

Consultation response

Part 1: Your details

Original language of response: English

Name: YOSHIDA Naoto

Country of residence: Japan

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: Non-governmental organization (NGO) – National

If 'Other', please specify below:

Are you responding on behalf of an organization? Yes

Please give the name of the organization: Japan Mining Industry Association

Your level within the organisation: Management

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

Topic I: 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?

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?

Which aspects of Principle 2 do your comments relate to?

Your comments on Principle 2

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?

Which aspects of Principle 3 do your comments relate to?

Your comments on Principle 3

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?

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?

Which aspects of Principle 5 do your comments relate to?

Your comments on Principle 5

Principle 6

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

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?

Which aspects of Principle 7 do your comments relate to?

Your comments on Principle 7

Principle 8

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

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?

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?

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?

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?

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?

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?

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?

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?

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?

Which aspects of Principle 17 do your comments relate to?

Your comments on Principle 17:

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):

Please summarize why you chose this option:

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):

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)?

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)

JMIA as Japan Mining Industry Association is honorably pleased to express our opinion and to propose amendments to the Global Tailings Standard drafted by GTR on November 15, 2019. We hope that this proposal will be adopted and that the drafted standard will become clearer and easier to understand and will be accepted by stakeholders around the world.

1 Overall

1) We also strongly recognize that safety and environmental protection are fundamental to mining business as well. We sincerely agree with GTR's motive to contribute to improving the safety of the tailing dam.

We understand that the purpose of the standards is to preferentially improve the safety of tailing dams. It is certain that the safety of tailing dam will be improved by brushing up the design content of the tailing dam and reviewing the management items.

2) The draft standard includes various items such as disclosure of information on tailing dams, water treatment, indigenous people's participation, environmental protection, and formulation of accident scenarios. These are inseparable items from the safety management theme of the entire mine operation. It is not a topic to be

addressed in tailing dam-specific safety improvements and is not appropriate to address in this standard. Optimally, the standard should focus on the specific purpose of improving the safety of the tailing dam itself. We should not mix different items like tricks. The related content needs to be corrected or deleted.

3) If the purpose refers to improve the safety of the entire mine operation, including the safety of the tailing dam, and an issue of compensation, it is necessary to withdraw this discussion once and raise the issue again to discuss those improvements. Since improving safety is an important theme, we cannot agree with the drafting of standards based on deviations from the main purpose or based on incomplete discussions.

4) In Japan, based on the idea that safety of tailing dams is inseparable from whole mine management, we have established a domestic law system centered on the Mine Safety Law. In Japan and countries with systematic domestic laws equivalent to or better than Japan, the priority application of current national laws is the best way to achieve all the objectives required by the GTR. We call for adding the priorities and respect for the current law described in the preamble to the draft GTR, such as :

< In Japan and countries with domestic laws equal to or higher than Japan, by complying with domestic laws, it is considered that all the requirements of this "Global Tailings Standard" are completely satisfied. > The standard may list the corresponding country names instead.

5) Despite being a code of conduct, the draft has many footnotes, and the whole description including the preamble is redundant. The format seems to be an interpretation of the law or a thesis. If the GTR is going to adopt the standard to be liable with responsibility for law enforcement, we agree with this form. In our opinion, we propose that whole footnotes should be written as body text to simplify the format.

6) It is necessary to make the scope of tailing dams enough for applying the standard realistically. We propose a classification by size and a classification by factors such as whether the dam is currently in use, planned or not in use.

2. Amendments to important individual articles

We don't suggest modifying the wording of details too much. The reason is that the standard text should be greatly simplified and clarified as in 1-5) above. Below is a list of clauses and proposed amendments that require significant amendments.

1) The Role of the State (Preamble)

Please clearly add the contents as described in 1-4) to the end of the draft of "The

Standard is not intended to displace or pre-empt any requirement of applicable law, and where conflicting, applicable law shall prevail."

2) The physical and chemical properties of the tailings are independent of safety
1.2

Even if the contents of the tailings are identified, the safety of the tailing dam itself is not improved. It should be removed because it is outside the scope of this standard

3) Independent Tailings Review Board (ITRB) is not required due to duplication of functions of 10.1 2.2

ITRB has unclear definition, structure and authority. We should delete it because its function of ITRB, described and purposed in the draft, can be replaced by the contents of 10.1 and the licensing system of each country.

4) Timing on disclosing the tailing dam management plan at the time of construction
2.3

Effective involvement in processes in the affected communities to improve the safety of tailing dams is met by presenting a management plan at the time of dam construction. Subsequent involvement has nothing to do with improving the safety of the tailing dam and should be removed from this proposal.

(Proposed amendment) Second sentence: Develop an impact mitigation and management plan, and disclose this information according to laws and regulations when the tailing dam is constructed.

5) Financial assurance system 2.5 and 2.6

Compensation reserves and insurance systems should be removed because they do not contribute to safety improvements.

6) Relocation and other measures 3.3

Measures to be taken in case of an accident should be also deleted as it does not contribute to improving safety.

7) Consequence classification of accidents does not improve safety. Topic III and all Principle 4

Consequence classification of accidents that occur after the construction of a tailing facility does not improve the safety of the tailing facility itself. Standards related to design, construction, operation and monitoring of the tailing facility that are going to be established in principle 4, Topic III are written in Principle 5, Principle

6, Principle 7 and Principle 8. Therefore, Principle 4 should be deleted entirely. Also, since accident classification is irrelevant to safety improvements, Table 1 should be deleted either. Even in the related Principle 9, the classification of accidents does not contribute to safety improvement, so the corresponding expression should be deleted.

(Proposed amendment) Principle 4 should be deleted. Delete also table 1.

(Proposed amendment) Principle 9: Delete all the words of the result classification "Very High" or "Extreme".

8) Deletion of redundant expression in design policy 6.3, 6.4
6.3 and 6.4 are paraphrase of 6.1 and 6.2. Both articles should be deleted because there are many ambiguous expressions that are not effective in reducing or minimizing risks and accident risks.

9) Removal of abstract and unrealistic risk minimization rules 7.7, 7.8

In Principle 7, both 7.7 and 7.8 are particularly abstract and realistic. In addition, regular disclosure of monitoring reports does not directly contribute to improving the safety of tailing facilities. Both should be deleted because they are out of the purpose of the standard establishment.

10) Correction of monitoring report frequency standards 8.4

Uniform application of standards is not practical. It is sufficient to report in accordance with the laws and regulations of each country and the advanced declaration by the operator.

(Proposed amendment) 8.4: Reports will be made at the necessary frequency prescribed by law and / or the frequency set in advance by the operator in order to satisfy regulatory requirements.

11) Simplification of the expression of the person responsible for managing the tailing dam and the standards Principle 10

Principle 10 is too complex to express, although it only requires the responsibility and system to perform safe and ongoing management of the tailing facility. 10.1 and 10.2 can be integrated and 10.3 and 10.4 can be removed and replaced with a concise and clear expression. In addition, it is an unintended require to display measures and response methods after an accident even though the purpose of the standards is to improve safety.

The amendments are as follows. Articles 10.2 to 10.4 should be deleted.

(Proposed amendment) Requirement 10.1: The board of the mining operator shall

determine and announce its commitment to safe management of the tailing dam. Commitment requires tailing dam management guidelines and a governance framework. The commitment must be accountable for the safety of the tailing dam and the content that minimizes social and environmental impacts.

12) We agree with the concept of self-management first 11.2

As in 11.2, we agree with the idea that business operators first conduct internal audits to verify that appropriate safety and management are being carried out. In addition, government audits under applicable law should be recognized as equivalent to third-party audits.

13) Verification of self-management should be conducted at appropriate intervals according to the situation.

It is reasonable that the frequency of verification is based on the tailing dam situation. We would like to revise it periodically or at a frequency determined by the operator in advance.

(Proposed amendment) 11.3 EOR or senior independent technical reviewer shall review tailing dam construction and performance at appropriate intervals.

(Proposed amendment) 11.4: Senior independent technical reviewer shall regularly conduct independent DSR.

14) Risks to be addressed Principle 15

It is necessary to clarify that the situation to be dealt with at the beginning of Principle 15 is the failure described in the standard, not general theory. We suggest adding the phrase “ applied by this standard”.

(Proposed amendment) Principle 15: Prepare for emergency response to tailing facility failure applied by this standard and support local level emergency preparedness and response using best-practice methodologies

15) Accident scenarios of tailing facilities do not contribute to safety improvement. 15.2, 15.3, 15.4, Principle 16

The details of the accident scenario of a tailing facility are unclear, and even if a scenario with detail is established, the safety of the tailing dam will not be improved. Since it is not the purpose of this standard development, 15.2 to 15.4 and Principle 16 should be deleted.

16) In principle 16 as well, we would like you to clarify the circumstances that should be handled in the same way as Principle 15 in case of maintaining this principle.

We suggest adding the same phrase as the Principle 15.

(Proposed amendment) Principle 16: Prepare for long-term recovery in the event of a catastrophic failure at a tailing facility to which this standard is applied.

17) Scope and content of information disclosure Principle 17

As with Principles 15 and 16, we propose that you clearly state that you are disclosing information on safety and risk to which this standard is applied.

(Proposed amendment) Principle 17: Providing general access to information on tailing dam decisions, risks and impacts, management and mitigation plans, and performance monitoring by applying this standard

18) Deletion of Table 1-Consequence Classification Matrix

Table 1 should be deleted by the reason described on the above 7) . The table does not contribute to the improvement of safety.

Even if we leave the Table 1, we should delete the item of "Potential Population at risk" in the second column from the left. "The reason is that the potential population at risk " is determined automatically by the distance between the planned location of the tailing dam and the settlement, so that this is an item that does not reflect the safety improvement effect by applying this standard.

19) Engineer's command structure of Annex 3: Outline of the Organizational Structure referred to in the Standard

Regardless of the name, such as EOR, it is completely unreasonable in terms of safety management if a tailing dam engineer is under the command structure of a management / financial officer. The key point is that engineers can perform their duties and make decisions with priority on safety matters. Therefore, we suggest that this table should be deleted.

Attachment 1 reference (if applicable)

ref:0000001071:Q83

Attachment 2 reference (if applicable)

TO GTR: Global Tailings Review

Online response to the GTR draft public consultation

25th December 2019

Japan Mining Industry Association
Kanda Nishiki-Cho 3-17-11
101-0054 Chiyoda-Ku, Tokyo, Japan

Please take note that we close our office between 28th December 2019 and 5th January 2020 due to new year holiday policy.

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