

Bogotá, August 3, 2023

**David R. Boyd**  
United Nations Special Rapporteur on Human Rights and the Environment

***Ref: Concerns regarding the report "Sacrifice Zones: 50 of the Most Polluted Places on Earth"***

Dear Mr. Boyd,

The purpose of this letter is to express our strong disagreement with your report titled "Sacrifice Zones: 50 of the Most Polluted Places on Earth." While we appreciate the effort and intention behind shedding light on critical environmental issues, we must bring to your attention significant discrepancies and troubling oversights within the report, which have a direct impact on its credibility.

First and foremost, it is disconcerting to discover that Cerrejón was entirely overlooked and not consulted during the report's preparation. This glaring omission undermines the thoroughness and objectivity of the information presented.

Furthermore, we would like to draw your attention to the fact that you did not take into consideration the response we sent on November 6, 2020 to your information requests on Cerrejón's social and environmental performance (please see the attached document). Failure to incorporate pertinent information, requested by yourself and your peers, provided by organizations involved in the subject area can lead to a skewed perception of the situation.

Lastly, we would like to raise concerns about the sources cited in the report and the content therein. We consider that the information in the reports is misconstrued or lacks verification by credible third parties. Therefore, we would like to make the following comments:

**1. Regarding the Constitutional Court's mention:**

***"According to the Constitutional Court of Colombia, the mining operations have caused: emission of large volumes of hazardous air pollution (including fine particulate matter, nitrogen oxides, polycyclic aromatic hydrocarbons, sulphur, chromium, copper and zinc) in excess of Colombian standards; and damage, contamination and exhaustion of the local water supply."***

In the Constitutional Court Ruling T-614 of 2019, 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, in this ruling the Court ordered Cerrejón— as well as various public authorities – to take certain additional preventive measures to enhance impact management.

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.

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.

## 2. Regarding health mention:

***“Residents near the mine suffer from high rates of respiratory illness and have elevated levels of toxic substances in their blood.”***

Cerrejón is extremely aware that open-cast mining operations release particulate matter into the air (dust) that must be controlled. Cerrejón cares about the well-being of neighbouring communities and that of its workers. This is why Cerrejón takes all necessary measures to lessen the impacts caused by dust emissions. With the goal of continuous improvement, Cerrejón continues to employ the best tools available to prevent and mitigate impacts on the quality of air, as well as to monitor and control.

It is important to consider that particulate matter levels in Cerrejón's area of influence are not completely attributable to the operations, since part is naturally produced and another portion is caused by human actions such as burning fields to prepare them for planting, burning rubbish, and cooking fires.

In any case, 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 17 monitoring stations across the coal chain, accredited by the Colombian Institute of Hydrology and Meteorology (IDEAM) and 5 additional orientation stations that allow us to make decisions in real time. 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/>

It should be noted that independent studies, including two performed by the Cendex Project Centre for Development at Colombia's Javeriana University in 2010 and in 2018, showed that respiratory diseases in La Guajira are manifestations of viral, bacterial, or allergic reactions not related to mining activities, and that the health status of communities close to the mine is equivalent to that of communities not exposed to the mine's concession. These studies also confirmed that respiratory disease rates around Cerrejón's concession are in line with the Colombian national average.

## 3. Regarding Cerrejón's contribution:

***“Transnational mining companies have generated billions of dollars in revenue at El Cerrejón, but adjacent Wayuú communities live in extreme poverty. For example, roughly half of Wayuú children suffer from malnutrition and stunting.”***

Cerrejón has always operated within a highly complex context and understands that La Guajira faces structural poverty, extreme climate conditions and institutional deficiencies which has resulted in very poor standards of living, health and education indicators, particularly in ethnic communities.

For this reason, we strive to continue being a positive contributor to the development of La Guajira. Our genuine concern for the region and its people is reflected in our ongoing efforts to not only respond to real situations which concern all of us, such as respect for human rights and management of water resources, but to maintain an open and constructive dialogue on all aspects of our work with local leaders and members of the community.

This is evidenced in our social and environmental investment. For example, throughout 2022 we invested more than 28 million dollars, between voluntary and mandatory projects. During the past year, more than 1,750 initiatives were designed and executed, benefitting over 400 communities around to the operation and many carried out with partnerships with the local governments of La Guajira and implemented directly by communities in order to enhance their opportunities in developing skills and employment.

In 2022, Cerrejón paid 519 million dollars in income tax and 347 million dollars in royalties. In addition, Cerrejón paid 51 million dollars in other concepts, such as property tax, stamp tax, import duties, port contribution, financial transaction tax, among others, of which 13 million dollars were paid to La Guajira and the six municipalities in its area of influence (Albania, Barrancas, Hatonuevo, Maicao, Manaure and Uribia).

Since 2017, the company has invested more than 55 million dollars in the development of different social initiatives and has purchased more than 160 million dollars in goods and services which has promote the progress and development of La Guajira. The work carried out in all these years has led to Cerrejón being recognized as one of the 30 companies with the greatest private social investment in Colombia, according to a study carried out by the firm Jaime Arteaga y Asociados and being recognized for the past nine years as the mining company with best reputation in Colombia according to Brújula Minera Ranking.

Cerrejón continues to be the largest private sector employer in the department, with over 12,000 workers, of which more than 60% are from La Guajira and has supported the education of more than 17,000 youth in the region through coverage of tuition and living expenses. Cerrejón makes continuous efforts to contribute for better living conditions of our neighboring communities through programs that promote access to water, enhance local capacities, contribute to the development of livelihood projects in sectors besides mining, strengthen local culture, contribute to the strengthening of local health services, among others.

#### **4. Regarding worker safety:**

***“Workers at El Cerrejón also face elevated risks due to exposures to toxic substances.”***

For three decades, Cerrejón has implemented a Workplace Health and Safety (SGSST) Management System as part of its Health, Safety, Environment and Community Policy, which favours its workers and other stakeholders in accordance with their needs and based on the characteristics of the country and the economic sector.

During this same time, Cerrejón has followed the methodology of Similar Exposure Groups (SEGs) to manage the health and safety of workers, which as of 2007 has been the standard established by the government. To date, no Cerrejón employee has died as a result of an occupational illness. The system was organized jointly with workers and their representatives, and it provides comprehensive worker health protection.

To 2022 Cerrejón's occupational disease rate is lower than the average in Colombia: 98 out of 100,000 (countrywide it is 121.5 and, in the mining, and quarries sector it is 242.6).

Cerrejón monitors the state of its employees' health on a regular basis by means of various Epidemiological Monitoring Systems that follow methodologies established by the National Government and using international best practices. To monitor respiratory health, Cerrejón does various health tests on its employees which include spirometry, questionnaires on respiratory signs and symptoms and thorax x-rays that follow techniques defined by the International Labour Organization (ILO). This medical monitoring has been done for more than 30 years.

Lastly, Cerrejón has developed different activities aimed at promoting good health and prevention, early diagnosis and treatment, as well as rehabilitation. As such, medical examinations are done for entry, transfers, temporary disability, periodic occupational exams, outgoing exams, and medical occupational evaluations. Each of these medical assessments is identified with procedures that are duly revised, updated and socialized for the different interested parties.

Cerrejón has been certified by the Colombian Heart Foundation as a healthy organization for its programs aimed at improving health and wellness on our workers. This certification was renewed in 2022.

In light of these comments, I respectfully but firmly request that you revisit the report, taking into account the aforementioned points. It is essential to ensure that reports of this nature adhere to rigorous standards of accuracy, inclusivity, and credibility. By doing so, we can foster a more comprehensive understanding of the challenges facing our environment and work towards effective solutions.

Trust that you will give due consideration to the concerns expressed in this letter. We would be pleased to respond to any further questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Bejarano".

**Claudia Bejarano**  
Cerrejón CEO