

Bogotá, 6 November 2020

PRE116-2020

David R. Boyd, United Nations Special Rapporteur on human rights and the environment

Anita Ramasastry, Member of the United Nations Working Group on business and human rights

Michael Fakhri, United Nations Special Rapporteur on the right to food

Marcos Orellana, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health

José Francisco Calí, Special Rapporteur on the rights of indigenous peoples

Oliver De Schutter, Special Rapporteur on extreme poverty and human rights

Léo Heller, United Nations Special Rapporteur on the human rights to safe drinking water and sanitation

Ref: Cerrejón's response to the 09/09 UN request regarding the indigenous community of Provincial

Dear Ladies and Gentlemen,

This letter is in response to your request of September 9, 2020, in which you requested detailed information on our policies in relation to social, environmental and human rights matters, our practices and processes for the prevention, mitigation or compensation of impacts, our engagement with surrounding communities and, specifically, on the situation of the Provincial indigenous community. As we expressed recently in our public response to your press release, we would like to repeat our willingness to have an open, respectful and constructive dialogue about the concerns that have been expressed.

Cerrejón is an integrated operation comprising of a mine, 150 Km railway operations as well as a port and has been operating for more than 30 years in this area. It is the main private sector employer in the region, with more than 10,000 workers (direct and indirect). Of these, more than 60% are originally from La Guajira. Cerrejón uses only 0.8% of the land in La Guajira, a much smaller figure than the 69,000 hectares that are included in the mining titles. The operational footprint represents 15,323 ha of which 10,922 ha are active and 4,401 ha have been rehabilitated (representing 88.3% of the areas no longer being mined) by planting over 2 million native trees, among other actions. We aim to plant 8 million native trees by 2033. Across its extended operational footprint, Cerrejón is neighbour to approx. 110,000 people from 6 municipalities, living in urban or rural contexts. The majority of these neighbours are either indigenous Wayuu communities or of Afro-descent.

Cerrejón is a major economic contributor to the region representing 45% of La Guajira's GDP and the Company has paid around USD 8 billion over the past 19 years in taxes and royalties. Even a temporary suspension of the operations of Cerrejón would have a devastating impact on the economy of La Guajira and Colombia, which would compound the socio-economic challenges caused by the Covid-19 pandemic.

In addition to investment mandated in the Environmental Management Plan, Cerrejón invested USD 3.4 million in social investment programs in 2019 alone. These voluntary and culturally appropriate programs aim to enhance the living conditions of communities, some examples are: access to water, educational strengthening, capacity building programs to promote livelihood projects and employment opportunities, among others. These programs have benefitted approx. 400 communities in our area of influence (urban and rural) near the mine, railway and port. In 2019, Cerrejón invested USD 78.6 million in environmental management programs including impact management (air and water quality, waste management, land rehabilitation, biodiversity protection, environmental offsets, etc).

Cerrejón has a robust Environmental Management Plan that complies with Colombian legislation and aligns with international standards for environmental management, i.e. it has an ISO14001 certification and is designed to address environmental and social impacts generated by the operations. This Plan is aligned with the environmental permits granted by the ANLA (National Environmental Licensing Authority) and Corpoguajira (regional environmental authority), who monitor its compliance on an ongoing basis. Cerrejón is committed to open communication regarding its environmental impact and information on our environmental compliance (Environmental Compliance Reports – ICA) is publicly available.

Cerrejón is committed to the respect of human rights and implements a human rights due diligence process, aligned to the UN Guiding Principles on Business and Human Rights. This includes:

- conducting Human Rights Risks and Impacts Assessments (HRIA), carried out by an independent expert every three years,
- revising existing and new prevention and mitigation measures;
- integrating any risks identified within the company's corporate risk management system;
- consulting with employees, contractors and neighbouring communities regarding potential human rights impacts and prevention/mitigation strategies;
- implementing a rights-based grievance mechanism designed in 2010, as part of a pilot led by Professor John Ruggie that led to defining the remedy pillar within the UNGPs; and
- defining and implementing an assurance system.

In the following document, we set out information on our environmental management processes, structured in five sections to respond to the requests for information and concerns raised in your letter: (1) the local context in La Guajira context and the Provincial community; (2) our general policies and procedures; (3) the scope of the T-614 ruling from the Constitutional Court and the existing and additional measures implemented by Cerrejón as part of our due diligence processes; (4) the health situation of local communities; and (5) Cerrejón's actions to prevent the spread of COVID-19.

As an overview we would like to highlight the following:

- Cerrejón is committed to preventing and mitigating the impacts of its operation, has developed management systems accordingly, and strives for continuous improvement of these systems.



- Cerrejón is respectful of, and complies with, legislation and judicial rulings. In particular, regarding ruling T-614 Cerrejón has complied with the implementation of additional measures requested by the Court, aiming to further strengthen our impact mitigation system and the right to health of local communities, including Provincial.
- The Colombian Constitutional Court did not find that Cerrejón has or is causing damage to the health of the community of Provincial. Rather, and taking a precautionary approach, the Court ordered Cerrejón to take certain additional preventive measures in order to enhance impact management.
- Cerrejón engages proactively and constructively with the Provincial community and respects the right of community members to express their views, whether supportive or critical. These views are important to us and we seek to address their concerns. We note further that the traditional leaders of the Provincial community have separately issued a press release in which they note that they did not support the approach to the Special Rapporteurs and requested that their right to autonomy be respected.
- Cerrejón continuously monitors the concentrations of inhalable particulate matter present at the Provincial Reservation and undertakes appropriate mitigating measures. The monitoring carried out shows compliance with air quality regulations established by national legislation, and reflects the intermediate objectives of the WHO.
- Cerrejón is a diligent operator and is committed to understanding the effects of air quality in neighbouring communities. It implements the measures established in its Environmental Management Plan for the control of emissions and additional measures derived from the T-614 ruling, and has also adopted other measures beyond legal requirements, such as real-time measurements to produce alerts and restrict operations where required, and voluntary PM2.5 monitoring, even before the sampling of this parameter became mandatory).
- Regarding water issues, Cerrejón has sought to and is continuously implementing alternatives to further reduce its water consumption, in turn reducing the impact of its operations. Efficient water usage has allowed to reduce the use of high-quality water by 70% since 2010. In addition, to inform its decision-making, the company continuously monitors the Ranchería river and its tributary streams. Results show that measures being taken are ensuring regulatory compliance.
- Although the difficulties of access to water at the Provincial Reservation are not result of Cerrejón's activities but due to problems in the public water system, the company is supporting this community in the search for a definitive, sustainable, and independent solution to their water supply issues.

Cerrejón has worked diligently to manage the environmental impacts of its operation and specifically, the impact on the Provincial Reservation. Cerrejón has taken additional measures this year not only to comply with the provisions of ruling T-614, but also to prevent the spread of COVID-19. We have introduced guidelines and protocols to ensure a safe operation incorporating measures to monitor workers' health, ensure social distancing and crowd control, training, disinfection and the use of personal protective equipment. Since March 2020, we have carried out numerous voluntary activities worth USD 3 M and supported regional and local Governments in order to improve the challenging living conditions of communities in the region. During this period, we have distributed 25M litres of water, over 25,000 food baskets for 400 communities and donated 100,000 medical supplies equipment to local hospitals, including 3 ventilators and donated the only PCR laboratory to process COVID/19 tests in the region. These actions are palpable evidence of our commitment to a partnership approach with surrounding populations



Responsible Mining

Cerrejón is continuing to monitor the implications of dust from operations in the context of the unprecedented COVID-19 pandemic, including the analysis in emerging studies, and will engage with government, the municipalities and communities to ensure that, together with the broader socio-economic implications, this is appropriately factored into the controls at the operation and in respect of the pandemic.

The UN has played a key role in supporting companies develop their approach to Human Rights impacts. Cerrejón has sought to incorporate this guidance into its approach at every opportunity and were pioneers in, for example, the design and implementation of corporate grievance mechanisms as part of Professor John Ruggie's work. We welcome the role of UN Special Rapporteurs, have offered full transparency and invited UN Special Rapporteurs to visit the mine during past visits to Colombia. We hope that you find the information provided in this letter informative and we respectfully request that your analysis of this case take the full context and all our detailed measures into account. We would be pleased to respond to any further questions you may have.

Yours faithfully,



Claudia Bejarano
CEO Cerrejón

Information on Cerrejón's Environmental Management Programs and Compliance with Ruling T-614

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1. About La Guajira and Provincial

La Guajira is a semi desertic region with a naturally occurring geological water deficit. Middle and upper Guajira are separated by a tectonic plate, which splits these areas into two different geological zones that do not share underground water flow. In the middle region, where Cerrejón is located, the average precipitation is 980mm of rainwater per year, while the combined evapotranspiration (ETP) is 2,000mm per year. Cerrejón is acutely aware of the vulnerability of the region in terms of water and has a range of measures in place to minimise water use (see section 3.3).

La Guajira, in the extreme north of the South American continent, has historically been isolated from the centres of political and economic development in Colombia. This continues to directly influence the difficult living conditions of a large part of the population in the department.

The Provincial Indigenous Reservation

The Provincial reservation has 194 Wayuu families (estimated to be 709 people) spread across 6 communities with 12 Traditional Authorities. Each community has a Traditional Authority and are represented by a Town Governor who is elected annually by popular vote. The Wayuu have always been strong defenders of their rights and wellbeing, and we have aimed to maintain constructive and respectful engagement despite the challenging and complex context. We regret that your press release fails to recognize the constructive and respectful relationship the company has with the Provincial community and regrets its inaccurate assertion that Cerrejón has no interest in the quality of life and wellbeing of these families.

On the contrary, not only have we implemented measures to manage our impacts (see section 3) but, through a structured dialogue forum, we have also reached agreements with the elected leaders of the community to contribute to enhancing their



wellbeing such as: inclusion in health and community strengthening programs, income development projects for handicrafts and community nursery gardens, the improvement of the main access road to the reservation and 14.6 kilometres of roads to make travel and marketing of their products easier for the community, water distribution and enhancement of their water access systems. In addition to this, we have complied with the 2015 agreement between Cerrejón and the community of Provincial that agreed a range of initiatives including the handover of 490 hectares of land chosen by them for agricultural projects, the creation of an economic fund independently managed by the reservation for USD 100,000 dedicated to buying animals, seeds and tools; support for cultural strengthening projects (handicrafts, traditional medicines, native plant nurseries, traditional dances and games) and providing scholarships for 15 young people to receive vocational training.



Delivery in 2016 of the 490 Ha. plot selected by the community for income generation projects.



Donation of seed capital for cattle and agricultural projects.



15 students benefit from the educational program that provides access to university



Restoration of the school cafeteria with AC system delivered in 2016.



Restoration in 2019 of the health center that provides medical services to Provincial.



Pavement of road to the reservation and improvement to road to the community plot.

Two of the 194 families from the Provincial community have chosen to pursue progress legal disputes against the company through the legal advisors referenced in your letter. They presented a *tutela* action in September 2017 which resulted in ruling T-614 of 2019. However, as publicly stated by the Town Governor and other traditional leaders, these advisors do not represent the whole community. The significant majority of traditional leaders have preferred to engage with the company directly to monitor progress on rulings (T-704 and T-614) and the fulfilment of existing agreements between Cerrejón and the community and negotiate a new long-term approach and investment projects to enhance their living conditions. Their open letter is available in Appendix 1.

2. Cerrejón is committed to respecting human rights

Respect for human rights is embedded in our activities. We aim to operate in a manner which respects the rights and welfare of workers, the environment and neighbouring communities. That is why we constantly seek to review and improve our performance in identifying, preventing and lessening the impacts produced by our operation, and to remediate and compensate for them when necessary. We also seek to maximise our contribution to local and national development objectives and to the realisation of the Sustainable Development Goals.

In our 30-years of operation, we have been continuously adopting social, environmental and human rights standards as they have emerged so as to embed our commitment to international standards. This commitment is formalized in our Human Rights policy ([link](#)), published for the first time in 2005 and reformulated in 2011 to align with the United Nations Guiding Principles on Business and Human Rights (UNGP), as well as in our Social Management Policy ([link](#)). As part of this process, and in addition to our compliance with Colombian laws and regulations, we voluntarily implement standards such as the Voluntary Principles on Security and Human Rights, the International Finance Corporation performance standards, and the International Council on Mining & Metals (ICMM) Mining Principles and Position Statements, among others. We have a system to ensure compliance through internal and external oversight.

Our goal is to develop strong and long-lasting relationships with our stakeholders that create a climate of trust and the possibility for collaborative approaches. We have formal engagement processes which are based on principles of transparency, inclusion and cultural awareness and sensitivity. We favour dialogue to resolve any differences we may have. We engage permanently engage with over 350 local communities and other stakeholders in a wide variety of ways (i.e from informative sessions to two-way engagement and formal consultation processes led by Government authorities on impact management). In 2019, we held over 1,500 meetings with local communities, in addition to prior consultation sessions. We are committed to two-way communication, implemented by a dedicated team with knowledge of indigenous traditions and customs, many of them being members of the Wayuu community themselves.

Our concern for the region and its people is reflected in our human rights due diligence process, which aims to minimise the likelihood of causing adverse impacts to workers, communities and others. This process includes: community participation in the identification of social, environmental and human rights impacts, definition and implementation of measures to manage impacts, dialogue with communities and other stakeholders on impact management, integration of these measures into our corporate risk systems, transparency in our communications about our impacts and addressing grievances through our Complaints Office.

Cerrejón has completed two Human Rights Risk and Impact Assessments (HRIA), in 2011 and 2016 through independent third parties. We had planned to conduct a third assessment in 2020 but this had to be postponed due to the COVID-19 emergency. Both prior assessments led to action plans aimed at strengthening our prevention and mitigation measures. These assessments are developed with the participation of a wide group of stakeholders, including the communities, and the results are shared, as recommended by the UNGPs, with authorities and communities to get their feedback and recommendations on better management.



Below you can see photos of the meetings at which Cerrejón presented the findings of the two HRIAs and obtained feedback from communities and other stakeholders:



Meeting with Media Luna communities at the port.
December 6, 2013



Meeting with the community of Cuestecitas
(Albania). May 23, 2013



Meeting with the communities from
Barrancas. June 20, 2013



Meeting with communities from the railway. December
17, 2018



Meeting with La Guajira Ombudsman.
June 26, 2018



Meeting with Hatonuevo Mayor's Office.
June 26, 2018

Cerrejón's grievance mechanism (Complaints Office), operational since 2010, was designed under the UN Guiding Principles on Business and Human Rights framework (UNGPs), as part of the pilot on rights-based grievance mechanism led by former United Nations Special Representative for Business and Human Rights, John Ruggie. The Cerrejón Complaints Office is responsible for a dialogue-based approach to community concerns about potential impacts allegedly or perceived to have been caused by our operation on employees, contractors and local communities. All complainants are free to present a complaint to this office and the policy clearly states that all employees must inform this office of any information they receive or have regarding a possible impact that may affect the rights of a worker or a community member. Information gathering is carried out jointly with the complainant, seeking to understand their concerns, as well as agreeing on solutions such as the implementation of remedial, preventive or mitigation measures, and compensation when required. As part of our assurance model, and based on the continuous improvement principle, the Complaints Office monitors the total number of complaints received and closed. The Complaints Office was audited in 2020 by the Colombian non-profit organization Fundación Ideas para la Paz (FIP)¹, after

¹ Fundación Ideas para la Paz (FIP) is an independent Colombian think tank created in 1999 by a group of private sector companies committed to contributing to peace in Colombia. Its mission is to generate knowledge, propose initiatives, develop practices and accompany processes to contribute to building peace in Colombia. It also seeks to contribute to the understanding of the conflicts, exercising the necessary leadership to mobilize citizens, public institutions and businessmen around the common goal of building a peaceful society. See: <http://www.ideaspaz.org/>

conducting an analysis between September 2019 and March 2020 to determine the level of alignment of the Cerrejón grievance mechanism with the UNGPs effectiveness criteria, IFC guidelines and the Corporate Human Rights Benchmark (CHRB) indicators. FIP designed a gap diagnostic tool that covers the 11 criteria that enable the assessment of the Complaints Office's breakthroughs and gaps from an operational-level grievance mechanism perspective. To fill out the tool and assess alignment, FIP analyzed 122 documents and conducted 28 interviews with company stakeholders related to the management of complaints. Cerrejón obtained an average rating of 3.55, on a scale from 1 to 5, where 5 is the best grade.

As a result of this process, we have designed an action plan to close the most significant gaps which include steps to shorten response times, provide more feedback on the status of complaints and pay agreed compensation more quickly. The timeframe to close all gaps is 2022.

3. Due diligence environmental measures and compliance with the T-614/19 ruling

The Constitutional Court ruling T-614 of 2019 requires us to implement additional measures to improve the quality of water, air, decrease noise levels around Provincial, implement additional measures to reduce impacts on water sources and conduct cleaning activities in the housing, water wells and vegetation surrounding the community. These measures aim to enhance our environmental management systems to further mitigate impact on the community, going above and beyond our existing measures which are in full compliance of our permit conditions.

With regards to health, although the Court's decision cited university studies that appear to indicate that some residents of the Reservation have health conditions, in the judicial process no specific case was proven to have been caused by Cerrejón's activities and accordingly no order requiring intervention by Cerrejón in respect of the health for any of the inhabitants of the Reservation. We note that the Ministry of Health was ordered to carry out health studies in this community.

In the following section we will provide information on Cerrejón's air and water quality measures that comprise our Environmental Management Plan and the additional actions carried out in compliance with ruling T-614.

3.1 Air quality management measures

We acknowledge that it is in the nature of an open-pit mining operation to produce a certain level of emissions of particulate matter into the air. We are committed to ongoing mitigation of impacts on air quality in La Guajira. In respect of applicable Colombian legislative, standards we consistently monitor particulate matter and have done so for years prior to the recent judicial rulings. We have also introduced several new measures in response to these rulings.

Regarding the statement in your letter claiming that the concentration of PM10 particles generated by Cerrejón's operation exceeded WHO limits, it is important to highlight that there are several factors unrelated to Cerrejón's operations which exacerbate air quality issues in La Guajira. These regional background conditions include both natural and anthropogenic factors such as marine aerosols, desert sands, open unvegetated / dust-producing areas, and forest fires. Cerrejón measures these regional background conditions at recording stations located upwind from its operations (meaning that these stations do not record emissions from Cerrejón's operations) to understand how they are impacting air quality. The combination of these

conditions has sometimes caused air quality readings that are above WHO guidelines. It is important to consider this in air quality assessments.

WHO guidelines, intended to be used worldwide, have been developed to promote and support actions to achieve air quality that protects public health in different contexts. However, these guidelines do not consider the specificities of national and regional contexts. As stated by the WHO, “these guidelines are intended to inform policy-makers and to provide appropriate targets for a broad range of policy options for air quality management in different parts of the world.”²

National Governments define air quality standards in each country to protect the public health of their citizens balancing health risks, technological feasibility, economic considerations and various other political and social factors, which depend on the level of development and national capability in air quality management, among other things. WHO guidelines acknowledge this heterogeneity and, in particular, recognize that when formulating policy targets, governments should consider their own context before adopting the guidelines directly as legally based standards. As shown below, the WHO defines four categories for different concentrations of particulate matter in long exposure periods (annual data).

Table 1			
WHO air quality guidelines and interim targets for particulate matter: annual mean concentrations*			
	PM₁₀ ($\mu\text{g}/\text{m}^3$)	PM_{2.5} ($\mu\text{g}/\text{m}^3$)	Basis for the selected level
Interim target-1 (IT-1)	70	35	These levels are associated with about a 15% higher long-term mortality risk relative to the AQG level.
Interim target-2 (IT-2)	50	25	In addition to other health benefits, these levels lower the risk of premature mortality by approximately 6% [2–11%] relative to the IT-1 level.
Interim target-3 (IT-3)	30	15	In addition to other health benefits, these levels reduce the mortality risk by approximately 6% [2–11%] relative to the IT-2 level.
Air quality guideline (AQG)	20	10	These are the lowest levels at which total, cardiopulmonary and lung cancer mortality have been shown to increase with more than 95% confidence in response to long-term exposure to PM _{2.5} .

* The use of PM_{2.5} guideline value is preferred.

In ruling T-614, the Court indicated that Cerrejón must implement additional measures so that the air quality in the Provincial Indigenous Reservation is maintained with concentrations that do not exceed the following standards: for PM 2.5 (Daily: 25 μg / m³ and Monthly: 10 μg / m³) and for PM 10 (Daily: 50 μg / m³ and Monthly: 20 μg / m³).

Although the Constitutional Court says that its recommendation is based on WHO Guidelines, it is important to highlight that neither the guidelines nor international law set out monthly limits, so the monthly level set out by the Court is not supported by the WHO or any authority.

²https://apps.who.int/iris/bitstream/handle/10665/69477/WHO_SDE_PHE_OEH_06.02_eng.pdf?sessionid=2C69C8E0A57A477BA4F62506906091DF?sequence=1

Additionally, Colombian legislation implemented WHO Guidelines considering the country's environment (including regional background levels) and adopted Interim Target 2 for long-term exposure that states that annual particulate matter concentrations must be below 50 ug/m³ for PM₁₀ and 25 ug/m³ for PM_{2.5}. Therefore, Cerrejón has been applying the air quality standard in the WHO Guidelines, as adopted in the national legislation, in its operation.

General measures implemented by Cerrejón

Our Integrated Environmental Management System, closely monitored by national and regional environmental authorities, have defined several mitigation measures to control particulate matter such as:

- Frequent watering of roads to reduce dust generated by the trucks that transport coal and sterile material. This is done by fleet of tankers that spray water taken from coal seams and rainwater, for which the company has catchment permission from the environmental authorities. Chemical additives, innocuous to human health, are added to this water to limit evaporation and avoid emissions on transport roads.



20Kgal tanker (left), 10Kgal tanker (center), Roadway watering (right)

- Use of water sprinklers prior to loading sterile material on mining levels, to moisten the soil, ensuring control in both loading and unloading of the material.



Water sprinklers in sterile loading areas



- Addition of water in drilling activities.
- Temporary or definitive closure of roads not required by the operation.



Road closed for dust control

- Rehabilitation of lands intervened by mining and released by the operation to establish plant cover and prevent the emission of particles from wind erosion.
- Changes to the mining plan as well as reduction or suspension of operations, for a period of time if necessary.



Land rehabilitation, before (left) and after (right)

- All watering controls use lower quality water, not suitable for human or animal consumption or for agricultural use. In addition, a protocol for adverse weather conditions is applied, which includes restriction of specific mining activities to avoid the exacerbation of dust levels.
- An interdisciplinary team to control spontaneous combustion of coal (generated by the increase of the temperature of the coal surface when exposed to specific environmental conditions) at the pits by means of suffocation. People in

charge report, plan, prioritize, prevent, and carry out control and extinction of spontaneous combustion points based on an annual plan based on field inspections.

- In addition, a rigorous monitoring system is in place consisting of using the latest technology to control dust levels in the air. Since 2017 we have been voluntarily using our own TARP (Trigger Actions Response Plan) air monitoring mechanism, which defines and predetermines potential scenarios in which the levels of particulate matter concentration (residual particles in the air) might be elevated during work at the operation. We have a monitoring system, - unique in Latin America - that records PM10 and PM2.5 particulate levels in real time through a network of 16 monitoring stations across the coal chain: 11 at the mine; two on the railway; and, three in Puerto Bolívar. By way of comparison the entire city of Bogotá, the capital of Colombia, has a total of 15 monitoring stations. The air quality monitoring network is currently operated by an independent laboratory that is accredited by the relevant authorities for this purpose.
- Air quality results are posted bi-monthly on Cerrejón's website (<https://www.Cerrejón.com/index.php/desarrollo-sostenible/medio-ambiente/indicadores-ambientales/indicadores-de-calidad-del-aire/>)



Field and control room observers for real-time monitoring of operational controls.

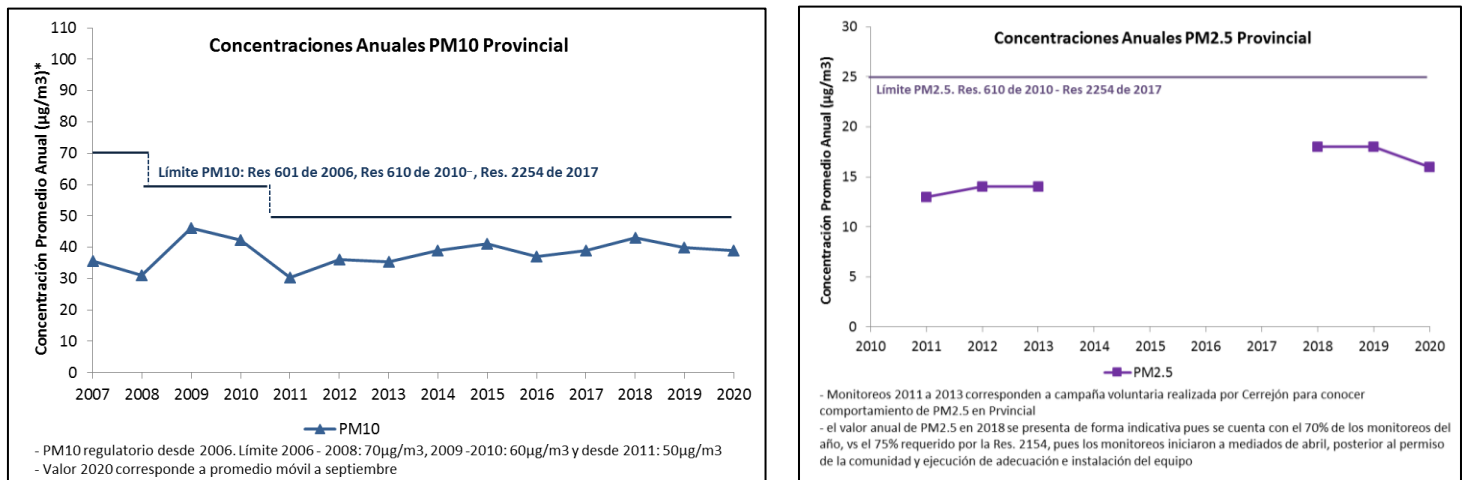
In addition to these measures, an Environmental Oversight Committee ensures community participation in the monitoring of our performance. This committee comprises of 17 representatives from the communities (of which two are from Provincial), the regional environmental monitoring agency Corpoguajira, the University of La Guajira and Cerrejón. Its purpose is to analyse environmental management indicators and measures and to disseminate results among communities and broader audiences.

We keep the local community informed of air quality results and other environmental issues through visits from community members in our area of influence and many other stakeholders to the mine. We have developed capacity building programmes with regards to impact management, environmental health, leadership and environmental communication. Representatives from Provincial are and have been active participants in these programmes. Additionally, and in compliance with Ruling T-614, the Reservation's authority informed Cerrejón that they have designated these two members to convey information on air quality measures and levels to the rest of the community.



Cerrejón has monitored PM10 concentrations at Provincial since 2016. It has pre-emptively monitored PM2.5 concentrations at Provincial since April 2018, when the community authorized the company's access to the area to install an PM2.5 monitoring meter. This is in spite of the fact that under Colombian law, PM2.5 monitoring only became mandatory in 2017 as per Resolution 2254.

According to the records of particulate matter levels on the Reservation, air quality levels have remained within the Colombian legal parameters (above, we have explained that these also incorporate the intermediate objectives of the WHO) noted above. Performance has been monitored by the qualified and appropriate environmental authorities, the ANLA and Corpoguajira. It is not true that the Provincial station has recorded values that are double the Colombian legal limit. The historical results of monitoring in Provincial are shown below:



PM10 and PM2.5 concentrations at Provincial

As can be seen above, the results of PM10 measurements do not exceed the regulatory limit.

Additional measures implemented as a result of Ruling T-614 to enhance particulate matter controls

Ruling T-614 required Cerrejón to implement additional actions to manage dust emissions. In compliance with the ruling, we have implemented the following actions:

a. Enhanced wetting activities to control particulate matter emissions and odours

- Significant investments have been done to increase the capacity to wet roads by installing over 4,000 m of additional piping, 3 new pumps, eight additional fog cannons as well as 60 sprinklers with time sensors in the roads at the advancing mining front at the Patilla Pit, the closest section of the mine to the Provincial reservation.



Additional wetting modules.



Irrigation system, light equipment road – Southern area



Water cannons system

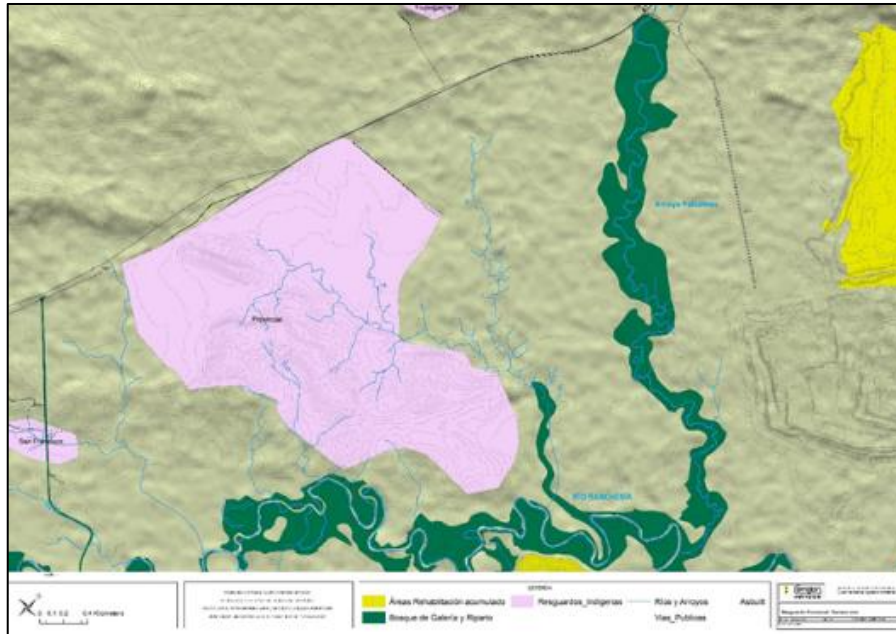
b. Operational adjustments aimed at reducing particulate matter emissions

- We have changed the sterile material management plan at Patilla Pit to reduce the risk of creating particulate matter emissions during its transportation.
- We have also brought forward the land rehabilitation program at Patilla Pit from late 2021 to 2020. The entire Patilla landfill of 477 ha is now in the process of rehabilitation.



Rehabilitation process on Patilla's external dump (October 16 of 2020)

- Currently, a work plan is being developed that will strengthen the natural barrier formed by the gallery forest of the Paladines stream, which separates the Provincial Reservation from the mining operation. This consists in planting native species of trees in the floodplain of the Paladines creek.



Paladines stream gallery forest natural barrier

- Finally, in compliance with the T-614 ruling, Cerrejón is engaged in constructive dialogue with the community of Provincial to agree the process for cleaning up dust that may be present in the vegetation, houses and wells in the community.

Your letter claims that particulate matter in the air had levels of chemical substances such as hydrocarbons, sulphur, chrome, copper and zinc that were higher than in other areas or La Guajira and that these have allegedly impacted the health of the community of Provincial.

In this regard, in order to know the composition of the particulate matter emissions that are generated in Cerrejón's mining operations a study was carried out in 2015 and 2017 by a project co-financed with the Colombian Department for Science, Technology and Innovation (Colciencias). The principal executors of this study were the University of Antioquia and the Universidad Popular del Cesar. This study included the physical chemical analysis of particulate matter filters, among them metals, obtained during a monitoring campaign done between July and December 2015 and January to March 2017.

As shown in Appendix 2, the researchers concluded that the levels of unconventional metals analysed are below the limits required by Colombian regulation and international standards, including those from the World Health Organization. In the specific case of copper and zinc substances, neither Colombian legislation, European Union legislation or WHO standards have established limits on air exposure of these metals.

In the case of sulphur, this is not measured directly but it is measured through sulphur dioxides, and maximum levels are regulated by national standards. The levels of sulphur dioxide in the Patilla pit and in the Provincial community are below the regulatory limits.

3.2 Noise, odours and vibration control measures

As established in a 2013 assessment commissioned by Cerrejón from the international firm RAS, Cerrejón complies with regulations on noise emissions. Noise levels produced by the operation decrease as they reach neighbor communities, and by that point, are lower than the noise generated by the communities in their regular activities. This assessment is currently being updated to include more recent data.

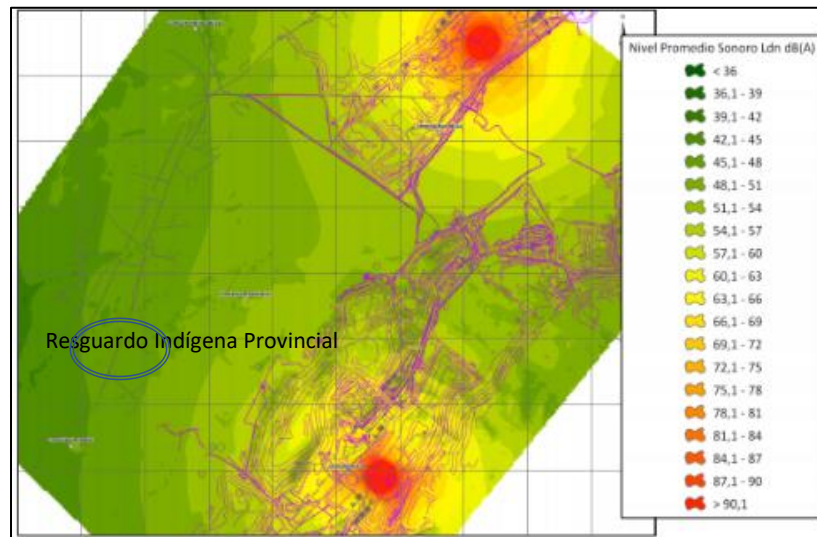
General measures implemented by Cerrejón

As established by the Environmental Management Plan, Cerrejón applies measures to mitigate the effects on noise levels in neighbouring communities. For example:

- Scheduled maintenance is performed on all vehicles and equipment, in accordance with the hours of use and the manufacturer's technical specifications to ensure that engine noise emission produced by the engines is at below permitted levels.
- The use of resonators, sirens or whistles that disturb the environmental conditions is minimized, except for vehicles that due to safety regulations must carry these types of equipment and in the case of activation of an emergency and contingency plan.
- Vehicles that do not have a properly functioning muffler are sent to maintenance and not permitted to operate until the muffler is fixed.

The noise map³ from 2013, conducted at a moment of high production at the Patilla pit (2.3 million tonnes in 2013 compared to 0.6 million tonnes in 2019), presented in the figure below shows noise emissions below Colombian limit in the border of the mine. In consequence there is no effect from noise coming from the mining activities at the mine towards the areas of influence, including Provincial, due to the distance they are from the mining pits

³ This map was made by the firm RAS in 2013 comparing monitoring results from different 4 points within the operation, including Patilla pit, and 5 points within the area of influence, including Provincial, with maximum parameters in Resolution 0627 from 2006 which is the Colombian regulation on noise emission and environmental noise.



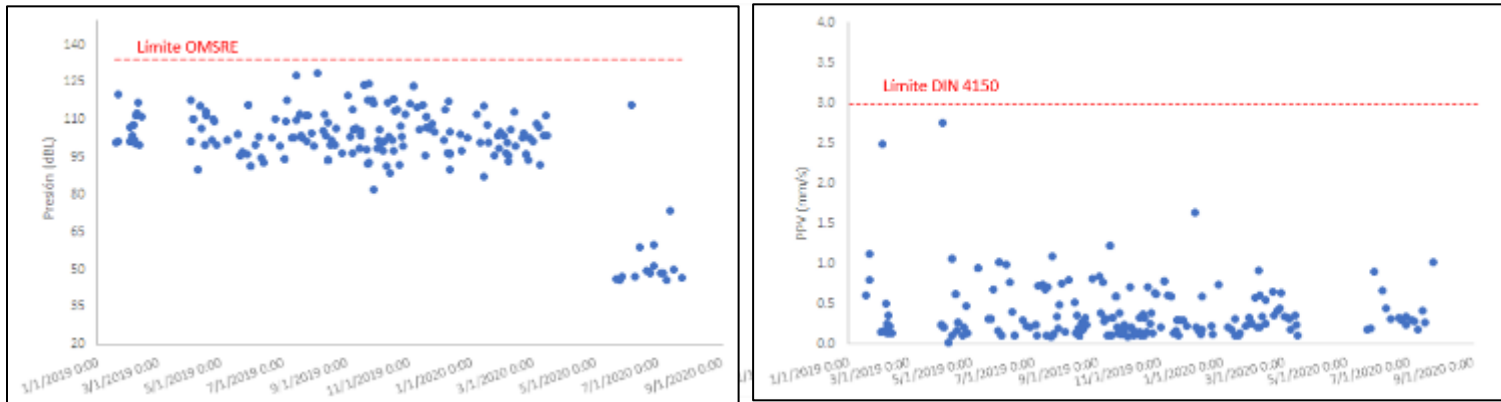
Noise model Ldn – Surrounding areas

On the other hand, it is important to note that the same study that produced this noise map also identified that communities neighbouring the Cerrejón operation experience high background noises. The recorded noise values from Cerrejón operations are below the required limits and indicate that when there have been increases in noise levels, they have been associated with routine community activities.

Blasting is an intrinsic activity in all open pit mining operations, given the need to fracture the rock that needs to be removed for exploitation of the minerals. It is common to all operations of this type around the world.

However, it is important to clarify that blasting activity is not carried out continuously throughout the day and is only undertaken once daily, at midday, and lasts less than 1 minute. Given ambient temperatures, this is the optimal time to guarantee proper dispersion of the particles and, therefore, although more visible, it generates a lower effect on air quality, and it does not affect the sleeping hours of the communities. Blasting is not done at all the pits every day.

With regards to alleged impacts of vibration and blasting noise (known technically as overpressure), Cerrejón implements the German DIN4150 standard, which has the most stringent prevention criteria in terms of vibrations, and the US OSMR standard for overpressure. In the figures below you will see how blasting activities comply with these standards.



Vibration monitoring during blasting activities

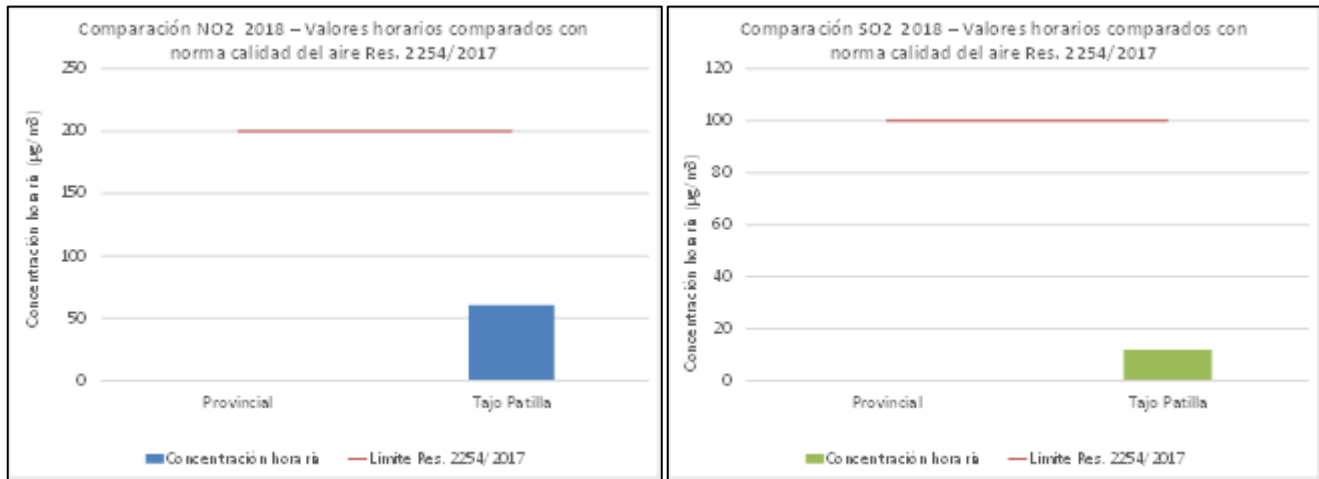
Furthermore, studies developed by the Los Andes University in 2001, 2007 and 2015, using real-time methodologies with input from 14 monitoring stations surrounding the operation, concluded that the waves resulting from blasting in the pits are not the cause of the faults appearing in the houses located inside the Provincial Indigenous Reservation. This third-party analysis concluded that the faults in the houses were due to failures in construction and deficiencies in the materials used for construction.

A further concern raised in your letter is that the communities perceive unpleasant odours in the area of the Reservation to which presumed health problems are attributed. Cerrejón carries out gas monitoring every two years. The historical results have recorded compliance with the regulations, as shown in Appendix 3. Compliance is reported in the annual environmental report.

Colombian legislation determines that sulphur dioxide (SO₂), nitrogen dioxide (NO₂) and carbon monoxide (CO) must be regulated to protect the health and well-being of the population.

Although in 2014 and 2017 some communities on the Provincial Reservation have refused to give Cerrejón access to conduct monitoring, Cerrejón conducted gas measurements directly in the Patilla Pit. These measurements indicated compliance with air quality regulations, even when the sampling was done at the mining area.

In the graphs below it's possible to see compliance of regulation from 2018 for nitrogen dioxides and sulfur dioxides.



Nitrogen dioxide and sulphur dioxide levels

Additional measures implemented as result of Ruling T-614 to enhance noise, odours and vibration controls

- The change to the sterile material management plan at the Patilla Pit, mentioned earlier, to control dust emissions, also reduces noise emission levels, given that trucks and machinery are no longer circulating at surface level. Likewise, the walls of the pit become a barrier to lessen noise.
- We have implemented a real-time sound level monitoring system that will permit the noise emission levels recorded at the Provincial Reservation to be known in real-time. With support from the Town Council Governor, installation of the measuring equipment within the Reservation was carried out, as shown below:



Real-time noise monitoring system

- Cerrejón is also developing a plan to attend to ignited seams, within which a priority are the spontaneous combustion points located within 5 km of the Reservation, which will contribute to the reduction of odours that might come from them.

3.3 Water use and quality of water

Cerrejón respects the communities' right to water, especially since water is particularly scarce in La Guajira. Before providing details on the water conditions near the community of Provincial provide this general background information about Cerrejón's water management:

- For a thorough understanding of the water use in the region, we should highlight that before the river enters the mining area, farmers from numerous rice and palm crops, and municipalities, dump waste and chemicals upstream. The mining activities of Cerrejón represent a comparatively minor part of the total consumption of water from the Ranchería River. This is because, based on the water concession granted by Corpoguajira (the regional environmental authority) for various uses, 92.5% of the water from the river is used for agriculture and livestock and 5.7% for services or domestic use. Cerrejón uses only 1.8% of the water from the river.
- Efficient water usage measures in Cerrejón's Environmental Management Plan (EMP) have resulted in a reduction of high-quality water, by 70% since 2010.
- 89% of the water used by Cerrejón is low-quality water, extracted from coal seams or rainwater, and is used to reduce dust levels. This water is not suitable for human or animal consumption or for agriculture and therefore could not be used by 150,000 people in the region, as suggested in your letter. The remaining 11% of water used is high-quality water, which is used for human consumption within the operation and distributed to indigenous communities.

General and new measures on water management implemented by Cerrejón

- At Cerrejón, we monitor the volume of the Ranchería River water before, during and after it passes through the mine at 12 flow monitoring stations and at 2 stations that monitor the flow in real time located all along the body of water. This online monitoring network is made up of 29 sensors that measure different variables at key sampling points, which allow real-time observation of current conditions. Data is available in Cerrejón's website at: <https://www.Cerrejón.com/index.php/desarrollo-sostenible/medio-ambiente/indicadores-ambientales/indicadores-agua/>
- Over 4,000 samples are taken every year and analysed in accredited independent laboratories. These samples show that Cerrejón's operation does not negatively impact or put at risk the survival of the aquatic flora and fauna and does not negatively affect the health of the communities located downstream from the mining operations. The annual results are reported in the Annual Environmental Compliance Report (ICA), which is sent to the environmental authorities and is publicly available at ANLA or Corpoguajira's offices.
- In relation to heavy metals, we take monthly measurements of over 60 parameters including iminium, arsenic, barium, beryllium, boron, cadmium, calcium, cobalt, copper, iron, lithium, manganese, magnesium, mercury, molybdenum, nickel, lead, selenium, sodium, zinc, chrome, and cyanide. Results show that the levels are below the regulatory limits (in compliance with the standard) for water consumption for domestic use.



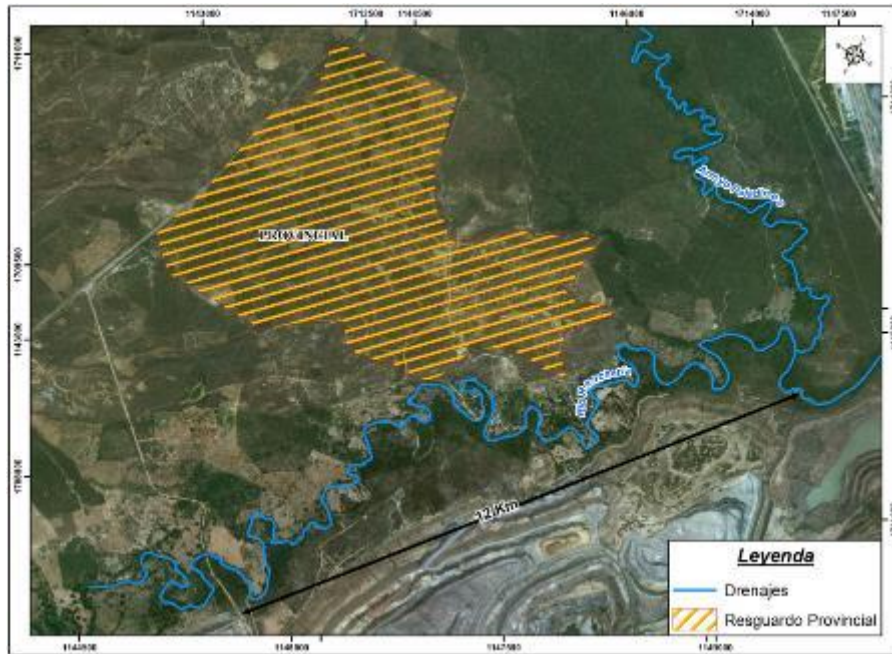
- There are also three additional flow monitoring stations (before, during and after Cerrejón's operations) operated by the IDEAM (Colombian Hydrology, Meteorology and Environmental Studies Institution) that show that the volume of the river's flow increases up to 30% as it passes by Cerrejón, contrary to the belief that the flow disappears as it passes the mine. This data is publicly available at: <http://dhime.ideam.gov.co/atencionciudadano/>
- Since the beginning of the operation Cerrejón has implemented a network of perimeter channels that surround pits and waste dumps that capture fresh water and deliver it to sedimentation ponds that ensure that water returning to the river complies with all regulatory standards. At present there is more than 80 km of perimeter channels, which conduct water to a series of more than 20 sedimentary lagoons, that are distributed over all the mine area in order to guarantee the control and management of runoff and assuring that the water quality that enters to the adjacent rivers and creeks.
- As part of our due diligence process to improve impact management in 2018 we began a project to complement this network by installing 28 water fall structures from the upper parts of rehabilitated waste dumps to channels on the ground. Before the improvement process started, waste dumps in Oreganal area had 3 water management structures. In 2019 waste dumps reshaping and corrections resulted in an increase to 13 water management structures. The plan for the period 2020 – 2021 includes the construction of 10 additional water management structures as part of the long-term plan, related to mining closure activities. This closure activities have started in central zone over the rehabilitated waste dumps. With this project Cerrejón will achieve long-term stability of the waste dump resulting in better erosion control and in the prevention of solids reaching adjacent natural water bodies.



Images of waterfalls located in the Oreganal waste dump facing the community of Provincial

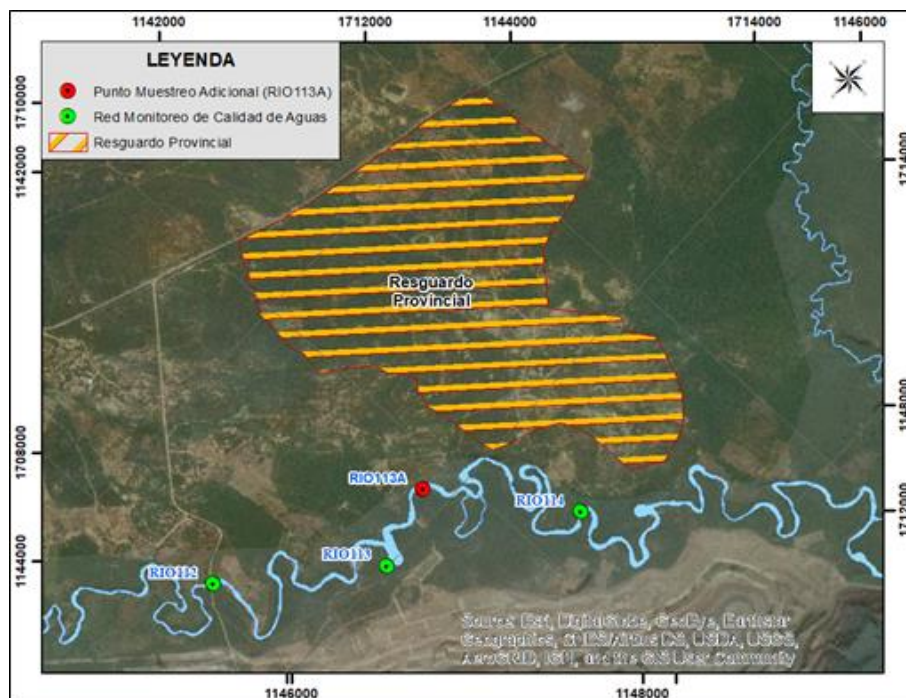
Water quality at Provincial

A 6 km stretch of the Ranchería River runs to the east of the Provincial reservation. The Paladines creek runs to the North, as show in the diagram below.



Stretch of the Ranchería river parallel to the Provincial Reservation.

Historically water quality monitoring at Provincial reservation has been carried out at three monitoring stations located on the Ranchería river, both upstream and downstream of the Provincial Reservation (RIO112, RIO113 and RIO114). An additional water monitoring station (RIO113A), located right in front of the Provincial Reservation aqueduct, has been included in the monitoring network since July 2020, as shown in the following figure:



Water quality monitoring stations on the Ranchería river in the area of the Provincial Reservation

The main results from this monitoring indicate the following:

- As can be seen in the chart in Appendix 4, the results of the water quality from the Ranchería river in the area of the Provincial Reservation are suitable for human consumption in accordance with the maximum limits established in Decree 1076 of Colombian law.
- It is also important to point out that domestic wastewater is discharged upstream of the mine area from municipal headwaters, which contribute to the presence of total and faecal coliforms in the Ranchería river. In addition, waters upstream from the mine are used to wash vehicles and motorcycles in the river, which puts oils and metals into the water. Fertilizers used for palm and rice crops located upstream of Cerrejón also drain into the river. Therefore, the atypical presence of these substances in the water is not a product of Cerrejón's operations or discharges.
- Finally, the recent water quality results monitored at the station just in front of the Provincial Reservation for the months of July and August 2020, carried out in compliance of ruling T-614, reinforced that the water quality continues to be suitable for human consumption and agriculture.
- With regard to alleged exceeding of regulated limits on discharges, it should be noted that Cerrejón has a comprehensive water management system consisting basically of canals and different types of ponds distributed throughout the operational area. These allow the company to manage runoff, mine, and water from industrial uses such as washing machinery water, as well as management of water produced in industrial areas related to washing machinery, as it is shown in the following images.



Waterfall infrastructure and ponds

- All of the ponds or reservoirs with the potential to generate water discharges have discharge permits granted by the responsible environmental authority, which are in line with the maximum limits on water quality permitted.
- The generation of non-domestic water discharges from Cerrejón is associated with rainy periods, and as such they are produced mainly in the four rainy months of the year. As a result of these rains, water levels within the ponds increase to their maximum capacity and, following the water treatment done in these ponds, the overflow point is reached, thus generating a discharge of water on the authorized dumping site, allowing these fresh waters to fulfil its cycle (in 2019 it only happened 7 times, each one fulfilling the Colombian regulations).

- At Cerrejón, discharges may occur 7 to 10 times per year, and numbers decrease in dry years. Whereas in wet years, discharges, as defined in the water management and in compliance with regulations, pumping is activated to move excess water from these lagoons and taken to pits for storage to be used in dry years, taking advantage of rain events.
- Cerrejón's water management plan contains actions and control measures that guarantee compliance with regulations on discharges, including the parameter for grease and oils, whose maximum limit in a discharge is 10 mg/L. Cerrejón has containment systems and traps for grease and oils in the ponds in the industrial area. It is therefore impossible for oil residues to exist in the river as a result of discharges from Cerrejón.
- Cerrejón has a robust monitoring network along the Ranchería river and its tributary streams, made up of 29 water quality stations whose results show that the quality and uses of the Ranchería river's water are not affected by the mine.

The monitoring network has been designed in such a way that water quality can be known both upstream, during, and downstream from the mine. At the same time, the monitoring stations located in the river in the mining section were placed upstream and downstream from points where water discharges might be generated, the results of which show that the river has not been affected in quality and quantity. Even the monitoring of levels and flows done by Colombia's Institute of Hydrology, Meteorology and Environmental Studies (IDEAM) show that the Ranchería river increases its flow rate by an average of 30% as it passes through the mining section. This data is available at <http://dhime.ideam.gov.co/atencionciudadano/>.

Access to water at Provincial

The community of Provincial has access to water through different sources such as direct access to the Ranchería river, two deep wells, 10 reservoirs and an aqueduct system built by the municipality of Barrancas comprised of one of the deep wells, a submersible pump, conduction networks, a community storage tank and reservoirs.

However, due to damage to the public supply system which the local government has yet to fix (and which was in no way caused by Cerrejón's operations), Cerrejón began to provide the community with immediate access to water through water tankers and started to develop a permanent solution that involved repair and optimization of the water supply system. Cerrejón has begun to deliver 96,000 litres of water per month to Provincial, to complement the water delivered by the municipality. Since the water delivery from the Municipality of Barrancas has been intermittent, Cerrejón increased the delivery to 144,000 litres of water per month. It is worth mentioning that, in parallel, Cerrejón and the Provincial community are working on a permanent solution that consists of replacing the pump equipment, constructing additional storage tanks and community reservoirs as well as repairing distribution networks, electrical networks and installation of enhanced electrical systems. These improvements will be completed in early 2021 and will allow Provincial to access water more readily, and independent of the company.

In addition to this work, Provincial is one of the beneficiaries of the Colombian Government's Guajira Azul Program (Blue Guajira program), which aims to improve access to water in the indigenous reservations located in the southern part of La Guajira. As part of this, Cerrejón will provide the Municipality of Barrancas with technical studies and engineering details from the project fostered by the Blue Guajira program, and the Municipality of Barrancas must present the project to the institution in charge of the Departmental Water Plan in order to be funded by the Ministry of Housing, City and Territory.

The Municipality of Barrancas is currently requesting the permits and authorizations to implement this project in order to ensure resources that will allow to enhance water availability and implement a system to purify the water, benefitting three indigenous reservations, including Provincial.

Diversion of water bodies including the partial diversion of Bruno creek

In regard to allegations of impacting water bodies, it is important to clarify that in the area of influence of the Provincial Reservation there have been no diversions of bodies of water nor interventions. The main water diversions successfully conducted by Cerrejón are Bruno Creek, Tabaco Creek and Aguas Blancas Creek. Each of these creeks are still flowing to the Ranchería river following the Colombian standard. Surface runoff that carries water only during rainy seasons is managed as freshwater runoff through channels and artificial lakes that return to the Ranchería river.

The interventions Cerrejón has done on bodies of water in other areas of the mining complex correspond to intermittent or heavy drainage and include management measures to guarantee the continuity of the flow. The upper part of the sub-basins, where the greatest amount of water is produced, has not been intervened by Cerrejón's operation. However, the company does participate positively in these areas through the development of conservation, compensation, and restoration plans for those areas that have been intervened by actors other than Cerrejón.

The effects of interventions on bodies of water by Cerrejón's authorized operations have not affected the available water supply in the area and, in addition, the management measures implemented have lessened the effects that can be produced. This can be demonstrated by the water quality results reported annually in the environmental reports (Informe de Cumplimiento Ambiental -ICA) to the environmental authorities.

In 2017, Cerrejón partially diverted 3.6 km of the riverbed of the seasonal creek Bruno Creek, in accordance with all permits received from the National Environmental Agency (ANLA), in line with Colombian law and under recognized social, environmental and engineering standards. This innovative project was supported by rigorous technical studies undertaken by national and international experts and was done using new technologies. In contrast to diversion projects which simply move water channels. This environmental engineering project reproduced the natural conditions of the original creek (bends, gradients, flora and fauna, etc). The entire ecosystem continues to function normally.



New Bruno creek waterbed reproducing natural meanders



Current status of the creek during rainy season

Contrary to reports claiming that the creek has disappeared, it is in fact flowing. The creek's new course behaves as designed and the presence of flora and fauna shows the vitality of this body of water.

As we have suggested repeatedly, we would welcome the visit from the UN Rapporteurs to the mine to have the opportunity to see the area where the diversion took place and see first-hand the status of the new riverbed.

4 Health conditions of local population

The Health Services Network in La Guajira puts its focus directly on providing primary care. Among the population, 81.4% of people are affiliated with the subsidized health system, where mostly state-owned health institutions are in charge of providing health services.

For several years Cerrejón has signed cooperation agreements with the hospitals in the municipalities of Hatonuevo, Barrancas, Albania and Uribia to provide support for health services. The agreements have given people in these municipalities access to 20,522 medical consultations. With regards to Provincial, Cerrejón has supported several health campaigns that have included health care services from outside the area to provide medicine and services, among them in internal medicine, pediatrics and diagnosis.

In 2019, there were 18 external health care service days in Provincial, which benefited more than 250 people. This was done with the support of a team made up of a doctor, dentist, cytologist, vaccinator, laboratory assistant, nursing assistant and head nurse, the latter a member of the Wayuu. In June 7, 2020 Cerrejón renovated the public Health Center that serves the community of Provincial.

The Javeriana University in Bogotá is developing a study on whether there is a connection between respiratory diseases and Cerrejón's mining operation. This study has had involvement from both unexposed and exposed communities in the area of influence of the mine. However, the Provincial communities (through their Governor) expressed their wish to not be included as part of this study. This study, initiated in 2018, aims to identify any links between the existing respiratory conditions of local communities and their closeness to mining and railway operation, considering Cerrejón's activities as well as other factor that affect air quality. Until now, three information-gathering cycles have taken place in participating households (surveys, diagnosis, follow-up to symptoms, and air quality sampling). Final results are expected to be ready by the end of 2020.

Environmental Health in La Guajira

Cerrejón has supported the establishment in La Guajira of one of the first environmental health observatories in Colombia. This observatory was formed over the course of nine months in 2019 with the technical assistance of the Los Andes University. The Observatory is both a physical and an online space containing information on the relation between environment and health in the department of La Guajira based on official and non-official sources of information. The Observatory gathers and analyses information so that the competent bodies can take timely intervention actions.

The Observatory follows the methodology of driving forces adapted from the WHO guidelines and the Colombian Ministry of Health and Social Protection. The Observatory is starting with the municipalities in Cerrejón's area of influence (including the railway corridor) and, in the middle term, will include all 15 municipalities of La Guajira in its analysis. Before the COVID-19 pandemic, we were defining the mechanisms to ensure the sustainability of the Observatory.

5. COVID-19 prevention

As we have mentioned in the sections above, Cerrejón is strongly committed to operating in a way that does not present harm to our employees, contractors and neighbour communities. All of the measures we have described aim to maintain particulate matter under minimal requirements and therefore avoiding affecting the health of local populations. As noted in our cover letter Cerrejón is continuing to monitor the implications of dust from operations in the context of the unprecedented COVID-19 pandemic, including the analysis in emerging studies, and will engage with government, the municipalities and communities to ensure that, together with the broader socio-economic implications, this is appropriately factored into the controls at the operation and in respect of the pandemic. We are constantly monitoring the evolution of the Pandemic and emerging studies to update and improve those measures, when necessary.

In addition to operating under legal requirements and international standards to ensure a safe operation for neighbouring communities, Cerrejón has implemented measures to minimize the spread of COVID-19 among employees, contractors and local communities. With the onset of the pandemic in January 2020 and, in particular, the lockdown established by the national government in March 2020, Cerrejón suspended its operation, despite having been one of the sectors allowed to work, until all the protocols, measures, and training to prevent contagion between workers and local communities. This suspension entailed sending 80% of the operation's staff on fully paid leave, approximately 8,000 workers, including those from contractor companies.

The various controls implemented were designed to reinforce safe behaviours in the mine, along the railway, at the port, at home and in the communities. They follow five pillars: i) Monitoring the health status of all our employees, ii) Social distancing, iii) Overcrowding control, iv) Disinfection and cleaning of facilities and equipment, and v) Personal protection measures and mandatory training in health and hygiene standards. The guidelines are available in our website⁴. More than 4,700 direct employees and 2,100 contractors were trained in the COVID-19 prevention guidelines and protocols to prevent the spread of the disease. Once they were set, Cerrejón began a gradual and responsible restart of activities. The implementation of these measures has been audited by third parties.

In addition to the social distancing, mandatory use of protective equipment (masks and goggles), overcrowding control, we would like to highlight these additional measures:

- Daily temperature checks taken at bus stops and terminals before any worker can travel on buses coming from regional towns, and all entry points.
- Daily registration of health conditions in a mobile application that allows to suspend contact when a person is suspected of being infected.

⁴ <https://www.Cerrejón.com/index.php/medidas-para-reducir-la-propagacion-del-covid-19-en-la-operacion/>

- Implementation of a PCR testing strategy for employees and contractors, for early detection of the virus even in asymptomatic cases. More than 5,000 tests have been carried out to date, indirectly benefiting the communities where the employees come from.
- Vulnerable employees continue to be in their residences.
- Limited face to face engagement with ethnic communities whenever virtual engagement is not possible.
- Internal and external assurance as part of the continuous improvement process.

Recognizing the vulnerability conditions of neighbour communities, especially but not limited to the lockdown period, we redirected our voluntary social investment to help ethnic communities. Since March, we have invested almost USD 3 million to strengthen the health system in La Guajira, with the donation of more than 100,000 medical supplies and equipment for local hospitals, including the delivery of three ventilators; the donation of over 100,000 hygiene and protective elements for indigenous communities (soap, gel and masks), the first and only molecular biology Laboratory in La Guajira to carry out molecular tests to COVID (PCR), and the delivery of more than 50,000 food parcels to over 400 communities. Cerrejón also donated more than 3,500 serological tests for COVID that were used in different municipalities focuses in vulnerable people including indigenous populations. Additionally, we have been able to significantly scale up our water distribution program and to date we have delivered more than 25 million litres of water to communities, including Provincial.

We hope that this information offers context to La Guajira, Cerrejón's operation and the complexities facing the region. We are eager and willing to supply any additional information you consider necessary about our operation, as well as to maintain an open, frank and respectful dialogue about the challenges and opportunities we are facing.

Appendix 1- Press release from the community of Provincial – June 23, 2020

COMMUNIQUE OF THE PROVINCIAL INDIGENOUS COMMUNITIES

The Wayuu indigenous communities belonging to the Provincial Indigenous, and represented by the Governor Council Oscar Guariyú, express to national and international public opinion that they have heard the news of the request presented by a foreign law firm, representing the Lawyers' Collective José Alvear Restrepo (CAJAR), to various representatives of the United Nations to carry out investigations into the presence and impacts of the Cerrejón mining company in their territory and community.

Given this fact, the Provincial community states that:

1. We strongly declare that we have no legal or representation relationship with CAJAR, the lawyer Mónica Feria Tinta, and much less with the firm Twenty Essex in London, they do NOT represent the Provincial community, according to Wayuu customs and customs. communities are represented by their governing council and traditional authorities.
2. The Provincial community declares that at no time has it submitted an "urgent request for intervention by the UN Special Rapporteur on the subject of human rights obligations," as the London law firm Twenty Essex stated in a statement.
3. When presenting this type of request, this group intends to usurp the legitimacy, autonomy and free determination of the provincial communities and their hierarchical internal order without any power, mandate or authorization from our community.
4. The statements and complaints mentioned by the foreign lawyers only represent the position of two families and not of the entire community or its duly elected authorities representing the members of the community.
5. We demand respect for indigenous autonomy in making their decisions.
6. The Provincial Community authorities have preferred to maintain direct dialogue with the company to resolve existing concerns about the effects of the mine's proximity and are currently holding talks to resolve existing differences, within the framework of the Judgments issued by the Constitutional court.

Therefore, we request that the autonomy and self-determination and decision of the Wayuu indigenous peoples be guaranteed, to make their own internal decisions, to protect the Wayuu communities from a group of lawyers and law firms, which in their desire to profit economically from In the name of our



collective needs, they use deceptive maneuvers, to obtain benefits and personal profits at the national and international level, without caring about the suffering of the Wayuu people, they make writings without our authorization, so we strongly reject the Usurpation of our legitimacy to act On the part of these attorneys, that despite the fact that we have stated that it is not our intention to work with them, they violate our Autonomous decisions and the Wayuu Normative System.

Firmas,

OSCAR GUARIYU URIANA
C.C 84.005.772 de Barrancas, la Guajira
Cabildo Gobernado del Resguardo Indígena
de Provincial

FREDY BOURIYÚ URIANA
Autoridad Tradicional del Resguardo Indígena
de Providencial
C.C No 84.009.415 de Barrancas – La Guajira

EDELICIO DE JESÚS URIANA BOURIYÚ
Autoridad Tradicional del Resguardo Indígena
de Providencial
C.C. No 5.152.854 de Barrancas – La Guajira

OLGA GUARIYU
Autoridad Tradicional del Resguardo Indígena
de Providencial
C.C. No 26.982.948 de Barrancas – La Guajira

SIMEON SOTO

C.C.No 5.153.569
Autoridad Tradicional Wayuu de Provincial

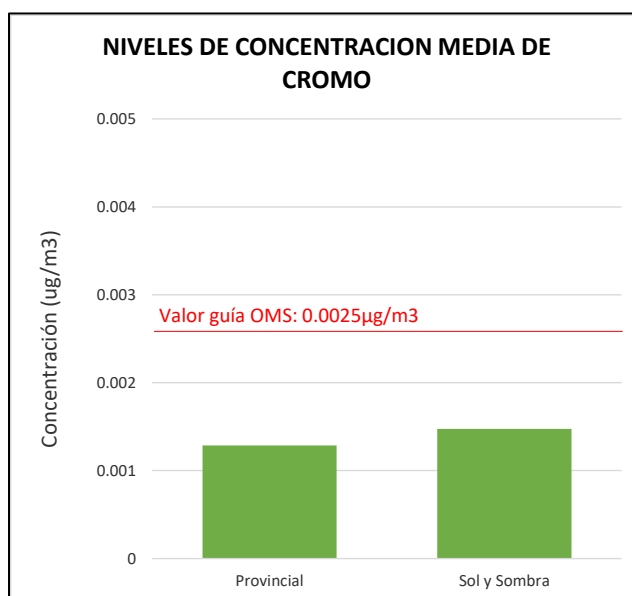
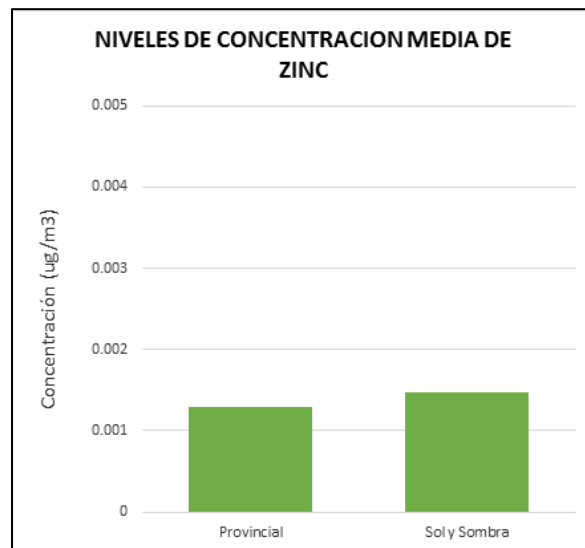
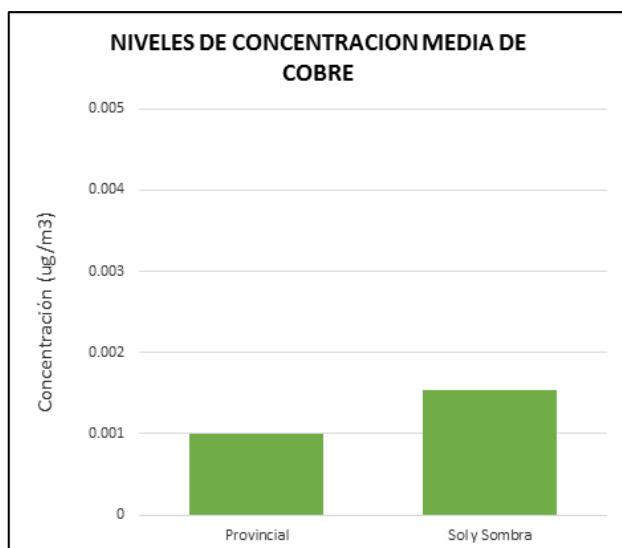
JOSE LUIS BOURIYÚ
Autoridad Tradicional del Resguardo Indígena de
Providencial
C.C. No 5.152.324 de Barrancas – La Guajira

MARIA ESTHER BOURIYÚ
Autoridad Tradicional del Resguardo Indígena de
Providencial
C.C. No 26.982.409 de Barrancas – La Guajira

LUIS RAFAEL URIANA
Autoridad Tradicional del Resguardo Indígena de
Providencial
C.C. No 5.153.721 de Barrancas – La Guajira

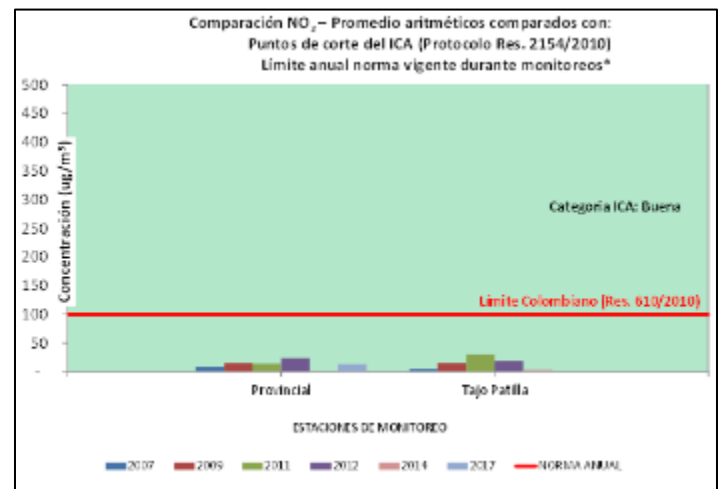
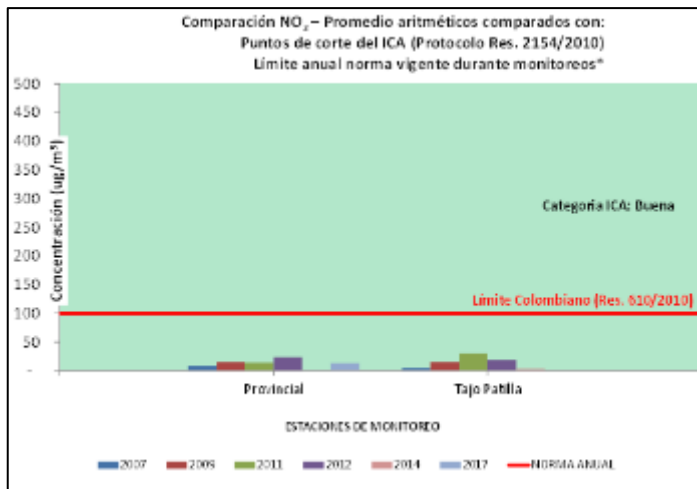
MARCOS RODRÍGUEZ URIANA
Autoridad Tradicional del Resguardo Indígena de
Providencial
C.C. No 5.153.582 de Barrancas – La Guajira

Appendix 2 - Levels of unconventional metals

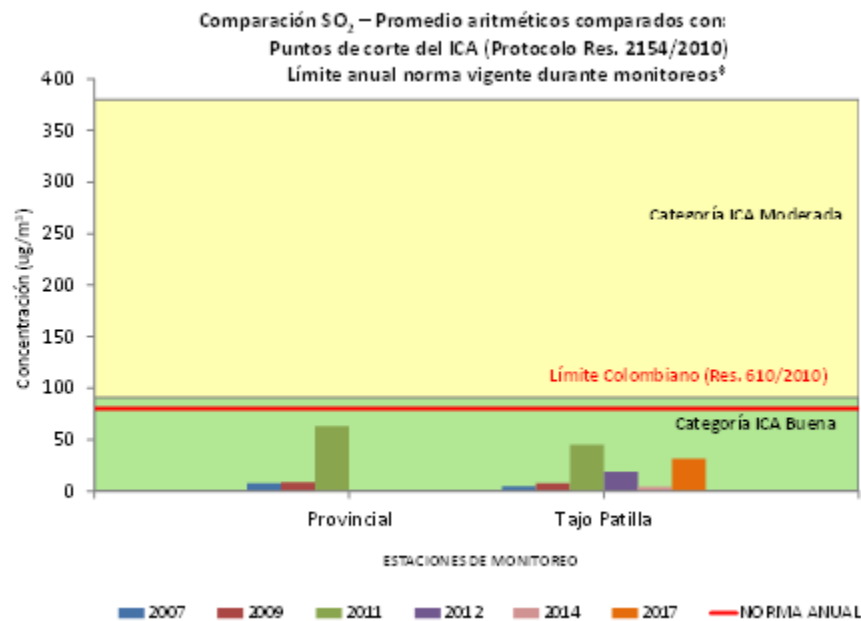




Appendix 3 – Historic gas monitoring levels



*Comparison with the annual standard is done indicatively, as the averages correspond to monitoring campaigns and not to 75% of one-year data



Appendix 4 - Water quality results from the station located in front of the Provincial Reservation

PARAMETRO	UNIDADES	Limite Maximo - Decreto 1594/84 compilado en el Decreto 1076/15			Río 113 A		CUMPLE NORMATIVIDAD
		Art 38	Art 39	Art 40	2020-07-16	2020-08-05	
Potencial de Hidrógeno	pH	5,0 a 9,0	6,5 a 8,5	4,5 a 9,0	8.63	8.33	SI
Conductividad	uS/cm	-	-	-	632.9	465.2	-
Oxígeno Disuelto	mg/L	-	-	-	7.97	7.81	-
Salinidad	g/Kg	-	-	-	<0.35	<0.35	-
Alcalinidad	mg CaCO ₃ /L	-	-	-	201	141.2	-
Cloruros	mg Cl/L	250	250	250	45.66	30.08	SI
C. Fecales	NMP/100 mL	2000	-	-	680	34x10 ³	SI
C. Totales	NMP/100 mL	20000	1000	-	3300	34x10 ³	SI
Fluoruros	mg F/L	-	-	1	<0.5	<0.5	SI
Fosfatos	mg P/L	-	-	-	0.334	0.179	-
Nitratos	mg NO ₃ ⁻ /L	10	10	-	1.42	0.737	SI
Nitritos	mg NO ₂ ⁻ /L	1	1	-	0.025	0.037	SI
Ortofosfato	mg PO ₄ ³⁻ /L	-	-	-	1.024	0.549	-
Sólidos Disueltos	mg/L	-	-	-	436	295	-
Sólidos Sedimentables	mL/L	-	-	-	<0.1	0.7	-
Sólidos Suspendedos	mg/L	-	-	-	6.77	55.91	-
Sólidos Totales	mg/L	-	-	-	476	335	-
Sulfatos	mg SO ₄ ²⁻ /L	400	400	-	47.23	39.02	SI
Turbiedad	UNT	-	-	-	2.22	45.10	-
Aluminio Total	mg Al/L	-	-	5	<1.0	<1.0	SI
Antimonio Total	mg Sb/L	-	-	-	<0.0025	<0.0025	-
Arsénico Total	mg As/L	0.05	0.05	0.1	<0.0025	<0.0025	SI
Bario Total	mg Ba/L	1	1	-	<0.500	<0.500	SI
Berilio Total	mg Be/L	-	-	0.1	<0.025	<0.025	SI
Boro	mg B/L	-	-	0.3 - 4.0	<0.100	0.145	SI
Cadmio Total	mg Cd/L	0.01	0.01	0.01	<0.01	<0.01	SI
Calcio Total	mg Ca/L	-	-	-	46.5	41.9	-
Cianuro Total	mg CN/L	0.2	0.2	-	<0.0100	<0.0100	SI
Cobalto Total	mg Co/L	-	-	0.05	<0.001	<0.001	SI
Cobre Total	mg Cu/L	1.0	1.0	0.2	<0.001	<0.001	SI
Color Real	UPC	-	-	-	31.2	58.8	-
Cromo Hexavalente	mg Cr6+/L	0.05	0.05	0.10	<0.04	<0.04	SI
Hierro Total	mg Fe/L	-	-	5	0.34	0.324	SI
Litio Total	mg Li/L	-	-	2.5	<0.15	<0.15	SI
Manganeso Total	mg Mn/L	-	-	0.2	<0.1	<0.1	SI
Mercurio Total	mg Hg/L	0.002	0.002	0.002	<0.0010	<0.0010	SI
Molibdeno Total	mg Mo/L	0.01	-	-	<0.005	<0.005	SI
Niquel Total	mg Ni/L	-	-	0.2	<0.001	<0.001	SI
Nitrógeno Amónico	mg/L NH ₃ -N	-	-	-	<1.00	<1.00	-
Plata Total	mg Ag/L	0.05	0.05	-	<0.05	<0.05	SI
Plomo Total	mg Pb/L	0.05	0.05	5	<0.001	<0.001	SI
Potasio Total	mg K/L	-	-	-	2.33	2.97	-
Selenio Total	mg/L	0.01	0.01	0.02	<0.0025	<0.0025	SI
Sodio Total	mg Na/L	-	-	-	57.4	23.9	-
Sulfuros	mg S ₂ -L	-	-	-	<1.0	<1.0	-
Surfactantes: Aniónicos como SAAM	mg SAAM/L	0.5	0.5	-	<0.5	<0.5	SI
Vanadio Total	mg V/L	-	-	0.1	<0.01	<0.01	SI
Zinc Total	mg Zn/L	15	15	2	<0.050	<0.050	SI