
ICMI Cyanide Code Transportation Re-Certification Audit

Summary Audit Report

2017 Audit Cycle

**Empire Express, Inc.
Memphis, Tennessee – USA**

Submitted to:
The International Cyanide Management Institute
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USA



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Company Information

Name of Operation:	Empire Express, Inc. 999 Channel Avenue Memphis, TN 38106
Name and contact information for Empire Express Contact:	John Phillips Chief Operating Officer Phone (901) 942-3300 ext 114 john@empireexpress.com

Location detail and description of operation

Empire Express has been an established trucking operation in Memphis, TN since 1985. The operation was audited and was found to be in full compliance to the ICMI Cyanide Code in 2010, 2013, and again this year. 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 ICMI 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 ISO tanks by Chemours or its certified packaging operation, Lemm Services, Inc. (LSI). Cyanide is transported to a number of locations in the USA, Canada, 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 also available to transport intermodal containers to ocean ports for Chemours, as necessary, but has not provided these services during this re-certification cycle.

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 re-certification audit. The ICMI-approved Auditor verified that Empire Express operations are in Full Compliance with ICMI Cyanide Code requirements for transporters.

Auditor's Finding

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

The Empire Express Inc. cyanide safety performance for years 2014, 2015 and 2016 was excellent, there were no cyanide-related safety incidents or accidents. In 2017, there was one highway accident involving an Empire driver transporting solid cyanide. The accident did not result in personal injury, chemical release, or cyanide exposure. The response, incident investigation, analysis of root cause, corrective and preventive action, communication of lessons learned to the workforce, and associated documentation were handled effectively and thoroughly.

Audit Company:	CN Auditing Group, Inc. www.cnauditing.com
Auditor:	Marie K. Dunkle mdunkle@mindspring.com
Date(s) of Audit:	<u>March 7-8, 2017</u>

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.

Empire Express, Inc.		May 6, 2017
Name of Operation	Signature of Lead Auditor	Date

Empire Express, Inc.		August 2, 2017
Name of Operation	Marie Dunkle	Date

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. Computer-recommended routes are evaluated to determine if comparable routes would be available that would reduce the risks associated with proximity to high population densities, poor road infrastructure (sharp turns), pitch & grade, proximity to water bodies, and prevalence and likelihood of poor weather and resulting poor driving conditions. Routing considerations continue to be consistent with those required by the Code.

Route evaluation records and approvals were available for all routes driven. The route information is maintained in designated electronic folders that are available to operations personnel. Information is printed out for drivers at the time of dispatch to ensure that route-specific considerations are available during transport. The electronic system in the trucks is also used to communicate to drivers certain information, such as mine requirements and route considerations.

Routes are reviewed annually by Empire management and approved by the Chemours Technical Services Senior Consultant. Risks are reviewed for the presence of black-out areas. Security risks associated with U.S./Mexican border deliveries continue to be managed with increased security measures and the use of designated "safe" truck stops.

Driver feedback is obtained after each delivery. Routes are re-evaluated as necessary and at least once each year. Feedback from the drivers is considered during this process.

A formal and documented Cyanide Route Process is followed. Risk mitigation measures focus primarily on the avoidance of high traffic times of day and the avoidance of roads that are dangerous in poor weather conditions. Drivers are authorized to stop driving if conditions are deemed to be unacceptable or dangerous. Dispatch is notified immediately in such circumstances. Each route is documented and risk mitigation measures are included. This information is made available to the driver in the shipping instructions for each delivery.

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. Additionally, the auditor observed other examples of route adjustment based on stakeholder feedback to accommodate seasonal weather and road risk conditions.

An escort is required at times specified by the mine for a portion of one route and a process is followed to mitigate the risks. Additionally, for another route, in the winter cyanide trucks are required to run in tandem on the final portion of the route, to reduce risk.

Trailers of cyanide in drums are deemed to be a higher risk because the containers can be moved without the use of heavy lifting equipment. Additional security devices continue to be used for transport of these trailers to Mexico.

Empire Express' customer, Chemours, has knowledge regarding Cyanide security and safety risks and so takes the lead in advising external responders and communities. Empire Express has regular contact with customers and interacts extensively with them to ensure that all parties understand their roles in an emergency. Empire Express' customer, Chemours has conducted training for hospitals, fire fighters and mine personnel regarding cyanide safety and emergency response. Records of training conducted during the re-certification period were reviewed.

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

Transport Practice 1.2 *Ensure that personnel operating cyanide handling and transport equipment can perform their jobs with minimum risk to communities and the environment.*

The operation is in full compliance with Transport Practice 1.2
 in substantial compliance with
 not in compliance with

Summarize the basis for this Finding:

All drivers have a U.S. DOT Class A Commercial Drivers License (CDL) with a Hazardous Materials endorsement. Empire Express uses a computerized tracking system that blocks drivers from being assigned to loads for which they are not qualified or properly trained. The records for a sample of a dozen drivers were reviewed. Drivers were interviewed and were found to have an appropriate level of knowledge and safety awareness. Records for all drivers and operations

personnel are maintained centrally. Record packages were randomly sampled and were found to be complete.

Empire Express has identified training to be given at defined intervals to ensure that all personnel operating and handling cyanide transportation equipment are trained in a manner that minimizes the potential for cyanide releases and exposures. The training is carried out using videos, computer-based training, and classroom sessions. Cyanide Safety training is given to each driver at orientation and is required again annually. Hazmat training is given annually. Training system controls were updated in March 2017 to improve and ensure annual cyanide training is received by each Cyanide driver. New drivers are trained on the specific routes and risk mitigation measures necessary for safe cyanide transport. Records were available for review that confirmed that required training has been completed.

Empire Express does not subcontract any portion of their cyanide transportation operations.

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

The operation is in full compliance with Transport Practice 1.3
 in substantial compliance with
 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. Transportation equipment is designed by US manufacturer engineers to meet U.S. DOT weight rating standards. Gross Vehicle Weight Rating (GVWR) is certified by the manufacturer and documented on each vehicle with a label. Equipment labels were reviewed during the audit.

The procedure Equipment Maintenance Process is used to verify the adequacy of equipment for load bearing. Truck inspections and preventive maintenance actions are performed regularly (at least quarterly) to ensure the adequacy of equipment to carry the specified loads. Inspections are scheduled, tracked and documented. Records show that maintenance activities are being performed as planned.

All Empire Express tractors and trailers have been checked and all are rated for weights that exceed maximum loaded weights. Equipment specifications were reviewed for trailers and tractors. Equipment is carefully ordered by the Director of Maintenance and Senior Leadership to ensure that it is adequately equipped for the loads it must bear. This includes cross member and suspension specifications.

Tractor and loaded trailer weights are carefully monitored to ensure that trucks are not overweight. Empire Express also inspects the ISO tanks and chassis as part of its "Safety Lane" process prior to dispatch. The adequacy of all equipment is confirmed regularly through pre-trip inspections by the drivers and shop inspections by mechanics during the Safety Lane process. 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 truck/chassis capacity ratings. Furthermore, a review of electronic records showed that there have been no weight violations from 2014 through 2016 involving Empire Express vehicles transporting cyanide.

Weight tolerances were confirmed through the review of records and placards on trailers. The Driver Handbook requires that drivers confirm the weight of their trucks by driving onto scales.

Empire Express does not subcontract any portion of their cyanide transportation operations.

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:

According to interviews with the management team, cyanide packages are loaded by the shipper. The shipper uses a checklist to confirm that the blocking and bracing has been done properly. Each shipment is photographed by the Shipper before a seal is applied to verify package integrity. This was confirmed and verified with the Chemours Technical Services Senior Consultant during this audit. Drivers are instructed to stop and call the Empire Express Safety office if there is a concern regarding shifting of the load. Interviews with drivers confirmed that they understand this.

Appropriate placards are displayed on all four sides of the transport vehicles. Drivers visually inspect containers prior to each movement. Equipment was observed during the audit as having the proper placarding on all sides of the trailers and interviews with drivers confirmed their understanding and actions.

Pre-trip inspections are done prior to every load. Empire Express employs several full time mechanics that perform preventive maintenance on all transportation equipment at regular intervals. The maintenance frequency is determined by mileage driven and the results of previous inspections. Regular Safety Lane inspections are also performed at the terminal before each vehicle departs. These include checks of in-cab technology. Pre-defined checklists showing the required maintenance tasks are used to record actions. Empire Express uses best practice with regards to the maintenance of equipment. The equipment is in excellent condition, as are the extensive equipment files.

The Safety Program includes limitations on drivers' hours in accordance with U.S. Federal Motor Carrier Safety Regulations (FMCSR). Drivers are informed of legal requirements, and are encouraged to stop driving if they become too tired (empowerment). Electronic logs are used on each trip and drivers are monitored on a continuous basis to ensure compliance with regulations. Both the Fleet Manager and Safety Representative monitor this information.

Cyanide packages and ISO tanks are loaded by the shipper. Empire Express drivers confirm that the load has been properly secured after the cargo has been loaded. The shipper uses a checklist to confirm that the blocking and bracing has been done properly. The Driver Policy and Procedures Manual details how drivers are empowered and directed to pull over whenever weather, fatigue or other conditions make it unsafe to continue trip. In such instances the driver is to call into the office. Drivers interviewed understand this procedure.

A drug abuse prevention program is in place. Pre-employment testing is required for all potential employees. The Driver Policy and Procedure Manual details the company drug and alcohol policy. Drivers are subject to random sampling every month. Records were available to demonstrate conformance to all safety program requirements. Records were available and reviewed to demonstrate that the Code requirements of this practice had been fulfilled.

Empire Express does not subcontract any portion of their cyanide transportation operations.

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:

The loads transported by Empire Express currently or during the re-certification period were not destined for ports or ocean transport. In any event, all blocking and bracing is performed by the shipper. Adherence to the requirements of the Dangerous Goods Code (IMDG) of the International Maritime Organization would be managed by the shipper.

Transportation of cyanide by air does not apply to this operation and would not be an approved method of transport. This was confirmed by both Empire senior management and the Chemours Technical Services Senior Consultant interviewed during this audit.

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

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

Summarize the basis for this Finding:

Dispatchers maintain contact with drivers and are kept updated as to the location of the trucks. Each truck has GPS signaling and a communication system. The drivers also have cell phones. Empire Express uses GPS, an onboard communication system, and cell phones to ensure that trucks are continuously tracked and communication.

Equipment used by the drivers includes cell phones and onboard communication units. The equipment is in constant use each day. Problems with the equipment would become readily apparent. Drivers are responsible for equipment checks and reporting issues. Interviews confirmed drivers understand this responsibility.

A communication equipment check is part of the regularly scheduled maintenance on the trucks. The equipment is also checked during the driver pre-trip inspections and when it is brought through the Safety Lane in the shop.

A risk assessment review of each route is conducted initially and annually and includes identification of blackout areas along transport routes. Blackout areas do not present a significant problem on the majority of routes given today's tracking technology. The information is also refreshed through driver feedback and the periodic re-review of routes. In the event that there is a blackout area, Empire Express has a procedure in place that is communicated to the driver as part of the dispatch process. Drivers are also trained on which routes have potential blackout areas and what requirements must be fulfilled to ensure safety and appropriate tracking of the shipment. Empire has purchased and maintains Satellite Phones and drivers are issued one of these phones when a route with a blackout area is assigned. Confirmation was made that the operation has enough satellite phones to manage all shipments appropriately. This negates the blackout issue on that route. Empire's approach to managing its communication and shipment tracking needs was found to be acceptable by the auditor.

Empire Express uses a number of methods to ensure that trucks are continuously tracked using GPS. Interviews with drivers, dispatchers, and management personnel and a review of computer records from shipments made during the re-certification period were used to confirm that cyanide shipments are being tracked carefully.

Trailers and intermodal containers are sealed by the driver upon loading and are not opened by Empire Express. Shipping records and 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, including bills of lading, was reviewed and found to be conformant to Code requirements, including chain of custody requirements.

Drivers have shipping documentation including the Bill of Lading with them at all times during a shipment. Bills of Lading were reviewed. Information regarding the type of material transported, the type of container, the number of packages, and the weight of the shipment were found to have been entered consistently onto the Bill of Lading by the shipper. Drivers also have the sodium cyanide SDS, Transportation Emergency Sheets from the shipper, and Emergency Response Guidebook with them during deliveries.

Empire Express does not subcontract any portion of their cyanide transportation operations.

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 not in compliance with Transport Practice 2.1

Summarize the basis for this Finding:

Empire Express provides short-term storage of loaded dry van trailers when business demands require it. The only material temporarily stored at the truck yard is solid cyanide briquettes in multiple layers of packaging within sealed trailers. The loaded trailers are not opened. The trailer itself and the packaging keep the material dry. The trailers are included in a regular inspection program, including integrity of each unit. Empire Express exclusively stores cyanide outdoors in sealed original packaging in originally packed trailers to ensure adequate ventilation and prevent the build-up of hydrogen cyanide gas. In order to be compliant with ICMI Cyanide Code requirements, Empire Express developed a policy and internal requirements for interim storage.

Signs are posted indicating that cyanide is present, personnel have been trained concerning 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. Personnel who work at the terminal (drivers, maintenance, office workers) were interviewed to confirm that they understand that Cyanide is present in the designated area. Understanding of this was excellent.

President's 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. The DOT approved packaging and dry van trailers were determined by the auditor to fulfill ICMI containment requirements. 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 (ERP) for transportation accidents. Empire Express drivers are to secure the scene and make a number of notifications. The response notification plan is included in the Driver's Manual. The manual was last updated in 2016.

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 plan was found to be appropriate for the company and the type of cyanide shipments made by Empire Express.

Empire Express provides interim storage of dry van trailers containing solid sodium cyanide. Empire prepared emergency response plans for potential emergencies that could occur at the storage area on the Empire terminal yard. The On-Site Chemical Spill and Response Procedure was reviewed by the auditor. Information about response actions, including notifications to offsite authorities was found to be complete. Additionally, identification of roles of outside responders has been addressed in emergency response procedures for terminal emergencies. Furthermore, Empire has conducted training on this procedure.

Detailed information regarding the chemical and physical forms is on a fact sheet provided by Cyanide shipper Chemours. This document is considered to be part of the emergency response plan and procedures and is kept in each truck during shipments.

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, trailer type (dry van or ISO tank), and the roles of the different emergency responders are discussed in the planning information.

Empire has adequately considered interim storage in its emergency plan, as described above.

The different types of roads (e.g., highway and secondary roads) were considered during the planning process. Other modes of transportation do not apply to Empire Express. The ERP does not specifically mention the design of the transport vehicle, but Empire Express only transports solid sodium cyanide. The ERP is appropriate for the equipment and types of cargo and was found to be acceptable for transport emergencies both from a safety and security standpoint.

The ERP explains when CHEMTREC, the shipper, and the insurance company responsible for mobilizing a remediation company, are to be called and gives the phone contact numbers. The ERP explains the roles of Empire Express, the shipper, and local responders (Police and Fire) for transport emergencies.

As a registered PHMSA hazardous materials transporter, Empire Express relies on the national network of trained emergency responders from the communities through which they travel. Drivers also carry the widely accepted North American Emergency Response Guidebook (ERG), Safety Data Sheet (SDS), and emergency telephone numbers with them at all times. Empire Express participates in emergency notification drills with its customers to ensure that each entity understands its roles if there is a spill or accident.

Transport Practice 3.2 *Designate appropriate response personnel and commit necessary resources for emergency response.*

The operation is in full compliance with Transport Practice 3.2
 in substantial compliance with
 not in compliance with

Summarize the basis for this Finding:

The roles and responsibilities of relevant internal and external personnel are clearly described in the emergency response sheet and the Empire Express procedures. All Empire Express employees receive general hazmat training and specific training on the Empire Express emergency response procedures with regards to cyanide shipments. Drivers were interviewed and awareness of

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emergency procedures was appropriate. Hazmat training is given annually and receipt of training by drivers and dispatch operations personnel was verified.

Empire Express drivers are to secure the scene and make a number of notifications. The information found in the current ERP as well as the Driver Policy and Procedure Manual was reviewed and found to be acceptable.

The emergency equipment list is part of the Driver's Manual and part of the training materials. Trucks have the North American Emergency Response Guidebook (ERG), Safety Data Sheets, personal protective equipment and spill equipment are maintained on the trucks. Interviews with drivers confirmed awareness. Additionally, daily Safety Lane inspections include verification of equipment in the cab.

Training on the emergency response plan, including implementation of the emergency response plan was given to all employees, terminal office, maintenance shop and drivers initially and then periodically thereafter. Records from classroom sessions were reviewed. Drivers, dispatch and maintenance shipping personnel were interviewed. Awareness of emergency procedures and documentation was confirmed.

Spill equipment is maintained in the trucks. The availability of the equipment is checked when the tractors are brought through the Safety Lane. This was verified during this audit and found to be an acceptable practice.

Empire Express does not subcontract any portion of their cyanide transportation operations.

Transport Practice 3.3 *Develop procedures for internal and external emergency notification and reporting.*

The operation is in full compliance with in substantial compliance with not in compliance with Transport Practice 3.3

Summarize the basis for this Finding:

The notification procedures, including telephone numbers, are described in the Emergency Response Procedure. In the case of an emergency, drivers are instructed to contact the Chemours Hotline, the Empire Express Safety Office and CHEMTREC. The plan also calls for the notification of the shipper, the insurance company that coordinates emergency response services, and local authorities, as appropriate. Drivers have the necessary telephone numbers noted on the paperwork they carry in their trucks. This was verified during the audit.

Documentation contains current contact information was and the information is updated regularly. The written plan calls for an annual review that includes the review of notification information. The current plan was last updated in 2016.

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 procedures detail the company’s role in an emergency, which is strictly one of notification. Empire Express has made arrangements for hazardous materials experts to remediate a spill onto ground or into water and to dispose of contaminated solids. This was found to be acceptable by the auditor. The Chemours Cyanide Technical Services Senior Consultant, who was present during this audit, confirmed that detailed procedures for the clean-up and remediation of cyanide are in place. Chemours is immediately notified of any emergency via the Cyanide Hotline and would serve as a critical information point to advise on emergency response and remediation actions through the insurance company that Empire Express has on record.

The Chemours Cyanide Technical Representative provided records of the information and training which they have provided to organizations along the cyanide transportation routes and mines. The records verified that communication and training has taken place concerning the prohibition of use of chemicals such as sodium hypochlorite, ferrous sulfate and hydrogen peroxide to treat cyanide that has been released into surface water.

The Chemours Global Emergency Response Plan as well as the Chemours Sodium Cyanide Properties, Uses, Storage and Handling bulletin address prohibition on use of the referenced chemicals to treat cyanide that has been released into surface water. Chemours representatives would interact directly with the firm contracted to provide response and recovery services and ensure understanding of these restrictions. This was deemed to serve as adequate procedural controls to meet this section of the Code.

Interviews with the Empire Express Vice President of Safety and Risk Management 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 Transport Practice 3.5
 in substantial compliance with
 not in compliance with

Summarize the basis for this Finding:

The emergency procedures are reviewed annually. The last updates to the plan were done in October 2016. Information was up-to-date and complete.

Emergency drills were conducted by Empire Express during the re-certification period. Paper records of the drills were submitted for review. Results of the drills are shared with drivers during their annual hazmat training. The scenarios involved discovery of residue in a trailer and drill results were reviewed by the auditor and found to be acceptable.

Empire Express evaluated the mock emergency drills conducted over this audit cycle to determine if response procedures are adequate, equipment is appropriate and personnel are properly trained.

The emergency response plan includes a commitment to review response procedures following any incident that triggers implementation of the emergency response plan.

The auditor reviewed the incident report concerning the January 2017 Empire Express emergency event. There was no release of cyanide. This event was discussed with Empire Express management as well as the Cyanide Technical Services Senior Consultant for the shipper, Chemours. A detailed timeline of accident response and incident investigation was provided. Records showed that the ERP performance after implementation was deeply examined and actions were taken.