

**ICMI Cyanide Code Transportation
Certification Audit
Summary Report**

**Empire Express, Inc.
Memphis, TN**

**Submitted to:
International Cyanide Management Institute
888 16th Street, NW – Suite 303
Washington, DC 20006
USA**

2010 Audit Cycle



ICMC • Responsible Care®
Process Excellence • ISO

**Management System Solutions, Inc.
P.O. Box 780 999
Orlando, FL 32878
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AUDIT REPORT

Name of Operation: Empire Express, Inc.
999 Channel Avenue
Memphis, TN 38106

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Vice President of Safety
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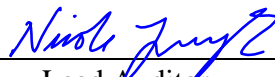
Location detail and description of operation:

Empire Express has been an established trucking operation in Memphis, TN since 1985. The company has been transporting sodium cyanide long distance in North America for DuPont since 2002. The operation was originally audited and was found to be in full compliance to the ICMI Cyanide Code in 2007 using the non-certification approach that was available at that time. Empire Express is also a Responsible Care® Partner Company and has maintained a certified Responsible Care Management System® since 2008. Empire Express uses its management system to fulfill Cyanide Code and other environmental, safety, health, and security requirements and demonstrate its public commitment to operate in a safe, secure, and environmentally responsible manner.

Empire Express transports solid sodium cyanide that is loaded into dry van trailers or occasionally intermodal containers in Memphis, Tennessee by DuPont or LSI (Memphis packaging operation) employees. Cyanide is transported to a number of locations in the USA and to the U.S./Mexican border. The Mexican shipments are transported to final destinations by a Mexican carrier that has also been certified as compliant with the ICMI Cyanide Code.

Empire Express is responsible for route determination, shipment tracking, truck inspections, preventive maintenance, training, safety program management, and emergency response planning. All of these operations were reviewed during the certification audit. The ICMI-approved Transportation Auditor verified that Empire Express operations are in FULL COMPLIANCE with Cyanide Code requirements for transporters.

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Lead Auditor

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Date

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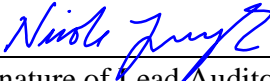
Auditor's Finding

This operation is in FULL COMPLIANCE with the International Cyanide Management Code.

Audit Company:	Management System Solutions, Inc. www.mss-team.com
Audit Team Leader:	Nicole Jurczyk E-mail: CodeAudits@mss-team.com
Date(s) of Audit:	May 13-14, 2010

I attest that I meet the criteria for knowledge, experience and conflict of interest for Code Verification Audit Team Leader, established by the International Cyanide Management Institute and that all members of the audit team meet the applicable criteria established by the International Cyanide Management Institute for Code Verification Auditors.

I attest that this Audit Report accurately describes the findings of the verification audit. I further attest that the verification audit was conducted in a professional manner in accordance with the International Cyanide Management Code Verification Protocol for Cyanide Transportation Operations and using standard and accepted practices for health, safety and environmental audits.

<u>Empire Express, Inc.</u>		<u>September 30, 2010</u>
Name of Operation	Signature of Lead Auditor	Date

<u>Empire Express, Inc.</u>		<u>September 30, 2010</u>
Name of Operation	Lead Auditor	Date

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1. TRANSPORT: *Transport cyanide in a manner that minimizes the potential for accidents and releases.*

Transport Practice 1.1: *Select cyanide transport routes to minimize the potential for accidents and releases.*

The operation is in full compliance with
in substantial compliance with Transport Practice 1.1
not in compliance with

Summarize the basis for this Finding:

Empire Express uses computerized route planning software and a documented procedure to determine routes. Route selections took into account population density, infrastructure, pitch & grade, proximity to water bodies, and prevalence and likelihood of poor weather and resulting poor driving conditions. Routing considerations were found to be consistent with those required by the Code.


Risks such as traffic congestion, dangerous turns, tunnels, and poor road conditions were considered during the development of the routes. No tunnels are used on the routes reviewed during this audit. Routes are established in a way that avoids heavily populated areas when possible. Empire Express has a formalized security plan and theft avoidance procedures in place. Community input regarding the transport of cyanide is gathered through the use of routing software that indicates whether communities have restricted use of specific roadways for the transportation of hazardous materials. No special security concerns exist on the designated routes, but specific measures are employed by Empire Express to reduce security risks on every shipment as much as possible.

Driver feedback is obtained after each delivery. According to the Route Change Procedure, routes are re-reviewed as necessary when driver feedback or changes to route conditions suggest that an approved route may require a change.

Empire Express is a member of the Port Authority Association on President's Island in Memphis. As such, they interact regularly with the Port Authority regarding emergency response planning with a special emphasis on security planning. Empire Express also has regular contact with customers and interacts extensively with them to ensure that all parties understand their roles in an emergency.

Empire Express does not use subcontractors for any portion of its cyanide transportation operations.

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Transport Practice 1.3: *Ensure that transport equipment is suitable for the cyanide shipment.*

The operation is in full compliance with
 in substantial compliance with Transport Practice 1.3
 not in compliance with

Summarize the basis for this Finding:

Empire Express tractors and trailers were evaluated during this audit. The tractors and trailers were found to be mechanically sound and capable of carrying the loads for which they were being used. Empire Express orders equipment with upgraded weight bearing capacities. Tractor and loaded trailer weights are carefully monitored to ensure that trucks are not overweight. The adequacy of the equipment is confirmed regularly through pre-trip inspections by the drivers and shop inspections by mechanics in a process known as the “Safety Lane” process.

Weight tolerances were confirmed through the review of records and data plates on the equipment. The Driver Handbook requires that drivers confirm the weight of their trucks by driving onto scales. A review of shipping papers confirmed that loads have not exceeded the equipment capacity ratings.

Transport Practice 1.4: *Develop and implement a safety program for transport of cyanide.*

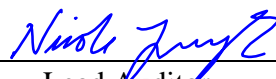
The operation is in full compliance with
 in substantial compliance with Transport Practice 1.4
 not in compliance with

Summarize the basis for this Finding:

Cyanide packages are loaded into Empire trailers by the shipper. Empire Express drivers confirm that the load has been properly secured after the cargo has been loaded. In addition to normal blocking and bracing, Empire Express employees use additional strapping equipment to ensure that the load is secure. Appropriate placards are displayed on all four sides of the trailers. This is confirmed during the pre-trip inspections. Equipment markings were found to be adequate and conformant during the audit.

Empire Express maintains documented procedures that address pre-trip inspections, preventive maintenance, limitations on driver hours, and the drug and alcohol abuse prevention program. Empire Express has a very robust preventive maintenance program for its equipment. Maintenance records were very well maintained and equipment was found to be in excellent condition.

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Driver hours are limited to ensure that they are fit for duty. Drivers and dispatchers were aware of the requirements, (i.e., number of driving hours, on duty hours, rest, etc). Driver's logs are prepared on each trip and drivers are monitored through an external log auditing program to ensure regulatory compliance and adherence to company policy. Documented procedures detail the process to be used if a driver needs to modify or suspend a shipment due to unsafe conditions. A drug abuse prevention program has been implemented and drivers may be required to undergo random sampling. Records were available to demonstrate conformance to all safety program requirements.

Transport Practice 1.5: Follow international standards for transportation of cyanide by sea and air.

The operation is in full compliance with
in substantial compliance with Transport Practice 1.5
not in compliance with

Summarize the basis for this Finding:

Empire Express occasionally delivers intermodal containers to ocean ports, as required. Packing, blocking and bracing is performed by the shipper. Adherence to the requirements of the Dangerous Goods Code (IMDG) of the International Maritime Organization is the managed by the shipper, but drivers were aware of the correct markings and placards necessary for sea transport and interviews confirmed that drivers check markings and placards as part of their pre-trip inspection. Specific information regarding the fulfillment of the 1.5 Code requirements is contained in the 2010 DuPont Global Ocean Transportation Supply Chain Certification Audit report which is posted on the ICMCI Cyanide Code web-site.

Transport Practice 1.6: Track cyanide shipments to prevent losses during transport.

The operation is in full compliance with
in substantial compliance with Transport Practice 1.6
not in compliance with

Summarize the basis for this Finding:

Empire Express uses GPS, Qualcomm, and cell phones to ensure that trucks are continuously tracked. Interviews with drivers, dispatchers, and management personnel and a review of computer records from shipments made in 2009 and 2010 were used to confirm that cyanide shipments are being tracked carefully.

Drivers have Qualcomm and cell phones and equipment is outfitted with GPS tracking. The

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Nicole Jung
Lead Auditor

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communication equipment is in daily use, and a back-up method of communication is available at all times. The proper functioning of equipment is checked during the driver pre-trip inspections and when the equipment is brought through the Safety Lane in the shop. Black out areas do not present a problem on the routes traveled because several different communication methods are available. No blackout areas or procedures were deemed necessary by the company. Empire Express' approach to managing its communication needs was found acceptable by the auditor.

Drivers have shipping documentation including the Bill of Lading with them at all times during a shipment. Bills of Lading were reviewed for shipments to Mexico in trailers and for shipments made to ocean ports in intermodal containers. Information regarding the type of material transported, the type of container, the number of packages, and the weight of the shipment is consistently entered onto the Bill of Lading by the shipper. Drivers also have the sodium cyanide MSDS, Transportation Emergency Sheets from the shipper, and Emergency Response Guides with them during deliveries. This practice was confirmed through interview and a review of information kept in trucks.

Trailers and intermodal containers are sealed upon loading and are not opened by Empire Express. U.S./Mexican customs records were reviewed and the seal numbers on containers and the weight of the shipment are confirmed at the point of transfer of custody. Shipping paperwork was reviewed and was found to be conformant to Code requirements, including chain of custody requirements.

2. INTERIM STORAGE: *Design, construct and operate cyanide trans-shipping depots and interim storage sites to prevent releases and exposures.*


Transport Practice 2.1: *Store cyanide in a manner that minimizes the potential for accidental releases.*

The operation is in full compliance with
in substantial compliance with Transport Practice 2.1
not in compliance with

Summarize the basis for this Finding:

Empire Express occasionally provides short-term storage of loaded trailers when business demands require it. In order to be compliant with Cyanide Code requirements, Empire Express developed a policy and internal requirements information to account for this infrequent occurrence. Due to security concerns no signs are posted indicating that cyanide is present, but personnel have been trained where the trailers are to be stored and that smoking, open flames, eating and drinking are not allowed in the area. The trailers are not opened and no personal protective equipment is necessary. The area is fenced and manned at all times. President's

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Island, where Empire Express is located, is technically a U.S. Port. As such, special security measures are required by the U.S. Government. The designated cyanide storage area is separated from other areas to ensure that the cyanide is not stored next to incompatible materials. Empire Express only transports solid sodium cyanide in multiple layers of packaging within sealed trailers. No additional secondary containment systems were deemed to be necessary by the auditor for this operation. Although no cyanide was present on the truck yard at the time of the audit, the auditor found Empire Express' cyanide interim storage policy and storage area to be compliant.

3. EMERGENCY RESPONSE: *Protect communities and the environment through the development of emergency response strategies and capabilities*

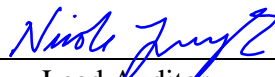
Transport Practice 3.1: *Prepare detailed emergency response plans for potential cyanide releases.*

The operation is in full compliance with
in substantial compliance with Transport Practice 3.1
not in compliance with

Summarize the basis for this Finding:

Empire Express has a documented emergency response procedure for transportation accidents. Empire Express drivers are to secure the scene and make a number of notifications. The information was reviewed and was found to be acceptable. Empire Express drivers have the emergency response sheets, the Emergency Response Guidebook (ERG), emergency telephone numbers, and the MSDS with them during all deliveries. Empire Express only transports cyanide via truck and all scenarios considered in the emergency planning documents were related to truck accidents or small cyanide spills from packaging. Solid sodium cyanide (the only physical form transported), roadway infrastructure differences, and the roles of the different emergency responders are discussed in the planning information.

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Transport Practice 3.4: *Develop procedures for remediation of releases that recognize the additional hazards of cyanide treatment chemicals.*

The operation is in full compliance with
 in substantial compliance with Transport Practice 3.4
 not in compliance with

Summarize the basis for this Finding:

Empire Express only has procedures that detail their role in an emergency which is strictly a notification role. Empire Express has made arrangements for hazardous materials experts to remediate a spill onto ground or into water and to dispose of contaminated solids, in the case of a spill. This was found to be acceptable by the auditor. Interviews with the Empire Express Safety Manager confirmed awareness of the hazards of using de-contamination chemicals in surface waters.


Transport Practice 3.5: *Periodically evaluate response procedures and capabilities and revise them as needed.*

The operation is in full compliance with
 in substantial compliance with Transport Practice 3.5
 not in compliance with

Summarize the basis for this Finding:

The emergency plan is tested annually. Records from drills in 2008, 2009 and 2010 were reviewed. The results of the drills were acceptable. The emergency procedures are also completely reviewed annually. Interviews confirmed that the plan would also be reviewed after any deployment of the plan. Any necessary changes would be made, as necessary.

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