

Rio Tinto response to Business & Human Rights Resource Centre

The Business & Human Rights Resource Centre invited Rio Tinto to respond to concerns raised in the following items:

- *Report by Jack Parker & Associates, “KEMC Eagle Project, Marquette, Michigan,” April 2009*
- *Save the Wild UP news release, NEW MINE REPORT: Kennecott Mine Application Incompetent or Fraudulent?, May 11, 2009*

17 June 2009

Rio Tinto responded to the Business & Human Rights Resource Centre regarding concerns about the company’s Upper Peninsula, Michigan, U.S. Eagle nickel and copper project on 6 May 2009. Rio Tinto would like to thank the Centre for the opportunity to respond to the related items above.

Central to Rio Tinto’s approach is engaging with others to explore solutions to challenges, properly address risks, and build lasting relationships with our neighbors to ensure our operations are managed safely and consistently with community expectations. In designing our operations, we seek and apply the experience and expertise of professionals around the globe. Our policies are designed to recognise risks, avoid harm or damage to people and the natural environment, and are built from the principles of fairness and respect.

Eagle mine project

In February 2008, the Michigan Department of Environmental Quality (MDEQ), the chief regulatory agency responsible for oversight of mining activities in Michigan, completed issuance of state permit approvals for the Eagle mine project. The state agency issued the required permits following an extensive and unprecedented review process that called upon globally-recognised mine and geologic experts to assist the State with evaluating the operational and environmental controls proposed for the Eagle mine. The process also provided substantial public input, with the MDEQ reviewing and considering input provided by mine opponents, including the analyses provided by Mr Parker.

Legal challenges to the issued permits (air, water, mining) were filed in December 2007. An additional challenge was brought regarding a land lease agreement between the State of Michigan and Eagle. Two of the four challenges have been resolved in favour of the state regulatory departments without appeal, and the land lease agreement has been largely affirmed. A decision for the outstanding challenges is pending.

Safety is Rio Tinto’s highest priority at all of our operations. We design, build, and operate our facilities using industry-leading technology, methods and practices to protect the safety of our people, the community, and the environment in which we operate.

In developing the design for Eagle mine, which will be an underground mine operating in an environment valued by the community and for its geographic importance, we have utilised some of the foremost mine engineers in the world to address the safety and protection of humans, ecosystems, and the natural environment.

We continue to welcome open and constructive dialogue and invite interested stakeholders to meet directly with those involved in the Eagle mine project to discuss concerns regarding the technical design, and corresponding safety aspects of the project. More information can also be found at www.eagle-project.com.