

CMSI Consultation Response

Respondent Details

NAME

U.S. Interagency Working on Mining Standards

COUNTRY

United States

PERMISSION

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

STAKEHOLDER

Government (local / regional / national)

ORGANISATION

U.S. Federal Government, Interagency Working on Mining Standards

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Standard

General comment on Performance Area

COMMENT:

Standards are based on clear, performance-based benchmarks

In the United States, domestic mining operations are subject to strong safety, labor, human health, and environmental criteria. This robust framework and its oversight are important for safeguarding American workers and protecting surrounding communities from negative externalities.

The CMSI Consolidated Standard (Final Consultation Draft, October 2025) has improved from the Initial Public Consultation Draft (October 2024) and includes many positive changes related to stakeholder engagement, water, tailings management, waste management, air, and closure performance areas. However, there are some sections of the Standard that rely too heavily on corporate policies and unverifiable claims rather than establishing robust, verifiable metrics. For example, Performance Area 6: Child Labour and Modern Slavery and Performance Area 7: Rights of Workers, outline a number of requirements for companies to adopt corporate level policies, practices, and contractual requirements. However, many requirements lack clear, corresponding performance-based requirements for ensuring labor violations are identified and remedied when they occur. This would allow for a mine to be audited as meeting Towards Good Practice, or even Good Practice within the current requirements of the standard despite unremedied labor violations.

To ensure a level playing field, the CMSI should set measurable performance-based requirements and should be regularly updated to reflect regulatory requirements and best practices.

COMMENT:

Standards and program documents are developed by a transparent process

To align with laws, policies, and established best practices for standards development in the United States and our allies, all CMSI documents must be developed and managed through a rigorous consensus-based

process. This includes establishing publicly available written procedures for how the CMSI standard and related program documents are developed. These procedures should ensure openness and transparency to all interested parties, balance between stakeholder groups and consensus-based decision making. They also should uphold due process to guarantee that all input and viewpoints are considered and treated equitably and provide a credible and impartial process for handling procedural appeals. These best practices are outlined in policies at the national and international level. For example, The Office of Management and Budget (OMB) Circular A-119 in the United States (see the definition of Voluntary Consensus Standards in Section 2d and 3, p16) and the Principles for the Development of International Standards, Guides and Recommendations established by the World Trade Organization Technical Barriers to Trade Committee.

Recognizing that CMSI's work is already "guided" by the ISEAL Code of Good Practice, we urge CMSI to become fully ISEAL Code Compliant or pursue oversight and verification of the CMSI standards development process through another external organization such as the American National Standards Institute (ANSI), or the Standards Council of Canada (SCC).

COMMENT:

Third-party assessments that adhere to international guidelines and standards for conformity assessment are mandated, with the requirement that all results be publicly disclosed

Conformity assessments with transparent, publicly disclosed results lend legitimacy to standards by building consumer trust and confidence, ensuring accountability and validating claims. Opaque supply chains provide cover for corrupt actors to falsely claim adherence to standards while continuing to degrade the environment or exploit workers, giving minerals traded through such supply chains an unfair advantage in the global marketplace.

We appreciate that the CMSI program documents clarify that audit reports will be made available to the public on the CMSI program website. This is essential to ensure transparency.

Given the tremendous impact and importance of CMSI's work and vision, it is essential that the CMSI assurance program align to international best practices for conformity assessment, including leveraging the International Organizations for Standardization (ISO) Conformity Assessment Committee (CASCO) Toolbox (also known as the ISO/IEC 17000 series of standards) and multilateral agreements for accreditation such as the International Accreditation Fora (IAF). This aligns with conformity assessment policies in the United States and many other countries, as well as with guidance on conformity assessment

published by the WTO TBT Committee.[1] Specifically, the CMSI documents should be revised to clarify that the CMSI Secretariat will serve as the conformity assessment scheme owner [2], rather than accreditor of audit firms. As scheme owner, CMSI should recognize audit firms that have been accredited by an IAF signatory with a scope of ISO/IEC 17021-1:2015 Conformity assessment –Requirements for bodies providing audit and certification of management systems –Part 1: Requirements (or other ISO/IEC 17000 standard, as appropriate) as well as additional specific requirements in the CMSI scheme document.

[1] G/TBT/54: Guidelines on Conformity Assessment Procedures, published March 2024

[2] The ISO/CASCO document How to Develop Scheme Documents contains high-level information about conformity assessment schemes.

COMMENT:

Strong labor protections are required, including the incorporation of all ILO Fundamental Principles and Rights at Work

It is crucial that any standard includes protection for all the ILO Fundamental Principles and Rights at Work (FPRW). While many of these labor rights are already incorporated into the CMSI, we recommend that the standard also explicitly defer to the FPRW as defined by the ILO. We also recommend that the standard strengthen requirements on labor rights compliance mechanisms for all performance levels.

COMMENT:

The high-level recommendations outlined above are foundational to the success and credibility of CMSI's efforts.

We recognize that CMSI has committed to a vision of simplifying the current mining standards landscape and promoting continual improvement of practices along individual metals' value chains -from mining to smelting, refining and beyond. We support this vision and, to that end, appreciate CMSI's careful consideration of these comments.

Please consider us a resource and let us know how we can continue to offer input in the implementation of this vision moving forward. We hope that this input is helpful to you and appreciate your consideration.
