

10 December, 2015

Andrew Mackenzie, FRS
Chief Executive Officer

Mr Karim Ghezraoui
Chief, a.i.
Special Procedures Branch
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Dear Mr Ghezraoui

Joint Communication from Special Procedures

I refer to your letter of 7 December 2015 regarding the Samarco tailings dam failure.

BHP Billiton and Vale have asked Samarco, as the operator, to prepare a detailed response to the issues raised in your letter and the specific questions you have posed. We will also prepare a separate response to your letter from our position as a shareholder in Samarco.

I would like to take this opportunity to again express our deep sorrow for all those affected by this tragedy, on behalf of the BHP Billiton Board, management and employees. When I visited the region soon after the event, I saw for myself how distressing it was for people who were directly affected and their welfare remains our priority.

While nothing will bring back the lives that have been lost, we are supporting Samarco in their recovery efforts, to care for affected individuals and families, minimise impacts and disruption and as quickly as possible begin the rebuilding process. We have a growing team on the ground providing support – including geotechnical, disaster relief and humanitarian response experts, senior health and safety executives, environmental scientists and a number of other specialist staff.

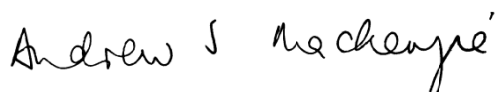
Consistent with our Charter Values, we are totally committed to doing the right thing. We will provide a formal response to your questions as soon as possible, noting however that data continues to be collected and analysed in relation to a number of the specific points you raise.

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In the interim, please feel free to contact our Vice President Community Relations and Sustainability, Mr Ian Wood (ian.b.wood@bhpbilliton.com), if you would like to discuss any aspect of this matter. Ian will be in Brazil in the week commencing 14 December 2015 should you or other representatives of the Working Group or your office have availability and be interested in meeting to discuss in person.

Yours sincerely



Andrew Mackenzie, FRS

cc: Margaret Jungk
Chairperson of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Victoria Lucia Tauli-Corpuz
Special Rapporteur on the rights of indigenous peoples

Baskut Tuncak
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Leo Heller
Special Rapporteur on the human right to safe drinking water and sanitation