Alexander von Bismarck
Executive Director
Environmental Investigation Agency US

The Copper Mark
10 North Place, Cheltenham,
GL50 4DW, United Kingdom

Re: Response to inquiry on the Copper Mark assessment of Tenke Fungurume Mining S.A.

10 February 2026

Dear Mr. von Bismarck

Thank you for the opportunity to review and respond to your letter dated 5 February 2026 regarding the Copper Mark assessment of Tenke Fungurume Mining S.A. (TFM). Kindly find our responses to your specific questions and additional context below.

Context

The Copper Mark assurance framework assesses individual sites for conformance against the relevant Copper Mark standard. The process is conducted through a defined five-step assurance procedure. The assessment reflects the information and conditions reviewed during the defined assessment period, typically one year, with an extended look-back period of up to five years for an initial assessment.

In this case, TFM was assessed against a previous version of the standard, RRA Criteria Guide, version 2.0, which was accompanied by a previous version of the Assurance Process, version 5. The Copper Mark has since transitioned to version 3.0 of the standard and version 5.1 of the assurance process, which includes increased emphasis on system effectiveness in addition to system design and implementation.

The requirements defined in both versions of the RRA Criteria Guide are systems-based, meaning participating sites must have systems in place to identify, assess, and mitigate risks, remediate adverse impacts and publicly communicate on each issue area.

Specific questions

1. In June 2024, TFM became the first mine in Africa and the first Chinese-owned mine globally to receive the Copper Mark. Can you describe the scope of the audits that led to this certification, particularly in relation to air-quality risks associated with rapid operational expansion?

The scope of the assessment was RRA Criteria Guide, version 2.0, using the Copper Mark Assurance Process, version 5. As part of the process, the site underwent a third-party assessment, including an onsite assessment, which took place 15–26 January 2024, covering the 2023 assessment period.

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In accordance with the process, the site underwent a follow up on site assessment to verify that gaps identified in the initial assessment were closed.

Specifically related to criterion 20. Pollution, **the initial assessment resulted in a "partially meets."** The details of this are explained in further detail below. After the follow up assessment, the site demonstrated implementation of the necessary corrective actions to result in a "fully meets" for criterion 20. Pollution. Specific details are included below.

While TFM holds ISO14001 certification for Environmental Management Systems which includes pollution-management components and could be recognized as equivalent, the Copper Mark assessors reviewed the full scope of the criterion in their assessment.

Using document review, interviews, and triangulation, the assessors found the site to "partially meet" the requirements, with the gap cited as, "There is insufficient evidence that mine expansion planning has fully accounted for need for changes to pollution management to ensure impacts are maintained at an acceptable level." In more detail, the assessors concluded (which is publicly available in the report):

- "There is no formal commitment to, or indication of a systematic implementation of a mitigation hierarchy for the adverse impacts of pollution on human health and the environment."
- "TFM has gone through rapid expansions over the last three years and there is limited evidence that the site has considered its total scope of these expanded operations to evaluate and assess the risk to pollution of (a) air quality (b) water quality and (c) land/soil quality in the context of its ecosystem setting and its community presence."
- "Several community-based stakeholders talked of effects of emissions and discharges from the operations, the most common observations being dust, air quality causing itchiness and sediments in water courses. The surrounding communities have significant land and waterway pollution, primarily in the form of plastics and domestic waste. It does not appear that the site contributes to this, and it was observed that TFM initiates community clean-up campaigns. At the time of visiting, it was noticed that air conditions were generally dusty around the site, much of it attributable to construction of new facilities and intensive haul road activity. Haul road watering could be observed in many places. Water quality from visual observations showed high sediment loads after storm events, consistent with large areas of disturbance and consistent with waste dump runoff."

2. The Copper Mark's June 2024 audit report noted "limited evidence" that TFM had adequately assessed pollution risks to air, water, and soil following its recent expansions. How did The Copper Mark's audit process decide to award certification in light of limited evidence?

The Copper Mark framework includes requirements for continual improvement. Sites may receive The Copper Mark when they partially or fully meet all criteria and develop an improvement plan for any criteria assessed as "partially meets." Sites must be assessed as "fully meets" for *all* applicable criteria within 24 months of signing on in order

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to maintain The Copper Mark. In this case, TFM met these requirement after their follow up assessment.

TFM had until 28 August 2025 to address the gaps listed under question 1 and have them be re-assessed by the assessors. The follow up assessment took place between 12-18 July 2025. At that time, the assessors noted improvements, including:

- Evidence of a further study relating to potential pollution impacts of the whole operation, including the expansion.
- An air quality impact assessment and predictive modelling
- Reduced complaints of air quality problems
- A revised risk register to reflect the pollution profile
- A revised environmental management process including a mitigation hierarchy, preventative design and avoidance of pollution, and a greater reflection of the current pollution profile
- No additional substantial mine assessment plans at the time of the reassessment
- Extended impact monitoring locations to include broader air and water surveillance in the receiving environment

These improvements and the resulting “fully meets” rating for Criterion 20 as well as all other applicable criteria of RRA Criteria Guide 2.0 are the basis for the Copper Mark being awarded to TFM.

3. EIA’s investigation raises concerns about the use of passive air-sampling methodologies that may average out potentially toxic episodic emissions, such as a study apparently commissioned by TFM. Does The Copper Mark wish to comment?

The Copper Mark does not wish to comment on the specific types of air-sampling methodologies.

4. At the time TFM received The Copper Mark certification, local communities had publicly raised concerns about air pollution and health impacts. Was The Copper Mark aware of these concerns, and were they taken into consideration in the audit process?

Yes. As part of the Assurance Process, the Copper Mark conducts due diligence on all sites before they can participate and throughout their relationship with the organization. Information such as this article was shared with the assessors to inform the risk-based approach for the assessment.

As you can see from the assessment report (line 105, columns G-I), the assessors spoke about this topic with local community members in both the initial and follow up assessment.

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As a result of these issues being identified in the initial assessment, Criterion 20 was rated “partially meets.” Only after implementing corrective actions specifically related to these issues was the site able to achieve a rating of “fully meets.”

5. EIA’s reporting indicates that from late 2023 onwards, residents of the Manomapia neighborhood of Fungurume – located directly adjacent to Tenke Fungurume Mining’s new “30k” mixed ore processing plant – have complained about serious health problems, including itchy eyes, nosebleeds, persistent coughs, headaches, chest pains, and even the vomiting of blood. Several media outlets and civil society organizations attributed these conditions to pollution from the 30k processing plant. Health data seen by EIA indicates a significant increase in patients presenting health complaints in Manomapia in 2023, including repetitive cough, nosebleeds, eye itching, vomiting blood, and coughing up blood. Toxicology experts consulted by EIA indicated sulfur dioxide (SO2) as the likely cause of health problems suffered by residents living near the mine. TFM workers consulted by EIA stated that off-gassing of SO2 into the atmosphere was a matter of routine at TFM’s facilities. Does The Copper Mark wish to comment?

As noted above in question 4, the community concerns were known to the Copper Mark and the assessors. They were considered in the assurance process.

6. Criterion 33 of the Copper Mark commits certified sites to avoid and minimize adverse impacts on human health caused by pollution, including sulfur oxides. EIA’s investigation documents SO2 concentrations that apparently exceed thresholds established as safe by international standards. Does The Copper Mark wish to comment?

The issues related to the site’s impacts on human health were identified during the assessment in 2024. The result was a rating of “partially meets.” After the initial assessment, the site developed and implemented an improvement plan to address the identified issues. These were assessed in 2025 and are available in the report on our website.

The TFM assessment was conducted against the RRA Criteria Guide, version 2.0 as version 3.0 was not yet released at the time the site entered into the assurance process. However, the specific criterion cited (from version 3.0) will be part of the site’s next assessment cycle.

7. EIA estimates that 12,000 people have been displaced by TFM’s operations since 2022 over three waves of displacement in Kabombwa (3,000 inhabitants displaced), Kalweji (more than 4,000 inhabitants displaced), and Manomapia (5,000 inhabitants displaced). EIA’s research indicates that the relocation process undertaken in Manomapia from April, 2024 onwards has apparently fallen short of the standards set out by DRC law and by voluntary mining industry standards. Several displaced community members who spoke with EIA alleged that TFM had failed to consult them freely and in good faith about their

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displacement, and alleged that TFM had coerced them into leaving. Does The Copper Mark wish to comment?

Thank you for sharing the information from your report. We note this was released after the first assessment took place (January 2024). The report will be shared with the assessors to inform the next assessment.

The most relevant criterion for this within RRA Criteria Guide, version 2.0 is 29. Land Acquisition and Resettlement, which requires, “Where land acquisition or resettlement is necessary: to implement a policy to explore all viable alternative project designs to avoid and/or minimize land acquisition and physical or economic displacement and to implement a resettlement action plan to fairly address and compensate for residual adverse impacts.”

In this case, the assessment report notes the discussions with community members revealed “general satisfaction with resettlement processes, except for some comments regarding a perceived slow process.”

In accordance with the Copper Mark Assurance Process, assessors use a sampling approach to identify stakeholders to be interviewed with a view to gather evidence to determine whether there is a system and process implemented by the participating site to meet the applicable criteria. Through triangulation – that is, a review of documents, policies, procedures, records, grievances, interviews with workers, and interviews with community members – the assessors who conducted the follow-up assessment determined that a system is in place to address this risk, and that the system meets the requirements defined in the RRA Criteria Guide 2.0, Criterion 29.

8. In light of findings that indicate that TFM’s operations have apparently fallen short of The Copper Mark standards, what action has The Copper Mark taken to reassess, suspend, or revoke certification? What action can The Copper Mark take to reassess, suspend, or revoke certification?

In accordance with the Copper Mark Assurance Process, section 4.1.16, a site has 24 months from the commencement date to be assessed as “fully meets” for all criteria. In accordance with section 4.1.18, if one or more criteria are “partially meets” or “does not meet” at the end of the 24 months, the site may be suspended or removed and can no longer use The Copper Mark logo or claims.

In this case, TFM’s commencement date was 28 August 2023. The initial assessment took place in January 2024 and resulted in one or more criteria determined as “partially meets.” TFM underwent a follow-up assessment in July 2025 and was found to “fully meet” all criteria. This was within the 24-month timeline.

The site will undergo a full assessment against the RRA Criteria Guide, version 3.0, before August 2027.

9. In light of EIA’s findings into TFM, EIA’s investigation raises potential questions about the reliability of The Copper Mark’s auditing process and the credibility of

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the standard, as TFM was assessed to “fully meet” 100% of the 31 applicable criteria as of July 2025. Does The Copper Mark wish to comment?

The criteria of the standard are systems-based, meaning participating sites must have systems in place to identify, assess, and mitigate risks, remediate adverse impacts and publicly report on each issue area. The Copper Mark Assurance Process is the process used to assess whether these systems are in place. In the case of TFM, the Assurance Process was followed.

We hope this explanation has provided a clearer understanding of the intent, facts, and outcomes of TFM’s participation in the Copper Mark assurance framework.

We appreciate your consideration and are happy to answer additional questions that may arise.

Sincerely,

Michèle Brülhart

Executive Director

The Copper Mark

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Annex I: Criterion 20 from RRA Criteria Guide 2.0

20 Pollution

RRA ISSUE AREA: POLLUTION

To implement the mitigation hierarchy[1] to avoid, minimize, reduce and compensate for the adverse impacts of pollution on human health and the environment.

Explanation:

Pollution has significant economic costs from the point of view of health, productivity losses, health-care costs and ecosystem damages. These costs, already substantial, are expected to rise over time, not only because of the direct effect of pollution on health, but also the impact of weakened livelihoods, as well as the longer-term impact on ecosystem services, that in turn affect local communities, societies and economies.

Irrespective of source and nature, the fundamental approach to pollution prevention should be firmly grounded in the mitigation hierarchy (see Glossary for definition) concept.

Alongside the concept of the mitigation hierarchy, legal and regulatory requirements should be assessed, as these may take precedence over the company's preferred approach.

Sources of localized air emissions include processing facilities for mineral processing, smelting and refining operations.

The principal sources of pollution caused by smelting are contaminant-laden air emissions (such as arsenic, beryllium, cadmium, chromium, lead, manganese and nickel) and process wastes such as wastewater and slag. The smelting of sulfide ores results in the emission of sulfur dioxide gas, which reacts chemically in the atmosphere to form a sulfuric acid mist. As this acid rain falls to the earth, it increases the acidity of soils, streams, and lakes, harming the health of vegetation and fish and wildlife populations. In older smelters, air emissions contained elevated levels of various metals.

[1] See Glossary for definition

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Copper and selenium, for example, which can be released from copper smelters, are essential to organisms as trace elements, but they are toxic if they are overabundant. These metals can contaminate the soil in the vicinity of smelters, destroying much of the vegetation. In addition, particulate matter emitted from smelters may include oxides of such toxic metals as arsenic (cumulative poison), cadmium (heart disease), and mercury (nerve damage).[2]

Mine sites can release significant quantities of air contaminants. By volume, the great majority of air contaminants are particulate matter, such as dust from blasting, large truck and equipment traffic, conveyors, and ore crushing. Other air contaminants may represent only a small proportion of a mine's air emissions but are important because like particulate matter they can significantly affect human health and the environment.

Mines may emit contaminants from diffused activities, such as fugitive dust emitted by blasting or truck traffic, or wind- blown from exposed surfaces such as roads, pits, and waste piles, or from dried surfaces of tailings impoundments.[3]

Performance Determination:

Does Not Meet

We have no policy that follows the mitigation hierarchy to avoid, minimize, reduce and compensate for the impact of pollution on human health and the environment.

Partially Meets

We have begun to develop policies and procedures that follow the mitigation hierarchy to avoid, minimize, reduce and compensate for the impact of pollution on human health and the environment, but implementation has not started or is incomplete.

Fully Meets

We have implemented a policy that follows the mitigation hierarchy to avoid, minimize, reduce and compensate for the impact of pollution on human health and the environment.

[2] http://www.pollutionissues.com/Re-Sy/Smelting.html#ixzz67xm2VOts https://www.epa.gov/stationary-sources-air-pollution/primary-copper-smelting-national-emissions-standards-hazardous-air

[3] Adapted from IRMA Standard for Responsible Mining: https://responsiblemining.net/resources/

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Verification:

Types of evidence:

The following are examples of documents a Producer can upload to demonstrate conformance:

- Pollution policy with commitment to the 'mitigation hierarchy';
- Completed risk assessment on pollution;
- Data is collected for emissions to air, water and land but is ad-hoc rather than systematic.
- Procedures for monitoring pollution;
- Site / facility has commissioned an internal or external service provider to assist with design and implementation of the means of controlling emissions, but process is not yet completed.
- The nature and scope of the mitigation hierarchy are publicly disclosed on publicly available website, annual report, or corporate sustainability report;
- The means of addressing emissions to air, water and land are clearly defined in the disclosure.
- Documentation of avoidance and/or of mitigation and compensation measures.
- Third-party assurance of implementation of the mitigation hierarchy.
- Government inspection reports;
- Publicly disclosed analysis of data demonstrates progress towards compliance with the target by the future year noted.
- Assured data/ analysis that demonstrates that no material concentrations of pollutants have been released to air, water or land.

Site assessment:

During interviews with management, managers can demonstrate understanding of the company's policies related to preventing pollution and can demonstrate that they have formal systems and processes in place for pollution prevention, including implementation of the mitigation hierarchy, practices to reduce the potential for pollution incidents, and procedures for compensation of adverse impacts.

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The company has set targets which are reviewed on an annual basis to reduce the use of hazardous substances, minimize associated risks and substitute with non-hazardous alternatives where possible. They can describe the role of the site emergency response team in place to deal with pollution incidents. They can describe clear lines of accountability and responsibility within the company for the oversight and implementation of the pollution prevention system. They can describe how employees are trained on the company's policy on pollution prevention.

During interviews with workers, employees can demonstrate a basic understanding of the company's policy on pollution and know where to find a written or formal electronic copy of the policy. They have received training on the policy and effective methods of managing pollution.

During the site walk through, the assessor observes measures taken to avoid and minimize pollution.

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