

ASI Public Consultation Comments Form – March 1 to April 30 2021:

This form can be used to provide comments and suggestions for the following ASI normative documents released as part of the public consultation process:

- *ASI Performance Standard (Version 3, draft 1)*
- *ASI Performance Standard Guidance (draft 1)*
- *ASI Chain of Custody Standard (Version 2, draft 1)*
- *ASI Chain of Custody Standard Guidance (draft 1)*
- *ASI Assurance Manual (Version 2, draft 1)*
- *ASI Claims Guide (Version 2, draft 1)*
- *ASI Glossary (Version 1, draft 1)*

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<p>Anonymity Note:</p> <p>While ASI prefers to reference attributed comments, we respect that there may be situations where you would like anonymity. Examples of reasons for anonymity could include ‘commercial sensitivity’, ‘privacy protection’, ‘political repercussions’, etc. <u>If you would like to be anonymous, please note this in the adjacent column.</u></p>	<i>I wish to be noted as ‘Anonymous’ in the published comments log because:</i>

ASI Document Name	Page	Criterion/Section/ Figure/Table Number	Type of Comment (General, Specific, Editorial)	Comment	Suggested Change To Wording (if applicable)
Performance standard & guidance	11	2.9	Specific	The AAC believes information being requested under this section 2.9 would likely involve confidential information unable to be disclosed. The wording and intent should be re-evaluated.	
Performance standard & guidance	11	2.9 b	Comment	Why does this only apply to entities engaged in bauxite mining, refining and smelting?	
Performance Standard	13	5.1 b	Specific	<p>There is a new requirement to ensure that all publicly disclosed GHG emissions data are independently verified. This may also have implications for 5.3 d. There are two issues with this clause:</p> <ol style="list-style-type: none"> 1. In Australia, data is provided to the Government which then publishes this data. While the Australian Government does not require verification of this data, the current wording would imply that ASI now requires verification of data reported to a regulatory authority; which may become public. Governments require data to be reported on a different basis, based on regulatory requirements; meaning full verification of this data set may be required, over and above the verification of data required for corporate reporting. 2. The shift to mine to metal emissions targets and reporting may require the independent verification of emissions estimates (e.g., scope 3) from sites not owned or operated by the ASI member and may not be verifiable / auditable, from a practical perspective. 	<ol style="list-style-type: none"> 1. This could be addressed in the guidance by exclusion. E.g.: This clause should exclude data which is reported to the Government under a regulatory obligation, where that data is then publicly reported by the Government entity. This Clause would still apply to corporate self-reporting. 2. This clause should only apply to verification of Scope 1 and Scope 2 emissions, not mine to market.
Performance Standard	14	5.2 a (i and ii)	General	Further clarification of the methodology behind mine to metal emissions is required to assess implications of this change.	

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Performance standard		5.3 b)	Specific	Mandating an ASI endorsed methodology rather than good practice principles adds administrative burden. Linking a method to 1.5-degree warming scenario is asking the ASI member to articulate the specific contribution of the business to global warming, which is considered to be un-auditable. Greenhouse gas reduction plans over a 5-year period need to include available technologies and be based on engineering estimates and industry best practice.	Updated to recommendations rather than mandate.
Performance standard		5.3 c)	Specific	In general, AAC members (where applicable) have set emission reduction company targets for scope 1&2 emissions which are within their operational control. Setting mine to metal targets would add additional calculation and reporting requirements and considerable complexity to members reporting. This may be of relevance to those without a vertically integrated chain (for example downstream) but is likely to be challenging for primary producers. Since varying amounts of data along the value chain is not readily available and/or simple to update, annual reporting against this target will be difficult. Annual reporting of scope 1&2 targets will be considerably more accurate while still demonstrating progress towards reductions.	Refine the scope of applicability.
Performance standard		5.4	Specific	Creating a new requirement in the standard to have emissions reduction procedures to be linked formally to a Greenhouse Management System, rather than a <u>management system</u> which includes greenhouse; simply adds an administrative complexity is not an amendment supported by the AAC. This would be improved if the ASI looks at setting the standard around the key principles of a management system	Update the wording to reflect a general <u>management system</u> which includes greenhouse.

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				such as KPIs and performance tracking, rather than the requirement to have a Management System itself	
Performance standard & guidance		6.4	General	Section 6.4b) should clarify public disclosure of leaks and spills to be at significant level only (not all). Similarly, within the Guidance there are references to informing communities of all spills, impact and significance should be considered for clarification.	b. Publicly disclose Impact Assessments of the <u>significant</u> Spills and Leakages and remediation actions take on an annual basis”
Performance Standard		6.6	Specific	There is no criterion about a bauxite residue (BR) management plan. This is inconsistent with other criteria and although there is criteria about waste management plan, a specific plan for BR or BR storage should be included.	
Performance standard & guidance		6.7 (f)	Specific	The change to allow SPL to be treated and contained in flood pits is not good environmental practice and is a step backwards in terms of the ASI standards and should be taken out	6.7 (f) Not discharge SPL to a marine environment unless the SPL is treated and contained in floodpits and it can be demonstrated that there are no adverse impacts from the discharge.
Performance Standard	16	6.9	Specific	This is a new requirement for waste reporting to the ASI. The Council believes that companies could be required to publicly report on waste but does not believe it is the role of the ASI to collect data.	The Entity shall <u>publicly</u> report the following information to the ASI Secretariat on the designated template in element A1 within three months after the end of <u>for</u> each calendar year, as applicable:
Performance Standard	17	8.2b	Editorial	‘No Net Loss’ can only reasonably be applied to new operations or expansions - situations where a baseline can be established. For existing operations, baseline data for comparison is unlikely to be available.	Suggested addition to PS (as a footnote, in a similar way to the footnote following PS 8.6d): “The ambition of no net loss applies to new projects, major expansions to existing projects and new operating zones that impact biodiversity and ecosystem services.” This would require a change in the Glossary, to include definitions for major expansions and new operating zones. New operating zones in mining could include moving to new areas

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					within an existing lease and/or within historical production levels.
Performance Standard	18	8.5	Specific	This should not be expanded to include all operations but should be left to only bauxite mines as agreed in Cambridge in September 2019. The buffers of many World Heritage Areas include towns, factories, etc – potentially including existing refineries and smelters in these buffer areas. Boundaries of World Heritage Areas can also move over time, to an area tens if not hundreds of kilometres from the area actually being protected, depending on how the boundary is defined (e.g. for marine world heritage areas the low water mark of all tidal islands). The footprint of refineries and smelters tends to be small and to remain constant, unlike for mines. Therefore, the limitation should only apply to mining facilities, so as to ensure definitional changes by Governments on WHA boundaries do not have the unintended consequence of capturing other parts of the value chain.	Commitment to “No Go” in World Heritage Properties. The Entity <u>engaged in Bauxite Mining</u> shall: a. Not explore or develop new operations <u>mines</u> in World Heritage properties. Take all possible steps to ensure that existing operations in World Heritage Properties, as well as existing and future operations adjacent to World Heritage Properties, are not incompatible with the outstanding universal value for which these properties are listed and do not put the integrity of these properties at risk.
Performance Standard	18	8.6a	Specific	The geographic scope of the requirement to ‘ Have a process to identify Protected Areas ’ needs to be defined.	Add: ‘within or adjacent to the area of influence’
Performance Standard	18	8.6c	Specific	Complete exclusion of mining activity should only be required where that is consistent with the legal intent of protected areas. If the legal implementation of a protected area would allow mining under certain conditions (e.g., operated by indigenous businesses) then that intent should be allowed under this criterion.	Concepts of simple ‘exclusion’ need to be refined to reflect the sometimes complex intent of protected areas.
Guidance	88	Section 8.6 ‘Points to consider’	Specific	The term ‘protected area’ is appropriately defined by the CBD Article 2 but subsequent dot points in this section drive the readers interpretation of PS 8.6a towards all 6 IUCN categories as	Recommend that the entire text, including the table in Figure 1, be removed and replaced with:

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				effectively being ‘no-go’ areas. This is both misleading and contrary to the mutually agreed outcomes reached at face-to-face meetings of the BESWG held in Cambridge in 2019.	<ul style="list-style-type: none"> Protected Areas are defined on p. 80 of this Guidance. Possible tools for identifying Protected Areas are described under the Guidance for biodiversity risk assessment (Standard 8.1, p.82). Ensure that any tool(s) used in the process to identify Protected Areas is compatible with the local framework of Applicable Law. Where applicable, maintain an internal register of legal and other requirements applying to any relevant legally Protected Areas, such as national parks and other conservation areas designated under Applicable Law. The register should nominate personnel responsible for Compliance with these requirements. Where there is doubt as to legal restrictions, environmental protection law should be respected during operation and closure activities. <i>[Note: this is a repeat from the dot point on p.82 but relevant to highlight here]</i> <p>Guidance on engagement with Indigenous peoples and Affected Communities that may be present in some Protected Areas is provided in Section 9 of this Guidance.</p>
Guidance	88	8.6	Editorial	Clear precedence should be given to the legal and regulatory arrangements, if there is any discrepancy between this and information in global databases or the ASI criteria. This is consistent with Criterion 1.1.	Recommend additional wording in the Guidance to make this clear.
Guidance	91	Criterion 8, Review	Editorial	Additional points could be added to the table to increase the rigour of the overall criterion.	Proposed additions:

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					<ul style="list-style-type: none"> • For new project/major expansions, have you undertaken appropriate baseline assessments of biodiversity within the Area of Influence? • Is there evidence that the Mitigation Hierarchy has been followed in designing the new project/major expansion and in estimating the 'significant residual impact', if any? • Is a biodiversity offset program proposed or implemented as part of the new project/major expansion? • For new project/major expansions, is appropriate monitoring in place to evaluate progress towards a no net loss outcome?

Please add additional rows as required.

Please provide any other general comments:

There are a number of areas in the draft Standard and Guidance where the scope of the ASI has broadened beyond that of a Standards setting organisation. The AAC believes that the primary role of the ASI, as a standards setting organisation, needs to be refocussed.

The expansion of Standards requirements, particularly on greenhouse gas from mine to market, may be so broad as to risk impractical implementation and un-auditability. This may mean some currently certified facilities do not choose to renew their certification to the new standard, as it imposes to high an administrative and resource threshold; without delivering any additional sustainability credentials.

The AAC would like to continue to engage in development of the Guidance for Principle 5 (Greenhouse Gas Emissions) and 6.9 (Waste Reporting). The Council also requests information on the process for this Guidance development be shared with ASI members, outlining how this will be finalised, outside of the current consultation process.

The absence of detailed Guidance on these two Principles has limited the ability to respond on the practical workability of these two Standards. Given the absence of some significant sections of the guidance, a 30 day consultation period later this year seems insufficient to allow a thorough review. Additionally, the performance standard guidance is not exhaustive and it should be clear that items included in the guidance are not auditable but are included as examples or guidelines for what could fulfil the requirements of the standard. If items in the guidance are essential to the auditability/application of the standard they should be included within the criterion.