

## Ontario Ministry of Mines

Honorable Minister Pirie, Minister of Mines  
99 Wellesley Street West, Toronto, Ontario, M7A 1W3

Submitted via ERO webform and email at: [MiningActAmendments@ontario.ca](mailto:MiningActAmendments@ontario.ca)

**April 11, 2023**

### **RE Environmental Registry of Ontario File Number 019-6718 (a component of Bill 71, the “Building More Mines Act, 2023”)**

Dear Minister Pirie,

I am writing to share Tesla’s comments and feedback on the Proposed Amendments to the Ontario Mining Act, presented through Bill 71, the “Building More Mines Act, 2023<sup>1</sup>”. We thank you for the opportunity to provide input into this important consultation in support of strengthening Ontario’s critical minerals supply chains for batteries and electric vehicles.

Tesla only works with those mines and refineries that adhere to the highest environmental and social standards. We expect our suppliers to operate in a sustainable manner. For example, Tesla expects all mines in its supply chain to undergo an external audit against an international responsible mining standard. This is further outlined in *Appendix 1 ‘Overarching Considerations for the Mining Act Amendments’* which is provided as a first-principles document for the Ontario Government’s consideration pertaining to all amendments to the Mining Act.

Tesla fully supports the government’s efforts to expedite mine-related approvals – this is an important and prudent undertaking. However, Tesla also believes that we must find a way to ensure the highest environmental standards will be upheld while also accelerating mining and refining approvals to keep pace with the demand for critical minerals in North America. We believe the recommendations provided here, if adopted, will help achieve expedited approvals while continuing to protect the environment and Ontario communities.

Tesla’s mission is to accelerate the transition to sustainable energy. As proof of our commitment to this mission, our Canadian operations have seen tremendous growth. We now have 1,300+ employees in Canada, two manufacturing facilities in Ontario, three battery-related R&D locations, a coast-to-coast network of over 1,750 Direct Current Fast Chargers, and 26 electric vehicle retail stores and service centers. Moreover, Tesla is striving to produce 20-million electric vehicles per year by 2030. Achieving these targets will require both recycled and new

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<sup>1</sup> Building More Mines Act, 2023 via Ontario Legislative Assembly, at  
: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-71>

virgin mineral resources, particularly for battery electrode. As such Tesla shares the Government of Ontario's objective of expediting new mining projects through approvals so that minerals can be brought to the market as quickly as possible – particularly for Ontario lithium and Class-2 nickel.

In pursuit of these objectives, Tesla supports the Government of Ontario's efforts to have a modern and competitive regime for mineral development, capable of competing with markets in Asia-Pacific, Australia, and the USA. We appreciate the opportunity to provide the following comments.

## **ERO Number 019-6718: Amendments to the Mining Act: Closure Planning**

### **Closure Plans**

Regarding the provision of the Elimination of the Need for a Notice of Material Change for minor non-material site alterations, note that Tesla would like to do business with and source from mines and refineries with sound closure plans. From the viewpoint of an offtake customer, if a site is changed, at a later date, in a manner that Tesla or the public did not anticipate this would raise significant concerns. For that reason, there should be scrutiny into closure plan changes during or after a mine is in operation. At the very least, there should be a list of non-material site alterations which would be subject to consultation with the mining industry, environmental engineering professionals, and industry customers over time.

Tesla recommends that the Ontario Government and the organization of Professional Geoscientists of Ontario develop a list of site alterations which are considered 'non-material and minor' and consult with industry incumbents and environmental engineering professionals prior to finalizing.

Tesla recommends that any project making a change in its closure plans that are deemed "non-materials and minor" per the above-mentioned list of site alterations, should continue to proceed through the Notice of Material Change process.

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Based on the above, we believe that Ontario can establish a world leading critical mineral mining sector. We appreciate the opportunity to comment on Ontario's amendments to the Mining Act and thank you for your time and consideration in this matter. We look forward to continuing engagement with you. Please note that Tesla is also filing additional comments related to the proposed amendments through three other ERO postings and this submission alone does not represent the totality of Tesla's comments.

Sincerely,

Aleem Ladak, P. Eng.



Critical Minerals & Supply Chain Policy Advisor, Public Policy & Business Development – Global

cc: Iain Myrans, National Senior Manager, Public Policy & Business Development – Canada

## Appendix 1 - Overarching Considerations for the Mining Act Amendments

***The Content of this Appendix is consistent and attached to each of Tesla's filings pertaining to ERO Numbers 019-6717, 019-6718, 019-6749 and 019-6750***

In addition to our comments on the proposals above, Tesla wanted to take the opportunity to share overarching considerations regarding mining regulations.

### Recognition of Audit Schemes

Tesla views external audits as an important tool in ensuring mining is performed responsibly. Tesla expects mine sites in its battery supply chain to undergo independent external audits against international responsible mining standards such as the Initiative for Responsible Mining Assurance (IRMA) Standard, Towards Sustainable Mining (TSM), and the International Council on Mining and Metals (ICMM) Performance Expectations. The governing organizations have standards that are applicable to the mining as well as exploration stage of projects. Tesla is also a member of IRMA and views the IRMA Standard as the most robust standard and assurance scheme for mines. IRMA and other standards include criteria that apply to all aspects of mining, including those included in the below proposals.

Tesla recognizes that regulation governing mineral supply chains can include expectations that companies in scope undergo external audits within a specified timeframe, as was done with the EU Conflict Minerals Regulation.

Tesla recommends adding a) a process for the recognition of external audit schemes against international responsible mining standards (acknowledging that enshrining a specific standard in regulation is difficult) and b) an expectation that mining companies in scope of the proposed regulation undergo audits within a specified timeframe.

### GHG Emissions

Tesla has identified the mining and refining of battery minerals as a potential hotspot for GHG emissions in our supply chain and has started collecting GHG data from our suppliers. Multi-stakeholder forums such as the Global Battery Alliance (GBA) have started developing and piloting standardized GHG reporting frameworks applicable to all stages of the battery minerals supply chain, including mining and refining.

Tesla recommends including a requirement for mining and refining companies to report GHG emissions in a standardized format within a specified timeframe.

### Indigenous Peoples Engagement

Tesla has identified the respect and engagement of indigenous peoples as one of the priority engagement areas in our battery minerals supply chains.