

Revision of the Risk Readiness Assessment Criteria and Criteria Guide: Technical Committee Terms of Reference May 2021

Overview

The Responsible Minerals Initiative (RMI) and the Copper Mark are revising the [Risk Readiness Assessment \(RRA\) Criteria](#) and corresponding [Criteria Guide](#) in 2021 / 2022. The last revision of the RRA Criteria was finalized in 2019.

Objectives

The RMI and the Copper Mark jointly set up this Technical Committee to support the revision of the RRA Criteria and Criteria Guide. The main objectives of the Technical Committee are to work with the RMI and the Copper Mark to ensure the RRA Criteria and Criteria Guide:

1. Cover all major environmental, social and governance issue areas.
2. Are recognized and accepted by key impacted stakeholder groups as reflecting core expectations for responsible mineral production practices.
3. Can be implemented by mineral producers and processors and their performance against the criteria can be assessed by independent third-party assessors.

Revision Process

The main steps of the revision process are defined in Annex I and the indicative timeline in Annex II.

The RRA Criteria and Criteria Guide revision process will be conducted in such a manner as to ensure it aligns with the expectations defined in the [Copper Mark Standard Setting Procedure](#) and the RMI's (link forthcoming).

Role and Decision-Making

The Technical Committee's role is to provide technical support to the revision of the RRA Criteria and Criteria Guide. This includes at a minimum to:

1. Conduct technical reviews of the draft revised RRA Criteria and Criteria Guide; and
2. Review and comment on feedback received through stakeholder engagement conducted during the revision process.

3. Support a final draft of the RRA Criteria and Criteria Guide for each revision cycle to be shared for wider stakeholder consultation and adoption by the RMI Steering Committee and the Copper Mark Board of Directors.

The Technical Committee discusses and endorses proposals made by RMI's staff, the Copper Mars staff and / or technical consultants. It shall seek agreement from all participants to endorse a proposal. Where agreement cannot be reached, the concerns expressed by participants will be noted and reported to the respective bodies within the RMI and the Copper Mark.

Participants that are unable to attend a meeting shall raise any objections before the meeting, which will be recorded and discussed during the meeting.

The Copper Mark Advisory Council and RMI Steering Committee will be kept apprised of the progress of the standard development or revisions throughout the process.

Proposals endorsed by the Technical Committee will be presented to inform the respective decision-making bodies within RMI and the Copper Mark. These are:

- The RMI Steering Committee
- The Board of Directors for the Copper Mark

The Technical Committee may at times review input from other technical bodies within the RMI or the Copper Mark or from subject-matter experts.

Technical Committee Participation

Composition

The RMI and the Copper Mark aim to ensure a relevant and diverse composition of the Technical Committee. Participants are invited to join the Technical Committee based on their technical expertise, as well as their ability to represent diverse perspectives across different impacted stakeholder groups.

The Technical Committee will be intentionally kept to 15-20 individuals and include representatives from the following types of organizations:

- Mineral producers, processors, and traders
- Supply chain actors, e.g., fabricators, manufacturers, end-user companies
- Civil society, e.g., NGOs, labor unions, indigenous peoples groups
- Other impacted stakeholders, e.g., assessors, finance institutions
- Academia

Representatives of the RMI, the Copper Mark and the Dragonfly Initiative, the consultant commissioned to carry out the revision, will participate in the Technical Committee.

Additional organizations and / or subject matter experts may be invited to the Technical Committee where these are considered to support the objectives.

Working Mode

Participants are expected to contribute to the Technical Committee by:

- Attending meetings via teleconference;
- Reviewing materials prepared in advance or in between meetings;
- Providing technical input and feedback on the materials prepared either during calls or via email;
- Prepare recommendations for the decision-making bodies of the RMI and the Copper Mark to review within the scope of these terms of reference.

Time Commitment

The Technical Committee is set up for the specific purpose of the RRA Criteria and Criteria Guide revision. The revision process is anticipated to last from June 2021 to December 2022.

During this time, participants are expected to join monthly 1-hour conference calls and review meeting materials prior to the meetings. The RMI and the Copper Mark will endeavour to schedule meetings during times that allow participation across all time zones.

The meeting frequency may be adjusted based if more time is required.

Administration

The working language of the Technical Committee is English.

The Technical WG will be convened and jointly chaired by staff of the RMI and the Copper Mark.

All deliverables developed by the Technical Committee are owned by the RMI and the Copper Mark.

Annex I: Revision Process

Objectives

In this second revision, the RMI and the Copper Mark will work together to achieve the following main objectives:

1. Ensure the recognition and acceptance of the RRA as a credible set of criteria for responsible mineral production practices by key stakeholder groups, namely mineral producers, refiners, smelters or other producers of a finished metal product, supply chain companies, investors and civil society organizations actively involved in addressing social and environmental impacts of mineral production.
2. Respond to findings of benchmarking exercises with other voluntary standards applicable to mining, smelting and / or refining operations to adjust the RRA to:
 - a. Ensure full coverage of relevant issue areas,
 - b. Provide more clarity and prescription on the scope of the criteria, and / or
 - c. Strengthen criteria where appropriate to ensure these continue to reflect the core expectations formalized in leading voluntary standards in this field as well as of key stakeholder groups.
3. Clarify requirements for the implementation and assurance of the RRA Criteria through accompanying Criteria Guide aimed at both implementing companies and assessors.

Core Principles of the Revision:

1. Maintain the core concept and methodology of the RRA: that its form, coverage, and articulation is derived from **leading VSS** in the mining and metals supply chain. This includes a review by the partners of which VSS to include in the RRA methodology as a first step.
2. Understand coverage, compliance and requirement gaps identified between the RRA and **leading VSS** in the mining and metals supply chain and determine whether / to what extent these need to be addressed to:
 - a. Obtain recognition of the RRA by key stakeholders.
 - b. Increase alignment with leading VSS in the mining and metals supply chain to facilitate cross-recognition.
 - c. Ensure the RRA meets the expectations of the RMI and the Copper Mark for responsible production practices.
3. Include more clarity and granularity in the articulation of the industry norm by listing out or “unbundling” the aspects of the industry norm.
4. Revise and strengthen the Criteria Guide to clarify the expectations for implementation and assurance of each RRA industry norm. Implementation of the Criteria Guide is expected for participants in the Copper Mark and assessors to demonstrate conformance with the RRA.
5. Ensure effective and meaningful engagement of external, particularly NGO / CSO, stakeholders in the revision process to build recognition and acceptance of the RRA.

Initial Steps for the Revision

Step 1: Stakeholder engagement

A notable criticism of the RRA is that the industry norms have not been developed through the effective engagement of external stakeholders.

A robust stakeholder engagement strategy would have to be developed to ensure acceptance and recognition of the RRA going forward. The main objective of the stakeholder engagement strategy is to ensure the RRA industry norms **reflect the core expectation for each issue area as understood by external stakeholders**. Where there are gaps between the RRA industry norm and stakeholder expectations, the partners will seek to understand if these reflect a trend among stakeholders that can be expected to be formalized in leading VSS going forward. The partners may consider draft revisions of leading VSS as well for this purpose.

Key elements of the stakeholder engagement strategy are:

1. The steps, timeline and plans for stakeholder engagement will be published by the partners at the beginning of the process.
2. The initial revision of the RRA as defined in Steps 2.a – 2.c will be conducted by the partners and TDI without stakeholder engagement.
3. The draft RRA industry norms obtained at the end of Steps 2.c will be used as the basis to initiate the stakeholder engagement process.
4. The stakeholder engagement plan will include the following elements:
 - a. Initial survey of selected stakeholders to understand perceived gaps between the RRA industry norms and core expectations for each issue area. This will include feedback received by the RMI on the ESG module, feedback received so far by the Copper Mark on the RRA industry norms, and the external benchmarking results that other VSS have conducted including the RRA.
 - b. Review and discussion of the draft revised RRA industry norms by the respective technical committees of the partners throughout the process. The partners will discuss if a joint technical committee may be appropriate to create efficiencies in the review process.
 - c. Three – four workshops held among key stakeholder groups / geographies. This could include:
 - i. RMI members and other downstream buyers.
 - ii. CSO / NGO actors.
 - iii. Investors.
 - iv. Regional event in Latin America and / or Central Africa.These workshops are preferably held in-person but are likely conducted virtually.
 - d. Two public consultation periods of 60 days and 30 days respectively.
 - e. Targeted engagement with subject matter experts as appropriate.

The partner organizations will ensure there is a clear decision-making structure in place and communicated to the technical committee as well as participants in workshops.

The partners will manage the stakeholder engagement as follows:

1. TDI will prepare the draft revised RRA industry norms and revised / refreshed Criteria Guide.

2. TDI will attend the technical committee meetings. The technical committee will be facilitated jointly or by one of the partner organizations.
3. Each partner organization will lead the engagement with their respective stakeholder groups as needed, combining calls/meetings where possible/desirable to reduce duplication
4. The partners will consolidate and review comments to determine the approach for each case.
5. TDI will conduct a maximum of 4 revisions to the RRA industry norms and the Criteria Guide, based on the consolidated comments shared by the partner organizations.

Step 2: Revision of the RRA

This will be the 'foundation' of the revised RRA industry norms. In this first round, we will stick with the same methodology used to formulate the current version of the RRA. Additional topic/issues areas not already covered in the RRA, but which it is deemed should be covered by virtue of the methodology revealing a 'gap', will be included. Last, we will 'unpack' the RRA to make all aspects/elements clear and articulate those beneath each RRA issue area.

Step 2a: Methodology and structure

TDI, with the project partners, will review, revise if necessary, and clearly articulate the methodology for:

- Choosing the VSS to ensure those included represent "best practice" requirements
- Determining the industry norm

Design and agree the structure of the RRA and Criteria Guide, so that it is logical. This stage of agreeing the structure, level of detail and style of the guide is important to save time later in the process. Later, significant deviation from this agreed structure might result in further delays in progress and additional time and, therefore, costs.

Step 2b. Understand gaps identified between the RRA and leading VSS

Review the issues areas to ensure that the issue area and its expectations cover the relevant aspects of interest to the stakeholder groups (see methodology for stakeholder groups) and clarify or amend language to ensure a clear articulation of the issue area and the 'performance level'.

Review sources include:

- The VSS reference group used for the RRA.
- Results of benchmarking of the RRA against leading VSS (e.g., ICMM, TSM, Responsible Steel, IRMA).
- Surveying / consulting stakeholders

Preliminary scans and engagements highlight the following areas for addition:

- Corporate Policies and Governance Systems (potential new issue area).
- Emergency Response (potential new issue area)
- Environmental Criteria (increased granularity)

Step 2c: Identify appropriate strategy for each issue area and make revisions

The output of Step 1 will include a recommendation for each issue area to:

- **No change:** the issue area is found to meet core expectations of key stakeholder groups.
- **Wording update/improvement:** the issue area is found to meet core expectations of key stakeholder groups but with slight improved language for clarity.
- **Unbundling:** Review current set of issue areas and consider which, if any, require unbundling. Those which combine many issues compared with other VSS, and where those issues are commonly separated, would be candidates for unbundling. For example, Pollution might be unbundled to emissions to water, air and soil, toxic substances.
- **Listing of Sub-Requirements:** See where greater clarity can be had by listing out the aspects of the industry norm. Because this is further prescription, i.e., not 'stringency', it is not a departure from what is already there. However, this would make it easier to 'check off' equivalence with other VSS.

By way of illustration, consider the RRA on biodiversity: « *To implement the mitigation hierarchy to avoid, minimize, reduce and compensate for adverse impacts on biodiversity; to avoid adverse impacts to Critical Habitats or Endangered Species; and to prevent operational activities in World Heritage sites or in designated protected areas unless specifically and legally permitted.* » Rather than separate the 3 aspects by semi-colon, these could be articulated in listed form:

Companies will develop a plan and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to address the biodiversity, ecosystem services and land use impacts and risks identified in the assessment referred to in Provision 12.1. The systems will:

- *follow the biodiversity mitigation hierarchy.*
- *where applicable, minimise the risk of subsidence from underground coal mining.*
- *be completed in consultation with affected communities and stakeholders.*
- *apply to the full lifecycle of the mine.*
- *set targets to monitor performance; and*
- *be adjusted where necessary following regular review of the conclusions of the assessment referred to in Provision 12.1 of this Code.*

Step 3: Overhaul of the Guidance document

For the Copper Mark, the Criteria Guide forms an integral part of the Assurance Framework and for the RMI, the Criteria Guide is important guidance to inform those utilizing RMI's expanded ESG standards. The parties identified its revision as an important foundation to ensure requirements to implement and assess the RRA industry norms are clearly defined.

Revision of the Criteria Guide to:

- Align with the revised RRA industry norms.
- Include stakeholder input regarding expectations for the implementation and assurance for each RRA industry norm.
- Review the language to ensure requirements for implementation and assurance are clearly defined and separated from guidance text that is not mandatory for implementation and assurance.

- Review language to clarify the performance levels, particularly the definition of practices considered “partially meets”.
- Add more explicit expectations around existing references or standards companies must use, rather than more ‘guidance’ text. For e.g., require for to the ICMM/PRI/UNEP Industry Tailings Standard to be applied or refer to sections of the IRMA Standard and Guidance to define detailed expectations.

The revision of the Criteria Guide will include the following steps:

- Review of stakeholder feedback previously received by the Copper Mark, RMI, the technical committee and through the stakeholder engagement process.
- Identify the issue areas that require significant revision.
- Agreement with the parties on the structure and flow of the document.
- Drafting of the document.
- Incorporation of a maximum of 4 rounds of stakeholder feedback.
- Proof reading before final publication

Annex II: Timeline

An approximate timeline for the project is included below:

Activity	Estimated Timeline
Kick-Off	June 2021
Initial revision of the RRA Criteria and Criteria Guide	June – July 2021
Launch of the Technical Committee	June / July 2021
Revision Cycle 1 of the RRA Criteria and Criteria Guide based on input from the Technical Committee	July – December 2021
Stakeholder engagement: <ul style="list-style-type: none"> 6 monthly meetings of the Technical Committee 4 workshops Public Consultation Round 1 	July – December 2021 October – November 2021 November – December 2021
Revision Cycle 2 of the RRA Criteria and Criteria Guide based on stakeholder consultations.	January – March 2022
Stakeholder engagement: <ul style="list-style-type: none"> 3 monthly meetings of the Technical Committee Targeted follow up with stakeholders from the workshops / public consultation 	January – March 2022 January – March 2022
Revision Cycle 3 of the RRA Criteria and Criteria Guide based on stakeholder consultations.	April – June 2022
Stakeholder engagement: <ul style="list-style-type: none"> 3 monthly meetings of the Technical Committee Public Consultation Round 2 	April – June 2022 June 2022
Revision Cycle 4 of the RRA Criteria and Criteria Guide based on stakeholder consultations.	June – September 2022
Publication	October 2022