

# Consultation response

## *Part 1: Your details*

**Original language of response:** English

**Name:** Anonymous

**Country of residence:** United States

**Are you willing to let us publish your response publicly on the Global Tailings Review website?** Yes

**Please select which stakeholder group you are representing:** Consultant (non-geotechnical)

**If 'Other', please specify below:**

**Are you responding on behalf of an organization?** No

**Please give the name of the organization:**

**Your level within the organisation:**

## *Part 2: Your views on each of the Principles and Requirements in the Standard*

### *Topic 1: Knowledge Base*

#### *Principle 1*

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 1 do your comments relate to?**

**Your comments on Principle 1**

#### *Principle 2*

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Partially

**Which aspects of Principle 2 do your comments relate to?**

Requirement 2.5

**Your comments on Principle 2**

Requirement 2.5 applies to financial assurance for closure and post-closure. Has financial assurance for post-failure restoration been considered?

## **Topic II: Affected Communities**

### **Principle 3**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Partially

**Which aspects of Principle 3 do your comments relate to?**

Requirement 3.3

#### **Your comments on Principle 3**

Requirement 3.3 does not go far enough. It should require a "sudden failure analysis" to identify populations that could not be evacuated before a tailings wave arrives (i.e., arrival time is shorter than time to detect, classify, notify, and evacuate). For these high-risk zones, Requirement 3.3 should specifically state that measures to decrease the time to detect, classify, notify, and evacuate are necessary, but by themselves insufficient. Requirement 3.3 should require physical measures be taken and should list examples such as secondary containment dams or flow diversion structures upstream of the sudden failure zone, vertical and/or armored safe areas within the sudden failure zone, resettlement, and perhaps others. The point is that administrative measures alone are insufficient to protect populations within a sudden failure zone.

## **Topic III: Design, Construction, Operation and Monitoring of the Tailings Facility**

### **Principle 4**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 4 do your comments relate to?**

**Your comments on Principle 4**

### **Principle 5**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Partially

**Which aspects of Principle 5 do your comments relate to?**

Requirement 5.2

#### **Your comments on Principle 5**

Requirement 5.2 should state clearly that the purpose of the water balance is to prevent failures via overtopping and other mechanisms. Many operators view the water balance as a tool for water supply, not for failure prevention. The water balance should also be probabilistic and have associated monitoring and communication requirements for its implementation. An excellent example of water balance requirements can be found in Principle 4.3 of the International Cyanide

Management Code.

### **Principle 6**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 6 do your comments relate to?**

**Your comments on Principle 6:**

### **Principle 7**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Partially

**Which aspects of Principle 7 do your comments relate to?**

Requirement 7.1, Requirement 7.5

**Your comments on Principle 7**

Temporary cessation/closure should be addressed with its own requirement, given that temporary cessation generally occurs during economic downturns. This is when operators are most likely to look for ways to cut costs - this is when good intentions can run off the rails. Formal change management systems sound good, but operators often "pencil-whip" the process to the point of being meaningless. A detailed implementation protocol will be required. In addition, it should also cover changes in key personnel, given that tailings facilities are long-lived and key personnel will likely change many times over the facility's life cycle.

### **Principle 8**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 8 do your comments relate to?**

**Your comments on Principle 8**

## **Topic IV: Management and Governance**

### **Principle 9**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 9 do your comments relate to?**

**Your comments on Principle 9**

### ***Principle 10***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Partially

**Which aspects of Principle 10 do your comments relate to?**

Requirement 10.3

**Your comments on Principle 10:**

Not sure the ""dotted line"" from the RTFE to mine management will really work. If mine management controls funding for the RTFE and TSF, it won't really be a dotted line.

### ***Principle 11***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 11 do your comments relate to?**

**Your comments on Principle 11:**

### ***Principle 12***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 12 do your comments relate to?**

**Your comments on Principle 12:**

### ***Principle 13***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Partially

**Which aspects of Principle 13 do your comments relate to?**

Yes

**Your comments on Principle 13:**

As an experienced auditor, I'm not sure how compliance with this principle could be verified. I suggest assessing this principle from the back end - that is, what types of evidence (written, interviews, photographs/video) can be provided - and then revise how the requirements are worded.

### **Principle 14**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 14 do your comments relate to?**

**Your comments on Principle 14:**

## **Topic V: Emergency Response and Long-Term Recovery**

### **Principle 15**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Yes

**Which aspects of Principle 15 do your comments relate to?**

Requirement 15.4

**Your comments on Principle 15:**

"Testing" is too vague. An operator could consider a table-top exercise as "testing". The requirement should include various types of drills with different frequencies, ranging from table-top meetings of full-scale mock evacuations, depending on the risk classification and populations at risk (see comment under Principle 3 on sudden failure zones).

### **Principle 16**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

No

**Which aspects of Principle 16 do your comments relate to?**

Comments on the Principle itself

**Your comments on Principle 16:**

This principle does nothing to prevent catastrophic failure, although it is a critical component of addressing an actual failure. Also it is unclear whether the Reconstruction and Recovery plan is to be developed before or after a failure. A framework for the Reconstruction and Recovery Plan should be developed simultaneously with an Emergency Preparedness Plan, i.e., in advance of a failure.

## **Topic VI: Public Disclosure and Access to Information**

### **Principle 17**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

Partially

### **Which aspects of Principle 17 do your comments relate to?**

Comments on the Principle itself

#### **Your comments on Principle 17:**

I can see the lawyers having fun with this requirement...there is plenty of wiggle room with words like "fairly", "reasonably", and "fullest extent".

### **Part 3: Your views on the Standard**

#### ***Your view as to whether the content of the Standard meets your expectations***

##### **Your view as to whether the content of the Standard meets your expectations (closed question):**

4: Goes somewhat beyond my expectations

##### **Please summarize why you chose this option:**

Finally, a standard that incorporates governance.

#### ***Your view on whether the Standard will create a step change for the industry in the safety and security of tailings facilities***

##### **Your view on whether the Standard will create a step change for the industry in the safety and security of tailings facilities (closed question):**

4: Will deliver improvements across all aspects of the safety and security of tailings facilities

##### **Please summarize why you chose this option:**

#### ***Does the content of the Standard address all aspects of tailings facility management adequately?***

##### **Does the content of the Standard address all aspects of tailings facility management adequately (closed question)?**

No

##### **Please explain why and/or what is missing:**

As previously mentioned, the standard should address temporary cessation/closure of TSFs.

### **Part 4: Suggestions for topics to be included in the accompanying Recommendations Report**

#### **On which topics would you expect to have further clarification or guidance in this document?**

How implementation and assurance will be managed. As an experienced auditor, I suggest asking what types of evidence could be provided (written, interviews, photos/videos) and then backing into the correct wording for implementation

guidance. Also, it will be important to define what is meant by good faith. As an experienced auditor, this is always a difficult judgment where deficiencies must be considered in a context of how a deficiency was discovered, how quickly it was addressed, and whether the deficiency represents a programmatic failure or a minor/isolated incident.

### **Other information**

***Non-fitting response text (text submitted which did was not in response to one of the questions above)***

***Attachment 1 reference (if applicable)***

***Attachment 2 reference (if applicable)***