

Consultation response

Part 1: Your details

Original language of response: English

Name: Jeff Jeter

Country of residence: United Kingdom

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: Investor

If 'Other', please specify below:

Are you responding on behalf of an organization? Yes

Please give the name of the organization: European Bank for Reconstruction and Development

Your level within the organisation: Other

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?

Partially

Which aspects of Principle 1 do your comments relate to?

Requirement 1.3

Your comments on Principle 1

Requirement 1.3.

While we support this concept, we are not convinced this requirement will be applied in a consistent manner. Can this requirement be developed with a greater definition of when inundation studies and updates are required? Further, what is the overall use of the inundation study? Is this to inform stakeholders of the risk, or to drive increase of the factor of safety, or both?

Principle 2

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 2 do your comments relate to?

Requirement 2.4,Requirement 2.3,Requirement 2.2,Requirement 2.1

Your comments on Principle 2

It appears that much of this Principle is aimed at new facilities, and this could be clarified here. Also, much of what is required should be covered by the EIA that is required for a new facility, and this should be recognised and mentioned as how to coordinate the EIA requirements with the GTS.

Requirement 2.1. This is required as part of the EIA, consider elaborating how these two processes are coordinated, or at least recognise the EIA process.

Requirement 2.2, elaborate not just the review process, but how results of the review are actioned.

Requirement 2.3, again, this is all part of the EIA that will be completed for a new facility.

Requirement 2.4, shouldn't this include review of the changes in risk of failure posed by the material changes to the TMF?

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?

No

Which aspects of Principle 3 do your comments relate to?

Your comments on Principle 3

This should be driven by the site as a whole, not the TSF on it's own. There is an opportunity to cite what should be completed in this regard for an integrated mine facility not just the TSF in isolation. Also, is there an opportunity to reconfirm here

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?

Requirement 4.1,Requirement 4.2,Requirement 4.3

Your comments on Principle 4

Principle 4, How do the requirements of this Principle relate to the requirements of Principle 2?

Requirement 4.1 (a) why is the term near future used and what is definition of near

future?

Requirement 4.1 (c) who completes the review every three years, and how is this verified?

Requirement 4.2 Will the results of this be disclosed, and if so how? How will the local community be informed?

Requirement 4.3, so is it proposed that a facility can pose an extreme risk, yet not be designed and engineered to satisfy the criteria in Table 2 if determined as not feasible? If this is the case it is suggested that there are guidelines on how feasibility is defined and determined, with specific reference to costs.

Principle 5

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 5 do your comments relate to?

Requirement 5.1

Your comments on Principle 5

Requirement 5.1, shouldn't this specifically mention dry stack or high density tailings?

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 6, shouldn't this principle include static and dynamic FOS that are considered appropriate? Also shouldn't the DBR a sensitivity analysis of the variables that influence integrity of the facility, and specifically highlight those that will be k

Principle 7

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 7 do your comments relate to?

Requirement 7.4

Your comments on Principle 7

Principle 7 requirement 7.4, should this include identification of critical factors for monitoring, and for those considered as critical identify the frequency of monitoring and specifics of Data gathering and management/action such as trigger levels based on data collected (for example, levels of groundwater that require immediate action). This might be applicable to be included in P8, R8.3

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?

Requirement 8.4

Your comments on Principle 8

Principle 8, requirement 8.4, is this requiring at least quarterly public disclosure of information on operating and monitoring of TSF?

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?

Yes

Which aspects of Principle 10 do your comments relate to?

Your comments on Principle 10:

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?

Requirement 11.4

Your comments on Principle 11:

Principle 11, requirement 11.4, Can some additional guidance be provided here on frequency and how one determines if 3 years or 10 years is sufficient for review?

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?

Yes

Which aspects of Principle 13 do your comments relate to?

Your comments on Principle 13:

Principle 14

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 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?

No

Which aspects of Principle 15 do your comments relate to?

Your comments on Principle 15:

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?

Your comments on Principle 16:

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?

Requirement 17.2

Your comments on Principle 17:

Principle 17, requirement 2 It is suggested that the reasonable test is not applied here due to likelihood of definition of such term differing between groups. Even if an unreasonable request is made, a reasonable response could be provided without committing to unreasonable action. By dropping this test of "reasonable" it is then clear that all requests should have some form of response which of course is easier to verify later.

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):

2: Falls somewhat below my expectations

Please summarize why you chose this option:

Additional specificity would help operators understand when certain actions are required, and what is required.

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):

3: Will strengthen some but not 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)?

Yes

Please explain why and/or what is missing:

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?

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)

ref:0000001113:Q83

Attachment 2 reference (if applicable)

Subject: European Bank for Reconstruction and Development
Comments to Global Tailings Standard, Draft for Public Consultation

The European Bank for Reconstruction and Development (EBRD) is involved on the finance of several mining projects, many of which have tailings facilities. While overall environmental, human health, safety and social risk from such facilities is covered in general terms in our Environmental and Social Policy, which is applicable to every project we finance, we do not have a single comprehensive approach for addressing risks from TMFs. Therefore, we applaud the efforts to develop this global standard, and we are keen to participate by providing our comments below, as well as remaining involved as an interested stakeholder.

Our comments are as follows:

An overarching general comment: Recognising that on a project such as this, there is always debate about how prescriptive to make a standard. We recognise this dilemma, although we believe that a bit more granularity on the requirements of this standard would benefit the overall strength of the standard. We believe that as it stands now, there is a large degree of subjectivity in applying the requirements, which could result in significantly different outcomes/approaches. We believe this general theme will be highlighted in our specific comments below.

Principle 1

Requirement 1.3. While we support this concept, we are not convinced this requirement will be applied in a consistent manner. Can this requirement be developed with a greater definition of when inundation studies and updates are required? Further, what is the overall use of the inundation study? Is this to inform stakeholders of the risk, or to drive increase of the factor of safety, or both?

Principle 2

It appears that much of this Principle is aimed at new facilities, and this could be clarified here. Also, much of what is required should be covered by the EIA that is required for a new facility, and this should be recognised and mentioned as how to coordinate the EIA requirements with the GTS.

Requirement 2.1. This is required as part of the EIA, consider elaborating how these two processes are coordinated, or at least recognise the EIA process.

Requirement 2.2, elaborate not just the review process, but how results of the review are actioned.

Requirement 2.3, again, this is all part of the EIA that will be completed for a new facility.

Requirement 2.4, shouldn't this include review of the changes in risk of failure posed by the material changes to the TMF?

Principle 3, This should be driven by the site as a whole, not the TSF on it's own. There is an opportunity to cite what should be completed in this regard for an integrated mine facility not just the TSF in isolation. Also, is there an opportunity to reconfirm here that the overall objective of this standard is to ensure there is no loss of life from the facility and that numerous other topic areas of this standard deal with this?

Principle 4, How do the requirements of this Principle relate to the requirements of Principle 2?

Requirement 4.1 (a) why is the term near future used and what is definition of near future?

Requirement 4.1 (c) who completes the review every three years, and how is this verified?

Requirement 4.2 Will the results of this be disclosed, and if so how? How will the local community be informed?

Requirement 4.3, so is it proposed that a facility can pose an extreme risk, yet not be designed and engineered to satisfy the criteria in Table 2 if determined as not feasible? If this is the case it is suggested that there are guidelines on how feasibility is defined and determined, with specific reference to costs.

Principle 5

Requirement 5.1, shouldn't this specifically mention dry stack or high density tailings?

Principle 6, shouldn't this principle include static and dynamic FOS that are considered appropriate? Also shouldn't the DBR a sensitivity analysis of the variables that influence integrity of the facility, and specifically highlight those that will be key to the monitoring program?

Principle 7 requirement 7.4, should this include identification of critical factors for monitoring, and for those considered as critical identify the frequency of monitoring and specifics of Data gathering and management/action such as trigger levels based on data collected (for example, levels of groundwater that require immediate action). This might be applicable to be included in P8, R8.3

Principle 8, requirement 8.4, is this requiring at least quarterly public disclosure of information on operating and monitoring of TSF?

Principle 11, requirement 11.4, Can some additional guidance be provided here on frequency and how one determines if 3 years or 10 years is sufficient for review?

Principle 17, requirement 2 It is suggested that the reasonable test is not applied here due to likelihood of definition of such term differing between groups. Even if an unreasonable request is made, a reasonable response could be provided without committing to unreasonable action. By dropping this test of "reasonable" it is then clear that all requests should have some form of response which of course is easier to verify later.