

Global Standard Requirement	Comment
<p>9.2: For an existing facility, where a potential credible failure could have 'Very High' or 'Extreme' consequences, the Board or senior management (as appropriate based on the Operator's organizational structure) shall mandate additional steps to minimize the consequences and publish reasons for its decision. This process is to be repeated at the time of every Dam Safety Review (DSR).</p>	<p>As worded, this implies that additional mitigation is expected following each DSR. For facilities that are already designed and operated to a high standard, this may be unnecessary. This is also a somewhat ambiguous, open ended disclosure requirement.</p>
<p>10.2: A member of senior management shall be accountable for the safety of tailings facilities and for minimizing the social and environmental consequences of a tailings facility failure. This Accountable Executive will also be accountable for a program of tailings management training, for emergency preparedness and response, and for recovery after failure. The Accountable Executive or delegate must have regular scheduled communication with the Engineer of Record (EOR).</p>	<p>We agree with the requirement for senior level accountability for the safety of tailings facilities, but the organizational structure shown in Annex 3 is overly prescriptive and could have unintended, negative consequences. Tailings management requires integrated consideration of operational aspects such as the mine plan, production rates, water use, capital allocation, etc. and inserting an artificial barrier between operational management and tailings management would impede the ability of mine management to manage tailings facilities. See comments on 10.3.</p>
<p>10.3: Appoint a site-specific Responsible Tailings Facility Engineer (RTFE) who is accountable for the integrity of the tailings facility, liaises with the EOR, the Operations and the Planning teams and who either reports directly to the Accountable Executive, or via a reporting line that culminates with the Accountable Executive. The RTFE will have a dotted reporting line to mine management to represent the delivery of services to the site.</p>	<p>The prescriptive requirement to have the RTFE with only a dotted line relationship to site management would introduce ambiguity in authority over operational decisions related to tailings management. Decisions such as mining and processing rates, and sequencing of tailings facilities, should be made in an integrated way by mine management. Requiring the RTFE to be in a separate reporting line could create disconnects between mine planning and tailings management.</p>
<p>11.4: A senior independent technical reviewer shall conduct an independent DSR periodically (every 3 to 10 years, depending on performance and complexity, and the Consequence Classification of the tailings facility). The DSR shall include technical, operational and governance aspects of the tailings facility and shall be done according to best practices. The DSR contractor cannot conduct a subsequent DSR on the same facility.</p>	<p>We understand the concern that a DSR contractor may become "stale" or "too comfortable" with a given site, but for complex sites and when there is a high frequency of review (e.g., 1-3 years), there are significant benefits to having the same contractor for two or more reviews. In subsequent reviews, a DSR contractor's reviews can benefit from accumulated experience with the particular site.</p>

<p>12.3: Establish and implement a system to manage the quality of all engineering work, the interactions between the EOR, the RTFE and the Accountable Executive, and their involvement in the tailings facility lifecycle as necessary to confirm that both the implementation of the design and the design intent are met in all cases.</p>	<p>The substance of this requirement is already met by professional engineering licensing standards, which provide a serious mechanism for ensuring accountability and quality in engineering work. As worded, this requirement could lead to bureaucratic processes that do not actually maintain or improve quality.</p>
<p>12.4: Given its potential impact on the risks associated with a tailings facility, the selection of the EOR shall be decided by the Accountable Executive and not influenced or decided by procurement personnel.</p>	<p>Perhaps the intent here is to prevent the EOR from being “just the lowest bidder”, but to comply with this requirement would violate good Supply Chain Management practices. Yes, the EOR should be selected primarily based on technical competence, but procurement processes (as managed by procurement personnel) are important for other reasons, e.g., to avoid conflicts of interest and undue influence, and to ensure that contractors are financially and socially responsible.</p>
<p>17.1: Publicly disclose³⁶ relevant data and information³⁷ about the tailings facility and its consequence classification in order to fairly inform interested stakeholders.³⁸</p> <p>Footnote 37: Relevant information to be disclosed shall at a minimum include those items referred to in Requirements 1.3, 2.3, 2.4, 3.1, 4.2, 4.3, 5.5, 5.6, 7.8, 8.2, 8.4, 9.1, 9.2, 10.1, 10.2, 11.1, 11.4, 11.5, 12.1, 13.5, 14.3, 15.1, 15.3, 15.4, 16.1, and in case of a tailings failure 16.2-16.5, provided that such disclosure: (i) is subject to applicable law; (ii) may be complied with through relevant regulatory agencies in accordance with applicable legal requirements; and (iii) will in some cases be subject to the consent of external parties (for example where third party reports and external stakeholder information are involved).</p>	<p>The panel should be careful not to create a bureaucratic process where management attention is focused on documentation and public reporting, to the detriment of actual technical and operational management of tailings facilities. The Standard would benefit from more clarity about the disclosure requirements, and not just a vague list in a footnote. The disclosure requirements should be developed in a way so as to not create disincentives for companies to identify, investigate, and address issues in a timely and efficient way.</p>