requiring a specific advanced outcome (like net positive impact) which might not be applicable, the Leading Practice could be defined as having comprehensive systems that would address the issue if it were present, and maintaining performance such that no incident or impact has occurred over a certain period. Another approach is to allow facilities to be exempt from a particular Performance Area in the scoring aggregation if it’s truly non-applicable -ensuring they are not kept from an overall “Leading Practice” designation due to an irrelevant category. Overall, the Standard should ensure that being in a benign context is not a disadvantage, and that a facility can attain recognition for excellence even in areas where the best outcome is the absence of an impact.

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COMMENT:

The draft includes multiple requirements for setting targets, objectives, and action plans across a range of sustainability topics -water stewardship targets, pollution reduction goals, biodiversity objectives, circular

economy and waste reduction targets, among others. While ambition in each area is laudable, the aggregate effect is a potentially rigid framework where a facility must have formal targets and third-party verifications for virtually every aspect of ESG performance. This contrasts with the ISO 14001 approach, where an organization identifies its significant environmental aspects and focuses objectives on those areas, ensuring continuous improvement where it matters most. Moreover, sustainability objectives can sometimes conflict -for example, a strategy to minimize waste through recycling might increase energy use and associated emissions, making it difficult to concurrently meet aggressive GHG reduction and waste reduction targets. The Standard as written does not explicitly address how to balance such trade-offs.

We recommend the Standard provide more flexibility and guidance on setting and verifying targets across performance areas. Facilities should be encouraged (or required) to have goals for improvement, but these could be proportionate to the significance of each issue for the facility. For instance, a site with high water stress should indeed have a water reduction or efficiency target, whereas a site in a water-abundant area might focus its efforts on other priorities (while still managing water responsibly). The Standard could allow facilities to justify why certain target areas are more pertinent than others in their context. Additionally, guidance should acknowledge potential conflicts between targets. In cases of competing objectives (e.g. waste vs. emissions), the facility should be encouraged to explain how it optimizes overall environmental performance -perhaps through integrated resource management plans -rather than being penalized for not hitting every single target in isolation. A flexible, context-driven approach to targets, aligned with continuous improvement principles, will be more effective and credible. It ensures that commitments remain realistic and science-based, and that the pursuit of one sustainability goal does not inadvertently undermine another.

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COMMENT:

We note that the current draft of the Consolidated Mining Standard (CMS) contains numerous requirements for additional independent assessments across several Performance Areas (e.g., independent reviews of effectiveness, external audits of specific management systems) as well as the alignment with frameworks such as GRI, IFC Performance Standards, or other frameworks).

While we recognise the intention to strengthen credibility and drive performance improvements, the cumulative effect of these requirements creates a high degree of audit and review multiplicity. This risks imposing substantial administrative and financial burdens on Facilities and may lead to reduced efficiency without proportionally increasing assurance quality. In our view, the CMS assurance process itself should be designed to fully cover the verification of corresponding requirements, rather than relying on additional stand-alone assessments mandated by various parts of the Standard.

Furthermore, the Standard frequently references and incorporates elements from multiple other frameworks (such as GRI, IFC PS, ICMM, OECD, and other sectoral guidance). While these are reputable references, their simultaneous use can result in fragmented requirement sets that are difficult for auditees to operationalise and for assurance providers to assess consistently. Aligning with numerous external standards, without explicitly detailing these in the standard itself, may unintentionally increase complexity.

We suggest the CMS consider harmonising and consolidating assurance expectations so that the CMS assurance process remains the primary mechanism for verifying conformance. Where external frameworks are referenced, it may be helpful to clarify their role and content as guidance rather than as de facto parallel requirements. This would support a more streamlined, practical, and coherent assurance pathway for both auditees and assessors.

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## Introduction

COMMENT:

While participatory or joint monitoring can strengthen transparency and trust, it is not always feasible in certain jurisdictions. In many contexts, monitoring activities are legally mandated and conducted exclusively

by governmental authorities, often through basin-wide or multi-facility monitoring systems. In such cases, a Facility has no authority to alter monitoring methodologies or introduce participatory elements without interfering with governmental mandates, regulatory chain-of-custody requirements, multi-operator monitoring frameworks, or legal access restrictions. The Standard should therefore recognise that participatory monitoring is context-dependent and may not be implementable where monitoring is government-led, regionally coordinated, or subject to institutional, legal, safety, or operational constraints

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## Overarching Glossary

### COMMENT:

*The draft's glossary defines Risks primarily as potential adverse impacts a facility could cause or contribute to, measured by likelihood, scope, and severity. It also defines Sustainability risks as those related to environmental, social, and governance practices -explicitly including human rights risks (per the UNGPs) and conflict-related risks (per OECD guidance). However, in practice (e.g. during RRA V3 assessments) assessors often confuse between financial risks, climate risks, and human rights risks, with environmental risks seen as linked to both human rights and financial outcomes. This can create uncertainty about which risk categories fall under the Standard's purview.*

*Please improve the glossary to clearly state which types of risk are covered by the Standard. In particular, clarify that "risks" in this context refers to human rights or sustainability-related risks rather than general financial or business risks that are not sustainability-linked. This clarification will help align all parties on the scope - for example, noting that environmental risks are considered both for their human rights implications and their potential financial impact on the business. By explicitly outlining the covered risk categories (e.g. human rights, climate/environmental, etc.), the Standard will guide assessors and facilities to focus on relevant risk management efforts and avoid confusion in interpretation.*

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## Performance Area 01: Corporate Requirements

SECTION: 1.4 Risk Assessment, Good Practice, 3

### COMMENT:

*The draft requires an internal review and update of the facility's risk register "at least annually". While regular reviews are important, a fixed annual cycle may not suit all contexts. It is recommended to allow more flexibility based on the facility's risk profile and changes in operations. For relatively stable organisations or sites with no significant changes year-over-year, conducting a full review every 12 months could be unnecessary administrative burden. Conversely, any major operational or organizational change should trigger an immediate risk register update, regardless of timing. Introducing language such as "at least annually or as needed to reflect material changes" could ensure the intent of continuous risk management is met without mandating redundant reviews. This adjustment would maintain rigor while recognizing that in some years only minimal or no updates may be required.*

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## Performance Area 02: Business Integrity

SECTION: 2.1 Legal Compliance, Good Practice

### COMMENT:

*Disclosure of Fines and Regulatory Actions (Sub-section 2.1 -Legal Compliance): The draft Good Practice calls for facilities to "publicly disclose significant regulatory action or fines and related corrective actions taken*

or planned". While transparency is valued, companies must consider legal and reputational implications of disclosing such information. In many jurisdictions, details of fines or enforcement actions might be sensitive or subject to legal restrictions (for example, if an investigation is ongoing or a fine is under appeal). Requiring public disclosure of every "significant" fine could also inadvertently harm a company's reputation even after issues are corrected. It is suggested to clarify what constitutes a "significant" action or fine and to allow discretion for companies to aggregate or contextualize these disclosures (e.g. in an annual sustainability report) rather than issuing immediate public statements. Importantly, any disclosure should only be done in compliance with local laws and should exclude information that is legally protected. Emphasizing that disclosures should not violate confidentiality agreements or data privacy laws will help ensure companies can implement this requirement without legal conflict. In summary, transparency should be pursued in a way that balances public interest with legal obligations and does not unduly penalize companies for issues that are being responsibly managed.

*Whistle-blower Complaints and Privacy (Sub-section 2.2 -Business Ethics and Accountability):* The draft includes strong measures on whistle-blower protections and reporting. It requires establishing a confidential whistle-blower mechanism (which is supported) and, as a Leading Practice, "publicly disclose the number and nature of any substantiated whistle-blower complaints, trends and the type of remedial actions taken, while protecting the confidentiality of the complainants". The intent to demonstrate transparency in ethics and compliance is appreciated; however, careful consideration is needed regarding privacy and legal limitations. Whistle-blower reports often involve sensitive internal matters, and even aggregated data could be misinterpreted or potentially discourage reporting if not handled carefully. Protecting complainant identity is paramount, as the draft notes, but in some cases even revealing the nature or trend of complaints might allow inferences about individuals (especially in smaller organisations or where a particular issue is unique). Additionally, certain jurisdictions have strict data protection rules (e.g., GDPR in Europe) that could limit sharing information about internal complaints publicly. We recommend that any public reporting of whistle-blower trends be high-level and in compliance with local laws, perhaps included as part of broader annual reporting rather than detailed case-by-case disclosures. The standard could, for example, encourage companies to disclose whether their whistle-blower system is being used and general categories of issues, rather than specific numbers that might be traceable. Emphasizing the phrase "while protecting the privacy of individuals involved" is crucial -companies should have the flexibility to omit or delay disclosure of certain information if privacy cannot be guaranteed. Ultimately, the goal should be to assure stakeholders that the mechanism is effective and that issues are being addressed, without compromising confidentiality or violating any whistle-blower protection laws.

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

#### **COMMENT:**

*Performance Area 3 (Responsible Supply Chains) sets out due diligence expectations for sourcing of materials, largely aligned with frameworks like the OECD Guidance for conflict minerals. A potential ambiguity arises for facilities that process mixed feedstock -i.e. a combination of primary (mined) materials and secondary (recycled or scrap) materials. Such facilities need clarity on how to apply sourcing due diligence requirements in this mixed context. For instance, determining whether material comes from conflict-affected and high-risk areas (CAHRAs) is straightforward for primary minerals sourced from mines, but how should it be approached for scrap or recycled inputs (6a)? Similarly, disclosure of due diligence processes, risks identified, and mitigation actions (6b) might differ when part of the feed is secondary material with a complex, multi-tier upstream chain. The current draft does reference both mined and recycled materials in its supply chain due diligence scope, indicating that both are in view, but without detailed guidance. We request clarification on how facilities with mixed primary and secondary feedstocks should implement Performance Area 3. Specifically: (6a) Provide guidance on identifying CAHRAs in the supply chain when some inputs are recycled metals. For example, confirm whether recycled sources should be assessed for origin risks (recognizing that recycled material supply chains are more diffuse) or if Tier 1 focussed due diligence approaches are acceptable for secondary sources. (6b) Clarify expectations for disclosing due diligence outcomes and risk mitigation for mixed feedstock. The Standard could, for instance, require facilities to describe how they manage sourcing risks for*

*both primary and secondary inputs -ensuring that even recycled inputs are covered by a responsible sourcing policy, but perhaps with proportional measures if full traceability to origin is not feasible. By detailing how mixed-feed facilities can comply, the Standard will ensure consistent responsible sourcing practices without penalizing those who incorporate recycled materials (which in itself is a positive circular economy practice).*

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

SECTION: 4.1 Environmental and Social Impact Assessments, Leading Practice, 1

COMMENT:

*While participatory or joint monitoring can strengthen transparency and trust, it is not always feasible in certain jurisdictions. In many contexts, monitoring activities are legally mandated and conducted exclusively by governmental authorities, often through basin-wide or multi-facility monitoring systems. In such cases, a Facility has no authority to alter monitoring methodologies or introduce participatory elements without interfering with governmental mandates, regulatory chain-of-custody requirements, multi-operator monitoring frameworks, or legal access restrictions. The Standard should therefore recognise that participatory monitoring is context-dependent and may not be implementable where monitoring is government-led, regionally coordinated, or subject to institutional, legal, safety, or operational constraints*

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COMMENT:

*Performance Area 4 applies not only to new projects but also to significant changes to existing operations which create potentially significant adverse impacts on communities, workers or the environment*

*However, the current draft does not provide clear criteria for:*

- What constitutes a “significant” change,*
- What triggers re-application of ESIA-level requirements,*
- How companies should determine the materiality threshold for expansions or modifications.*

*This creates ambiguity for industrial expansions such as a tankhouse expansion at a smelter, debottlenecking projects, or infrastructure modifications, where impacts may vary widely.*

### *2. Recommendation: Introduce Explicit Materiality Thresholds*

*To support consistent application and avoid interpretative inconsistency across facilities and assurance providers, PA4 should explicitly require companies to apply a materiality screen that considers:*

#### *a. Magnitude of physical footprint change*

*Examples of potential thresholds:*

- Increase in land disturbance area.*
- New land disturbance in previously undisturbed or sensitive areas (biodiversity, water, Indigenous lands).*

#### *b. Change in impact profile rather than absolute size*

*Even smaller-scale expansions could trigger PA4 if they create (examples and suggestions below):*

- New emissions sources (air, noise, water).*
- Increased tailings, waste, or storage requirements.*
- Increased water withdrawals or changes to groundwater conditions.*
- New or intensified community interfaces (traffic, workforce influx).*
- New risks to cultural heritage or Indigenous Peoples’ rights.*

This is aligned with the draft's recognition that expansions triggering potentially significant adverse impacts should fall under PA4

c. Operational, process, or technological changes that introduce new risks

For example:

- New processing steps (e.g., solvent extraction, electro-winning capacity increases).
- Increased hazardous material storage (acids, reagents).
- Alteration in water management systems that could affect the watershed.

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## Performance Area 07: Rights of Workers

SECTION: 7.1 Rights of Workers

COMMENT:

*The draft standard places commendable focus on protecting workers from discrimination and promoting equal opportunity. It calls for implementing policies and practices that respect the rights and interests of women and other vulnerable and marginalised groups, using gender- and culturally informed approaches, and protecting against all forms of discrimination and harassment. Our reviewers agreed with this goal but noted practical challenges in implementation. In some jurisdictions and companies, identifying employees by categories such as ethnicity or other vulnerable status is either not permitted (due to data protection laws) or not practiced. Thus, a policy "for women" is straightforward (often required by law), but extending it to all marginalized groups in a measurable way can be difficult if data on those marginalized groups are not allowed to be collected. It is suggested to clarify this requirement by focusing on measurable actions (e.g. gender diversity initiatives) and/or to explicitly allow companies to define which groups are considered vulnerable in their context. This ensures companies can comply without breaching privacy regulations. For example, rather than mandating identification of all marginalised groups among employees, the standard could ask companies to have inclusive policies that broadly prohibit discrimination and promote participation of under-represented groups, with specific initiatives (like gender equality programs) where feasible. In addition, the draft's emphasis on eliminating behaviors that negatively impact the participation of women and vulnerable groups is important -companies should foster a workplace culture where harassment and bias are not tolerated. Ensuring that this requirement aligns with existing equal opportunity laws (which often list protected characteristics) will make it easier for companies to implement comprehensively.*

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COMMENT:

*The draft includes a provision to conduct periodic internal reviews of employment practices (e.g. terms and conditions, or remuneration practices) and to fix any identified shortcomings. In particular, it requires reviewing worker remuneration against credible benchmarks and ensuring fair and competitive pay, including eliminating any patterns of inequality (e.g. ensuring equal pay for work of equal value). Stakeholders largely support the principle of regular reviews to improve practices, but raised two main points: (1) Scope and clarity: The term "employment practices" is broad -our reviewers requested clarification of what this encompasses. Does it refer to remuneration and benefits, or also to hiring, promotions, training, etc.?. We suggest specifying the focus (for example, "review the effectiveness of human resources policies and practices in promoting fair and decent work"). In the remuneration context specifically, the standard already provides detail: using benchmarks for fair wages and ensuring equal pay.*

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SECTION: 7.2 Grievance Mechanism for Workers (Employees and Contractors), Good Practice, 6

COMMENT:

One Good Practice requires that workers are informed, via internal communications, about the implementation of the grievance mechanism and the number and types of issues reported to it. While keeping employees informed is important, the feedback strongly advises caution in sharing the “number and types of issues” even internally. In smaller facilities or departments, describing the type of grievance could inadvertently expose the individuals involved, undermining confidentiality. Moreover, simply tallying grievances might not be as useful to workers as knowing that issues are being resolved. The recommendation is to focus internal communications on how the grievance mechanism works and encouraging its use, rather than on detailed metrics. For instance, an internal newsletter can remind staff of the grievance process, and maybe share generic outcomes (e.g., “We addressed two workplace safety complaints this quarter”) but it should not list sensitive details. The draft already emphasizes confidentiality, and this should extend to internal disclosures in the spirit of whistleblower protection as well

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

COMMENT:

The draft Good Practices include consulting with potentially affected workers (and their representatives) in designing the grievance mechanism, and ensuring the mechanism considers the needs of vulnerable or marginalised groups. This is viewed positively as it promotes inclusivity. The only caution raised was that identifying “vulnerable and marginalised” groups among workers must respect privacy (similar to the point on non-discrimination above). Companies may not have data on, for example, workers’ ethnic backgrounds or other sensitive traits. The suggestion is to keep the language general -e.g., “consider the needs of different groups of workers (including those who may be in a minority or disadvantaged position)” -without requiring the company to label specific employees as “marginalised” which could be sensitive [23+Row 5] . By engaging a cross-section of employees or worker representatives in the mechanism’s design, the facility can gather input to ensure the grievance process is culturally appropriate and accessible to all. This approach is supported.

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

COMMENT:

the phrase “enables access to remedy” is important, as it aligns with the UN Guiding Principles, but how a facility enables external remedy (judicial or otherwise) can be complex and varies by country. The feedback suggests that the commitment should focus on the facility’s own grievance process and not over-promise access to external legal remedies which the company cannot fully control. In practice, the company can commit to not obstructing workers’ access to legal recourse and to facilitate remediation for valid grievances -that could be clarified in guidance.

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## **Performance Area 09: Safe, Healthy and Respectful Workplaces**

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

COMMENT:

Within Performance Area 9 (Safe, Healthy and Respectful Workplaces), the Standard currently uses a zero-fatality metric as a measure of Good Practice. Specifically, a facility that has even one occupational fatality in the reporting year is deemed not to meet the Good Practice level for safety performance. The intent is understandable -eliminating fatalities is a paramount goal -but this approach does not distinguish the context or cause of the incident. In high-risk industrial environments, a fatality can occasionally occur despite robust safety management, for example due to an individual’s unforeseeable misconduct or a non-systemic anomaly. Automatically attributing any fatality to a failure in company management oversimplifies the issue, as some incidents might not reflect a breakdown in the safety management system.

We recommend clarifying that the evaluation of fatalities in the assurance process should consider whether the incident was due to a failure of the facility's management systems or controls. In other words, a fatality resulting from a systemic lapse or poor management should indeed prevent a top safety rating, but one resulting solely from deliberate, extraordinary misconduct by an individual (despite all proper procedures and training in place) should be viewed in context. The Standard might, for instance, require that any fatality triggers a thorough investigation and corrective action (which is already a Good Practice requirement), but not automatically disqualify the facility from Good Practice status if the investigation shows no management negligence. This nuanced approach ensures companies are held accountable for management of safety risks without unduly penalizing them for incidents beyond their reasonable control. It aligns the performance assessment with the principle of continual improvement -learning from every incident -rather than a strict pass/fail criterion that could discourage transparent reporting of safety incidents.

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

SECTION: Glossary and Interpretive Guidance, NA

COMMENT:

*define tabletop simulation, crisis simulation and emergency simulation*

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COMMENT:

*define tabletop simulation, crisis simulation and emergency simulation*

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## **Performance Area 18: Water Stewardship**

SECTION: 18.2 Collaborative Watershed Management

COMMENT:

*the entire subrequirement should only be necessary if water stewardship is qualified as a material topic during facilities or corporate materiality assessments*

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SECTION: 18.3 Water Reporting, Leading Practice, 1

COMMENT:

*how is equivalency of frameworks determined?*

*also, does in line mean 100% aligned or oriented against?*

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## **Performance Area 19: Biodiversity, Ecosystem Services and Nature**

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature

COMMENT:

*This section lacks consideration of relevance. How far must a company go if biodiversity plays a non-material role? The higher "levels" can actually only be achieved if far-reaching investigations/documents are available. Applicable for mining operation but cannot be used for smelters as such*

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## Performance Area 22: Pollution Prevention

SECTION: 22.2 Mineral Wastes, Leading Practice, 1

COMMENT:

*In some operational contexts, mineral waste may pose very low or no material risk to people or the environment, and no affected stakeholders may be present. In such cases, it is unclear how a Facility could meaningfully “collaborate with affected stakeholders” as required for Leading Practice. Clarification would be helpful on how Leading Practice can be achieved in circumstances where stakeholder involvement is not applicable or feasible due to the absence of affected stakeholders or the negligible risk profile*

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SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

*The requirement appears feasible primarily where a Facility operates its own monitoring network. In geographies without a legal basis, institutional support, or technical infrastructure for independent monitoring, establishing a standalone company-led monitoring programme may be unfeasible. Could the Standard provide guidance for situations where ambient air monitoring and environmental monitoring are government-mandated and outside a Facility’s control, or where legal or practical constraints limit the establishment of Facility-driven monitoring systems?*

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SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

*The requirement to establish objectives and/or targets that are “protective of human health and the environment” is very broad and may lead to inconsistent interpretation. It is unclear whether “protective” refers to permit limits, WHO guideline values, national ambient air quality standards, or other benchmarks. In many cases, ambient air quality in the vicinity of a Facility is influenced by multiple sources, making it difficult to assess or attribute impacts solely to one operation. This raises practical challenges for determining what constitutes a protective threshold and how a Facility can meaningfully demonstrate achievement.*

*Furthermore, the requirement to set objectives and/or targets “against a defined baseline” may be difficult when no clear or universally recognised baseline is given. In such cases, a focus on continuous improvement of emissions performance and control measures may be more practical and aligned with the intent of reducing risks.*

*We recommend clarifying how Facilities should determine “protective” thresholds in contexts with multiple emission sources or if no clear health-based reference values exist, and whether continuous improvement approaches could satisfy the intent.*

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SECTION: 22.3 Non, GHG Air Emissions, Leading Practice

COMMENT:

*Kindly refer to our overall comment re participative monitoring*

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SECTION: 22.4 Mercury

COMMENT:

*should only be applicable if material to the facility and its stakeholders and rightsholders*

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SECTION: 22.5 Cyanide

COMMENT:

*should only be applicable if material to the facility and its stakeholders and rightsholders*

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SECTION: 22.6 Accidental Polluting Releases, Leading Practice, 1

COMMENT:

*this needs to be put into perspective. Our general comment on relevance/materiality applies, therefore triggering the question on how leading practice would be achieved if no relevance has been identified.*

*also: in case of relevance, provision of any incident related reviews may be the responsibility of regulatory authorities, therefore a facility could potentially overstep competencies by doing so. We recommend to put this more into perspective*

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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: 1: Significantly below

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: 1: Significantly below

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

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