



# ***INTERNATIONAL CYANIDE MANAGEMENT INSTITUTE***

## ***Signatory and Certification***

### ***Process***

#### ***For The International Cyanide Management Code***

[www.cyanidecode.org](http://www.cyanidecode.org)

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## Signatory and Certification Process

Terms in *bold italics* when first used are defined in Section VI.

### I. Auditing, Certification and Recertification

- A. An operation that is active when designated for certification by a signatory company must have the site inspection portion of its initial certification audit completed within three years of being designated for certification.
- B. A mining operation that is not active (e.g. under construction, idle for economic reasons, etc.) when designated for certification (including those that have been pre-operationally certified) must notify ICMI within 90 days of the date of its first receipt of cyanide, and must have the site inspection portion of its certification audit completed within one year of that date.
- C. A cyanide production facility or cyanide transport operation that has been pre-operationally certified must notify ICMI within 90 days of the date of its first production or transport of cyanide and must have the site inspection portion of its certification audit completed within six months of that date.
- D. A certified operation must have the site inspection portion of its next certification audit completed within three years of the date that its previous certification was publicly announced by ICMI, except in cases of a change in ownership.
- E. A certified operation must be audited within two years of a change in ownership, which is defined as a change of the controlling interest of the operating company.
- F. The lead auditor for a Cyanide Code certification or recertification must:
  - 1. Meet ICMI's Auditor Criteria for a lead auditor and have an individual on the audit team who meets the Auditor Criteria for a technical expert auditor ([http://www.cyanidecode.org/sites/default/files/pdf/7\\_AuditorCriteria12-2016.pdf](http://www.cyanidecode.org/sites/default/files/pdf/7_AuditorCriteria12-2016.pdf)); and
  - 2. Evaluate the operation's compliance using the appropriate ICMI Verification Protocol (<http://www.cyanidecode.org/auditors-auditing/auditing-cyanide-code>); cyanide warehouses that are not located at a mine site and cyanide repackaging facilities are evaluated using the applicable portions of ICMI's Cyanide Production Verification Protocol audited; and
  - 3. Submit to ICMI within 90 days of completion of the site inspection portion of the audit a certification audit report consisting of a **Detailed Audit Findings Report, Summary Audit Report**, Auditor Credentials Form and a letter from an authorized representative of the signatory company granting ICMI permission to post the Summary Audit Report on the Cyanide Code website.
- G. A signatory **consignor/transporter** that adds or changes individual carriers, ports or other elements of a certified **supply chain** must:
  - 1. submit to ICMI a revised signatory application identifying the change;
  - 2. notify ICMI within 72 hours of the initiation of activities by the new carrier; and

3. the lead auditor must submit to ICMI an addendum to the supply chain's certification audit report evaluating the compliance of the new carrier within nine months of the initiation of activities by the new carrier.

H. ICMI conducts a *Completeness Review* of each certification audit report it receives, including addenda to certified supply chains noted above, to ensure that appropriate responses have been provided for all Verification Protocol questions and adequate evidence has been included in support of the auditor's findings. ICMI will advise the auditor and the audited operation when the report has been accepted as complete.

## II. Audit Findings of Full and Substantial Compliance

### A. Full Compliance

1. An operation is certified in full compliance with the Cyanide Code if ICMI receives and accepts as complete a certification audit report with the lead auditor's finding that it is fully compliant with the Code's Principles and Standards of Practice (or Production or Transport Practices, as appropriate).
2. The operation's certification becomes effective on the date its Summary Audit Report is published on the Cyanide Code website.

### B. Substantial Compliance

1. An operation is certified in substantial compliance with the Cyanide Code if ICMI receives and accepts as complete a certification audit report with the lead auditor's finding that it is substantially compliant with the Code's Principles and Standards of Practice (or Production or Transport Practices, as appropriate).
2. Certification of a substantially compliant operation is conditional, and requires development and implementation of a *Corrective Action Plan* (CAP) to bring the operation into full compliance.
  - a. The CAP must be submitted for ICMI review by the lead auditor at the time the audit report is submitted.
  - b. The CAP will be posted on the Cyanide Code website along with the Summary Audit Report and Auditor Credentials Form.
3. No later than 30 days after the completion date of a CAP, the lead auditor shall submit to ICMI a *CAP Completion Report*, which will be posted on the Cyanide Code website in place of the CAP.
4. CAPs and CAP Completion Reports must be consistent with ICMI's Corrective Action Plan Requirements available on the Cyanide Code website at [http://www.cyanidecode.org/sites/default/files/pdf/17\\_CorrectiveActionPlan.pdf](http://www.cyanidecode.org/sites/default/files/pdf/17_CorrectiveActionPlan.pdf).

## III. Audit Findings of Non-Compliance and Missed Deadlines for Certification Audits and Completion of Corrective Action Plans

An operation is non-compliant with the Cyanide Code, and thus cannot be certified, when the lead auditor finds non-compliance with one or more Standards of Practice, Production Practices or Transport Practices during a Cyanide Code certification audit. For an operation found in non-

compliance to continue on a path to certification, the lead auditor must include a CAP addressing all findings of non-compliance with submission of the other audit documents to ICMI. Once accepted by ICMI as complete, the CAP will be posted on the Cyanide Code website for review by the public along with the Summary Audit Report and the credentials of the auditor(s). As described below, the specific requirements for certification vary depending on the amount of time that has elapsed from the effective date of the auditor's compliance finding, which is the date on which ICMI announces the operation's certification and posts its Summary Audit Report on the Cyanide Code website.

An operation also is non-compliant with the Cyanide Code if it is not audited for certification by the applicable deadline or if it does not fully implement a Corrective Action Plan (CAP) by the applicable deadline.

- A. An operation found in non-compliance during its initial audit will be certified if the following conditions are met:
  1. Within one year of the effective date of a non-compliance finding, the auditor determines that the operation has fully implemented its CAP, and submits a CAP Completion Report to ICMI.
  2. More than one year but less than three years from the effective date of a non-compliance finding, the requirements of III.A.1 are met and *CAP Implementation Status Reports* are submitted to ICMI.
  3. More than three years after of the effective date of a non-compliance finding, the requirements of III.A.2 are met; and
    - a. the operation submits *Internal Compliance Audit Reports* to ICMI; and
    - b. the auditor submits a complete initial certification audit report with a finding of full compliance to ICMI.
- B. An operation found in non-compliance during a recertification audit will be recertified if the following conditions are met:
  1. Within three years of the effective date of a non-compliance finding:
    - a. the auditor determines that the operation has fully implemented its CAP and submits a CAP Completion Report to ICMI; and
    - b. the operation submits CAP Implementation Status Reports and Internal Compliance Audit Reports to ICMI.
  2. More than three years after the effective date of a non-compliance finding, the requirements of III.B.1 are met; and the auditor submits to ICMI a complete recertification audit report with a finding of full compliance during the year preceding the audit.
- C. An operation that does not have the site inspection portion of a certification audit completed by the applicable deadline is non-compliant with the Cyanide Code, and thus cannot be

certified until it submits to ICMI a complete certification audit report with a finding of substantial or full compliance.

- D. An operation that does not fully implement its CAP by the applicable deadline is non-compliant with the Cyanide Code, and thus cannot be certified until the following conditions are met:
1. Within three years of the effective date of a substantial or non-compliance finding:
    - a. the auditor determines that the operation has fully implemented its CAP and submits a CAP Completion Report to ICMI; and
    - b. the operation submits CAP Implementation Status Reports and Internal Compliance Audits Reports to ICMI.
  2. More than three years of the effective date of a substantial or non-compliance finding, the requirements of III.D.1 are met and the auditor submits to ICMI a complete certification audit report with a finding of full compliance.
- E. The non-compliance procedures described in III.A. – III.D are applied as follows:
1. CAP Implementation Status Reports must be submitted to ICMI by the auditor annually within two months of the anniversary of the effective date of the substantial or non-compliance finding, and will be made available to the public on the Cyanide Code website.
  2. Internal Compliance Audits Reports must be submitted to ICMI by the operation annually within two months of the anniversary of the effective date of the substantial or non-compliance finding, and will be made available to the public on the Cyanide Code website.
    - a. Internal Compliance Audits must be conducted no earlier than 2 months prior to the anniversary of the effective date of the substantial or non-compliance finding.
    - b. Internal Compliance Audits may be conducted by personnel from the operation or from other of the signatory's operations, or by contractors, consultants or other third parties; auditors are not required to meet ICMI's Auditor Criteria for lead or technical expert auditors but should be familiar with the type of operation being audited and the requirements of the Cyanide Code.
    - c. The applicable ICMI Verification Protocol should be used to conduct an Internal Compliance Audit.
    - d. The Summary Audit Report that found an operation in substantial or non-compliance should be used as a guide to prepare the Internal Compliance Audit Report. Additional details should be included to show that the operation has continued to implement the systems, plans and procedures necessary for full compliance with those Standards of Practice, Production Practices or Transport Practices that had been found in full compliance, and that, as applicable, measures are being implemented to bring substantially compliant and non-compliant Practices into full compliance.
    - e. Internal Compliance Audit reports will be posted on the signatory's page of the Cyanide Code website as received, without review by ICMI.

- f. If a new audit is required for an operation's certification, submittal of Internal Compliance Audit Reports is no longer required within one year prior to submittal of the new audit report.
3. Certification audits required under III.C and III.D shall be conducted as:
  - a. initial audits for operations that have not previously been certified, and
  - b. recertification audits, with compliance evaluated over the prior year, for operations that have previously been certified.
4. The certification of an operation previously found in non-compliance with a Standard of Practice, Production Practice or Transport Practice starts a new three-year audit cycle unless the certification is within one year of ICMI's posting of the Summary Audit Report containing the non-compliance finding.

#### **IV. Re-Admission of Signatories, Re-Designation of Operations for Certification and Re-Activation of Temporarily Inactive Operations**

- A. A signatory company that voluntarily withdrew or was terminated from participation in the Cyanide Code may seek readmission to the program by submitting to ICMI a new signatory application and the applicable signatory fee. Additionally, its auditor must submit to ICMI complete certification audit reports with findings of full compliance for:
  1. all operations designated for certification at the time the signatory re-applies to the program.
  2. any operations designated for certification at a later date that the signatory had designated for certification or certified during the signatory company previous participation in the program.
- B. To be re-designated for certification and certified, an operation previously certified or designated for certification but withdrawn by the signatory must submit to ICMI:
  1. An updated signatory application; and
  2. A complete certification audit report with a finding of full compliance for the re-designated operation.
- C. Certification audits required under IV.A and IV.B shall be conducted as:
  1. initial audits for operations that have not previously been certified, and
  2. recertification audits, with compliance evaluated over the prior year, for operations that have previously been certified.
- D. An operation that has been certified or designated for certification but has suspended activity for at least six months can enter "temporarily inactive" status by submission of an updated signatory application. For a temporarily inactive operation to re-enter the certification program, it must submit to ICMI:
  1. an updated signatory application; and
  2. a complete initial certification audit report for the re-activated operation with a finding of full or substantial compliance, or a pre-operational certification audit report for the re-activated operation with a finding of full compliance.

## V. Situations Requiring Notification to ICMI

Cyanide Code signatory companies are required to provide notification to ICMI of the following occurrences, as described below: A) significant cyanide incidents at its operations; B) receipt of *non-certified cyanide* at its certified mines; and C) changes in a consignor/transporter's certified supply chain.

### A. Significant Cyanide Incident

1. Notification of a significant cyanide incident at any of a signatory's operations that fall within the scope of the Cyanide Code and are listed in Part II of its signatory application must be provided to ICMI within 24 hours of its occurrence, and should include the date and nature of the incident, and the name and contact information of a company representative to respond to requests for additional information.
2. If such information is not available within 24 hours of the incident, the initial notification must be submitted to ICMI with the available information and updated as soon as practicable but in no case later than 72 hours after the incident.
3. Notification must be submitted in writing by e-mail or facsimile to ICMI at [info@cyanidecode.org](mailto:info@cyanidecode.org) and +1-202-835-0155.
4. Since different people may have different perceptions of the significance of an incident, notification to ICMI is encouraged if a signatory has any doubt regarding the significance of a particular incident occurring at its operation.

### B. Receipt of non-certified cyanide at a signatory's Cyanide Code-certified mine

1. Notification of an agreement for purchase or transport of non-certified cyanide must be provided to ICMI within 72 hours of making such an agreement.
2. Notification must include the reason for using a non-certified cyanide producer or transporter, the time anticipated until a certified cyanide supply can be re-established, and contact information of a company representative to respond to requests for additional information.

### C. Changes to a Certified Supply Chain

1. Notification of a change in the transporters, ports, and other elements included in a consignor/transporter's certified supply chain must be provided to ICMI within 72 hours of the new carrier initiating its activities.
2. A signatory consignor/transporter that makes changes to certified supply chain is also subject to the requirements of I.G., above.

## VI. Definition of Terms

The terms in *bold italics* when first used in Signatory and Certification Procedures I. through V. are defined as follows:

**A. Corrective Action Plan (CAP)**: A plan to correct deficiencies identified during a certification audit that have resulted in the auditor making a finding of substantial compliance or non-compliance. A CAP developed to correct a finding of substantial compliance must be fully

implemented within one year of the date the operation's Summary Audit Report is posted by ICMI on the Cyanide Code website. There is no time limit for implementation of a CAP developed to correct a finding of non-compliance. For additional information, see the Cyanide Code (<http://www.cyanidecode.org/about-cyanide-code/cyanide-code>) and ICMI's Corrective Action Plan Requirements ([http://www.cyanidecode.org/sites/default/files/pdf/17\\_CorrectiveActionPlan.pdf](http://www.cyanidecode.org/sites/default/files/pdf/17_CorrectiveActionPlan.pdf)).

**B. Corrective Action Plan (CAP) Completion Report:** An auditor's report concluding that an operation has provided evidence demonstrating that it has implemented its Corrective Action Plan as specified and in the agreed-upon time frame, and has achieved full compliance with the Cyanide Code. For additional information, see the Cyanide Code (<http://www.cyanidecode.org/about-cyanide-code/cyanide-code>) and ICMI's Requirements for Corrective Action Plans ([http://www.cyanidecode.org/sites/default/files/pdf/17\\_CorrectiveActionPlan.pdf](http://www.cyanidecode.org/sites/default/files/pdf/17_CorrectiveActionPlan.pdf)).

**C. Corrective Action Plan Implementation Status Report:** An auditor's report on the status of the implementation of a Corrective Action Plan to bring non-compliant Standards of Practice, Production Practices or Transportation Practices into full compliance. For additional information, see Signatory and Certification Procedure III.E.1., above.

**D. Completeness Review:** ICMI reviews submitted certification audit reports to ensure that all necessary information has been provided by the independent third-party auditor. This review does not address the substantive issues of Cyanide Code compliance, which is the responsibility of the auditor. ICMI reviews Detailed Audit Findings Reports to confirm that all relevant questions have been answered fully, that the answers are responsive to the issues raised, and that sufficient details are provided in support of the auditor's findings. Summary Audit Reports are reviewed to ensure that they accurately represent the results of the Detailed Audit Findings Report and have sufficient information to demonstrate the basis for each finding. ICMI reviews Corrective Action Plans to confirm that they address the deficiencies leading to the substantial or non-compliance finding, describes the necessary corrective actions and includes appropriate implementation deadlines. ICMI provides the results of its Completeness Review to the auditor and the site contact at the audited operation, identifying any additional information, clarification and/or evaluation in the audit documents that are necessary for the report to be accepted as complete.

**E. Consignor/transporter:** An entity which arranges for and oversees the transport of cyanide along a route or portion thereof from its point of production to a certified gold or silver mine or production facility. Consignors may include but are not limited to cyanide producers, mining companies, brokers, distributors and sales agents. A consignor is considered to be a cyanide transporter for purposes of becoming a Code signatory. (From ICMI's Definitions and Acronyms, <http://www.cyanidecode.org/about-cyanide-code/definitions>).

**F. Detailed Audit Findings Report:** The certification audit report document submitted to ICMI by the auditor that provides responses to each of the questions in the applicable Verification Protocol and describes the evidence on which the auditor's findings regarding the operation's compliance with the Cyanide Code are based. For additional information, see the Cyanide Code

(<http://www.cyanidecode.org/about-cyanide-code/cyanide-code>) and the General Guidance section of ICMI's Auditor Guidance for Use of the Mining Operations Verification Protocol, [http://www.cyanidecode.org/sites/default/files/pdf/16\\_AuditorGuidanceforMines12-2016.pdf](http://www.cyanidecode.org/sites/default/files/pdf/16_AuditorGuidanceforMines12-2016.pdf).

***G. Internal Compliance Audit Report:*** A report submitted to ICMI by an operation found in non-compliance during a certification audit demonstrating that it has maintained full compliance with those Standards of Practice, Production Practices or Transport Practices that had been found in full compliance, and that, as applicable, measures are being implemented to bring substantially compliant and non-compliant Practices into full compliance with the Cyanide Code. For additional information, see Signatory and Certification Procedure III.E.2., above.

***H. Non-certified cyanide:*** Cyanide that was not produced and/or transported by a certified producer or transporter. For additional information, see the discussion of Verification Protocol question 1.1.2 in ICMI's Auditor Guidance for Use of the Mining Operations Verification Protocol, [http://www.cyanidecode.org/sites/default/files/pdf/16\\_AuditorGuidanceforMines12-2016.pdf](http://www.cyanidecode.org/sites/default/files/pdf/16_AuditorGuidanceforMines12-2016.pdf).

***I. Summary Audit Report:*** The certification audit report document submitted to ICMI by the auditor that provides the auditor's findings regarding the operation's compliance with the Cyanide Code and with each Standard of Practice, Production Practice or Transport Practice, and brief descriptions of the evidence supporting the conclusions. For additional information, see the Cyanide Code (<http://www.cyanidecode.org/about-cyanide-code/cyanide-code>) and the General Guidance sections of ICMI's Auditor Guidance for Use of the Mining Operations Verification Protocol, [http://www.cyanidecode.org/sites/default/files/pdf/16\\_AuditorGuidanceforMines12-2016.pdf](http://www.cyanidecode.org/sites/default/files/pdf/16_AuditorGuidanceforMines12-2016.pdf), and Auditor Guidance for Use of the Cyanide Transportation Verification Protocol, [http://www.cyanidecode.org/sites/default/files/pdf/27\\_TransportGuidance12-2016.pdf](http://www.cyanidecode.org/sites/default/files/pdf/27_TransportGuidance12-2016.pdf).

***J. Supply chain:*** Multiple transportation and distribution operations and activities involved in transporting cyanide from its point of manufacture to a mining operation or a portion thereof. (From ICMI's Definitions and Acronyms, <http://www.cyanidecode.org/about-cyanide-code/definitions>).