

On August 5th, 2020 the Global Tailings Review, co-convened by the mining industry association, ICMM, investors and the UN Environment Programme, unveiled the *Global Industry Standard on Tailings Management*, “for the safer management of tailings storage facilities.” Current industry standards, including the Global Industry Standard on Tailings Management, do not go far enough to adequately protect communities and ecosystems from failures. On June 30th, an international group of scientists, community groups, and human rights and environmental organizations published a set of guidelines for the safer storage of mine waste. *Safety First: Guidelines for Responsible Mine Tailings Management* aim to protect communities and workers from the risks posed by mine waste storage facilities.

We scored the *Global Industry Standard on Tailings Management* to see how it stacks up against the *Safety First Guidelines*.

Safety Must Take Precedence Over Cost to Rein in Dangerous Practices		
The ultimate goal of tailings management must be zero harm to people and the environment and zero tolerance for human fatalities. Given the hazardous nature of mine tailings, safety must be the primary consideration for tailings facilities, without this commitment, cost reduction will continue to drive the process, putting people and the environment at risk.		
Safety First Guidelines	The Global Industry Standard	Assessment
1 Make safety the guiding principle in design, construction, operation, and closure (Guideline 1).	Safety is not explicitly stated as the guiding principle in tailings management. The document acknowledges mining companies should “take responsibility and prioritise” safety but does not require safety take precedent over economic and other considerations (Preamble).	✗
2 Upstream dam construction must be banned (Guideline 3).	Does not recommend a ban upstream dam construction.	✗
3 Dams should not be built in close proximity to communities (Guideline 2).	Does not recommend maintaining a specific distance between communities and dams.	✗
4 Any potential loss of human life means a dam must adhere to the strictest technical standards (requires designing for Probable Maximum Flood [PMF] and Maximum Credible Earthquake [MCE]) (Guideline 4).	Applies the strictest technical standards only if dam failure could potentially cause the loss of 100 lives or more (requires designing for a 10,000 year flood and a 10,000 year earthquake) (Annex 2, Tables 1, 2,&3).	✗
5 Tailings storage should use the Best Available Technology, including filtered tailings, and design must include rigorous safety controls (Guideline 5 & 6).	Requires companies to “minimise the volume of tailings and water placed in external tailings facilities” (3.2), but does not require specific tailings storage methods, like filtered tailings, and does not mandate detailed safety controls, such as dam slopes, factor of safety, maximum annual probability of failure (4.5).	✗
6 Requires water and tailings characterization, specifically regarding potentially acid generating materials (Guideline 7).	Includes acid drainage as one of the “Environmental” considerations in determining dam classification. Consideration of acid drainage does not appear elsewhere in the document (Table 1).	○
7 Outlines the components of a comprehensive monitoring system (adaptive management) with a complete set of pre-planned actions (Guideline 8).	Requires a comprehensive and integrated performance monitoring program for the tailings facility, as well as adaptive management (7.1) .	✓
8 States independent reviewers must provide oversight for tailings dams and identifies conditions that could be considered a conflict of interest (Guideline 9).	Calls for independent review of tailings facilities (8.7 & Glossary), but poorly defines independent as not directly involved with the design or operation of the particular tailings facility, and does not define “best practices for engineers in avoiding conflicts of interest” (10.5).	○
9 Mining companies can not walk away from dams until it is safe to do so, meaning the facility can withstand the PMF and MCE without maintenance (Guideline 10).	Does not specifically address how to safely close a tailings facility but says, “does not pose ongoing material risk to people or the environment.” Closure must be confirmed by an Independent Tailings Review Board and approved by an Accountable Executive (Glossary). Mandates closure to resist a 1:10,000-year event, but not the most extreme credible event (Annex 2).	○

Mining Companies Must Respect the Rights of Affected Communities		
Mining companies must ensure the meaningful engagement, participation and consent of affected and potentially affected communities for any tailings facility.		
Safety First Guidelines	The Global Tailings Standard	Assessment
1 Affected communities must provide consent for a tailings dam (Guideline 11).	Stipulates companies “work to obtain” FPIC for indigenous and tribal people but does not require consent from Indigenous and non-indigenous communities (1.2).	✗
2 Affected communities must be allowed to establish “no-go zones” (Guideline 11).	Does not allow communities to establish “no-go zones.”	✗
3 There must be independently administered grievance mechanisms available in a culturally appropriate way to all employees, contractors, suppliers, and regulators, as well as Indigenous Groups and affected community members. The process should be functionally independent from the operating company (Guideline 12).	Requires grievance mechanisms and complaint processes that are available to employees, contractors and project-affected peoples but these mechanisms can be internal and not independent (1.4 & 12.1).	○
4 Emergency preparedness plans must be developed together with all communities downstream and mine workers and in collaboration with first responders and relevant government agencies. Compensation and indemnification criteria in case of catastrophic failures must be prepared in advance with all potentially affected communities. All modeling should include worst-case failure scenarios (Guideline 13).	Mostly overlaps on emergency preparedness plans (1.4, 2.3, 2.4, all of principles 13 and 14), but does not clearly require “worst-case” scenario modeling. Does not require compensation and indemnification criteria to be developed in advance before any failure occurs.	○
5 All information relevant to safety and the stability of tailings facilities must be publicly available. Safety practices must be considered “non-competitive” (Guideline 14).	Only requires summaries of relevant information. Reports and plans that could be fully available include Design Basis Report, Construction Records Report, Operation, Maintenance and Surveillance Manual, Deviance Accountability Report, Annual Performance Report, Dam Safety Review Report, Emergency Preparedness and Response Plan, Impact Assessments and Mitigation Plan, Internal reviews, EOR review, Independent Tailings Review Board reports (15.1.A-C).	○

Mining Companies Must Be Accountable for Their Actions		
A culture of safety and responsibility must be upheld at the highest level within a mining company. Mining companies can not walk away from mines and cannot shirk their financial responsibilities if they fail.		
Safety First Guidelines	The Global Tailings Standard	Assessment
1 Companies must have independently guaranteed, reliable, and readily liquid financial assurance as well as environmental liability insurance to cover closure, post-closure and monitoring costs as well as any potential damages as a result of failure or environmental contamination over time. Companies must not self bond or self insure (Guideline 15).	Requires companies to review the estimated costs of closure, reclamation, post-closure and early closure periodically to “confirm adequate financial capacity (including insurance, to the extent commercially reasonable) is available” (10.7 & 15.1). Allows for self-bonding and does not require a bankable feasibility study that considers the potential costs of failure scenarios.	✗
2 The corporate Board of Directors must bear the prime responsibility for the safety of tailings facilities, including the consequences of dam failures (Guideline 16).	Requires the Board of Directors to “adopt and publish policy on commitment to safe management of tailings facilities” and to appoint one or more Accountable Executives directly answerable to the CEO (8.1, 8.4), but fails to clearly state that the entire Board of Directors, as the ultimate decision-making authority, must also be held accountable.	✗

KEY: ✗ Does not meet Safety First Guidelines
 ○ Overlaps with some Safety First Guidelines
 ✓ Aligns with Safety First Guidelines