



U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Early Warning Report

EPA Should Prepare and Distribute Security Classification Guides

Report No. 11-P-0722

September 29, 2011

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Abbreviations

CFR	Code of Federal Regulations
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ISOO	Information Security Oversight Office
NHSRC	National Homeland Security Research Center
NSI	National security information
OARM	Office of Administration and Resources Management
OCA	Original classification authority
OIG	Office of Inspector General

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At a Glance

Catalyst for Improving the Environment

Why We Did This Review

The Office of Inspector General (OIG) is responsible for independently reviewing U.S. Environmental Protection Agency (EPA) programs related to national security. We evaluated the scope and nature of EPA's classified national security information (NSI) infrastructure, and its ability to provide information to those who need it.

Background

Some EPA staff members are cleared to access, use, and create classified NSI in the performance of their assigned duties. EPA must protect NSI according to executive order and other national and EPA guidance. EPA policy requires that a classification guide shall be developed for each system, plan, program, or project in which classified information is involved. The Office of Administration and Resources Management manages EPA's NSI program.

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2011/20110929-11-P-0722.pdf

EPA Should Prepare and Distribute Security Classification Guides

What We Found

EPA has not established any official classification guides even though EPA Administrators have taken original classification actions. Original classification actions involve someone with original classification authority assigning a classification level to a particular document. According to the NSI program team leader, classification guides have not been prepared because EPA Administrators have only classified a few documents. Executive Order 13526 states that agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. Further, EPA's *National Security Information Handbook* requires that a classification guide be developed for each system, plan, program, or project that involves classified information. Without classification guides, EPA staff and other users of EPA's classified information may not be uniformly and consistently identifying information for classification, nor classifying information in a uniform and consistent manner. Ultimately, information that should be identified for safeguarding could be unintentionally released, resulting in harm to national security. Therefore, the lack of classification guides is a material internal control weakness in EPA's classified NSI program.

This report presents a significant finding identified during our ongoing review that requires immediate attention. We will issue a final report that will discuss other results of our review of EPA's classified NSI infrastructure.

What We Recommend

We recommend that the Administrator ensure the preparation, review, and approval of appropriate security classification guides that conform to the requirements of Executive Order 13526, *Classified National Security Information*, and EPA's NSI handbook. We also recommend that the Administrator ensure the distribution of classification guides to users of EPA's originally classified information and to program offices that work in related subject areas. The Office of Administration and Resources Management, which responded on behalf of the Agency, did not agree with the report's conclusions, and the recommendations are unresolved.



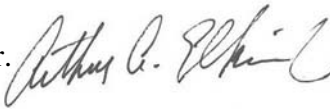
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE INSPECTOR GENERAL

September 29, 2011

MEMORANDUM

SUBJECT: EPA Should Prepare and Distribute Security Classification Guides
Report No. 11-P-0722

FROM: Arthur A. Elkins, Jr. 
Inspector General

TO: Lisa P. Jackson
Administrator

This early warning report is to inform you of a finding by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) that requires your immediate attention. The purpose of this OIG review was to evaluate the scope and nature of EPA's national security information infrastructure, and its ability to disseminate classified information to those who need it. This report presents a significant OIG finding identified during our ongoing review. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

Action Required

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 90 calendar days. You should include a corrective actions plan for agreed-upon actions, including milestone dates. Your response will be posted on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal. We have no objections to the further release of this report to the public. We will post this report to our website at <http://www.epa.gov/oig>.

If you or your staff have any questions regarding this report, please contact Wade Najjum at (202) 566-0827 or najjum.wade@epa.gov, or Eric Lewis at (202) 566-2664 or lewis.eric@epa.gov.

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Purpose

The purpose of this review was to evaluate the scope and nature of the U.S. Environmental Protection Agency's (EPA's) classified national security information (NSI) infrastructure, and its ability to provide information to those who need it.

Background

Executive Order (EO) 13526, *Classified National Security Information*, establishes basic guidance for handling classified NSI in the federal government. "Classified national security information" or "classified information" is information that has been determined, pursuant to EO 13526 or any predecessor order, to require protection against unauthorized disclosure. It is marked to indicate a classification level of "Confidential," "Secret," or "Top Secret." EPA creates, receives, handles, and stores classified material because of its homeland security, emergency response, and continuity missions. Information is originally classified at the "Confidential" or "Secret" level at EPA because its release could damage or seriously damage national security.

A classification level is assigned by one of two methods:

1. Someone with original classification authority may assign a level to the document.
2. Someone without original classification authority, who is properly authorized and trained per EO 13526, may assign a level based on:
 - a. Information already classified that was incorporated, paraphrased, or restated to create the new document, or
 - b. A classification guide.

A classification guide is written guidance signed by someone with original classification authority. The classification guide identifies the elements of information regarding a specific subject that must be classified, and establishes the level and duration of classification for each such element.

Classification by other than an original authority is called derivative classification. EO 13526 states that agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information.

EPA's *National Security Information Handbook* requires that a classification guide be developed for each system, plan, program, or project that involves classified information. Subject-matter experts from a program office or facility are responsible for preparing classification guides. The final draft of the guide must be submitted to the NSI program team in the Security Management Division to ensure compliance with the EO on classified NSI. The NSI program team then

forwards the final draft to the Office of Homeland Security for review and processing for approval by the original classification authority.

The Administrator has the sole authority to originally classify EPA information up to and including “Secret.” This authority cannot be delegated to another official. Past EPA Administrators had the authority to delegate original classification authority but decided to review and approve all original classification actions. However, EO 13526, signed on December 29, 2009, does not permit the current Administrator to delegate original classification authority. Currently, all classification guides at EPA must be approved by the Administrator.

Scope and Methodology

We conducted this evaluation in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our evaluation objectives.

From December 2010 through August 2011, we interviewed staff from the Office of Administration and Resources Management (OARM), Security Management Division; the Office of Homeland Security; the Office of Research and Development, National Homeland Security Research Center (NHSRC); and the Office of Solid Waste and Emergency Response, Office of Emergency Management. We reviewed national-level and EPA guidance relevant to classified NSI, and analyzed other documents and reports related to EPA’s management of classified NSI. We have not reviewed any information marked as classified NSI. Additional details on our scope and methodology will be included in a separate final report that will discuss results of the full Office of Inspector General (OIG) review of EPA’s infrastructure for handling classified information.

Results of Review

EPA Has Not Established Classification Guides

EPA has not established any official classification guides even though EPA Administrators have taken original classification actions. According to the acting deputy director of the Security Management Division and the NSI program team leader, classification guides have not been prepared because EPA Administrators have only classified a few documents. EO 13526 states that agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information., EPA’s NSI handbook requires that a classification guide be developed for each system, plan, program, or project that involves classified information. Without classification guides, EPA

staff and other users of EPA's classified information may not be uniformly and consistently identifying information for classification, nor classifying information in a uniform and consistent manner. Ultimately, information that should be identified for safeguarding could be unintentionally released, resulting in harm to national security. Therefore, the lack of classification guides is a material internal control weakness in EPA's classified NSI program.

Reasons for Not Publishing Classification Guides Are Not Valid

According to the acting deputy director of the Security Management Division and the NSI program team leader, EPA has not prepared any classification guides for information for which the Administrators have used original classification authority because the authority has been used infrequently. Two documents were classified in 2004, and four documents were classified in 2008. According to the senior intelligence advisor in the Office of Homeland Security, the Administrator recently exercised original classification authority for a seventh document. Classification guides are required to ensure the proper and uniform derivative classification of information. The infrequent use of original classification authority at EPA does not relieve the Agency of the requirement to prepare classification guides.

According to the NHSRC security manager, about 8 years ago EPA discussed the need for classification guides. At the time, the Security Management Division argued that classification guides would not be required since the incumbent Administrator wanted to review all original classification actions and would not be delegating original classification authority. However, classification guides are necessary so that individuals without original classification authority are capable of identifying and ensuring proper safeguarding of information that could damage national security.

In 2006, EPA published the *National Security Information Handbook, Revision 1*, which required that a classification guide be developed for each system, plan, program, or project that involved classified information. Administrators have used original classification authority to classify five documents since the current NSI handbook was published. By not preparing and distributing official classification guides, EPA is not following the guidance in its NSI handbook nor is it meeting the requirements of EO 13526 and the predecessor order.

EPA Uses Other Guidance in Lieu of Classification Guides

The NHSRC security manager prepared a topics handbook that is similar to a classification guide. The topics handbook contains elements that are required in a classification guide, but does not include identifying the original classification authority and including the date of issuance or last review. According to the security manager, he uses the topics handbook as a screening tool to establish standards and methods to exert objectivity and discipline in making original

classification recommendations to the Administrator. The topics handbook contains a caveat that it is not authorized as a classification guide.

EPA Classification Guides Could Be Used by Others

Classification guides issued by EPA could be used by others, including those outside of EPA. The EPA documents originally classified by the Administrator were subsequently distributed to other agencies. Title 32 Code of Federal Regulations (CFR) § 2001.15(c) specifies that classification guides shall be disseminated as necessary to ensure the proper and uniform derivative classification of information. Because it does not prepare classification guides, EPA does not currently provide this guidance to other agencies that may use its originally classified information. EPA should distribute classification guides to other agencies that use its originally classified information to ensure uniform derivative classification of information.

The NHSRC security manager expressed concern that classification guides were not prepared and distributed to other offices within EPA. Some of these offices work in subject areas that include sensitive information that may have previously been designated as classified NSI by the Administrator. Without classification guides that show the types of information that should be classified, these offices may unintentionally release classified information through unclassified means. Depending on the information released, national security could be seriously damaged.

Conclusions

EPA has not implemented a key internal control to protect information that could damage the national security of the United States. Without classification guides, EPA has no assurance that classified NSI is properly identified or safeguarded at the Agency.

Recommendations

We recommend that the Administrator:

1. Ensure the preparation, review, and approval of appropriate security classification guides that conform to the requirements of EO 13526, *Classified National Security Information*, and EPA's *National Security Information Handbook*.
2. Ensure the distribution of classification guides to users of EPA's originally classified information and to program offices that work in related subject areas.

Agency Comments and OIG Evaluation

OARM, responding on behalf of the Agency, disagreed with the report's factual findings, interpretation of governing legal authorities, characterization of the program, conclusions, and recommendations.

OARM does not believe that EPA needs to create a classification guide. To support its position, OARM offered an e-mail dated June 1, 2011, from the acting director, Information Security Oversight Office (ISOO), National Archives and Records Administration. ISOO is responsible for oversight of the government-wide security classification system and issued the federal regulation (32 CFR Part 2001) that implements EO 13526. Based on a 2005 on-site review of EPA's program and its regular monitoring of EPA activities, the acting director said he did not believe that EPA needed to create a classification guide since EPA has used its original classification authority only six times. He noted that in 2005, ISOO commended EPA for its decisionmaking process.

The OIG disagrees. Classification guides are to facilitate derivative classification. It is specifically stated in EO 13526 that agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform **derivative** classification of information. EPA internal guidance specifically requires security classification guides to be developed for each system, plan, program, or project in which classified information is involved. EPA's guidance notes that classification guides also serve as declassification guides. EPA's guidance also requires that the guides be revised whenever necessary to promote effective derivative classification. EPA has not complied with its own internal policies. In our opinion, this noncompliance is a material internal control weakness.

OARM offered to have the NSI team (1) continue to work closely with ISOO, and (2) explore options for how best to enhance the classification process at EPA. The proposed alternative is unacceptable because it does not address the intent of the recommendations.

The issues and recommendations for corrective action are unresolved and the material weakness is unaddressed. The Agency's complete written response to the draft report, and our evaluation of the response, are in appendix A. The e-mail from ISOO's acting director is in appendix B.

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in \$000s)	
Rec. No.	Page No.	Subject	Status ¹	Action Official	Planned Completion Date	Claimed Amount	Agreed-To Amount
1	4	Ensure the preparation, review, and approval of appropriate security classification guides that conform to the requirements of EO 13526, <i>Classified National Security Information</i> , and EPA's <i>National Security Information Handbook</i> .	U	The Administrator			
2	4	Ensure distribution of classification guides to users of EPA's originally classified information and to program offices that work in related subject areas.	U	The Administrator			

¹ O = recommendation is open with agreed-to corrective actions pending
 C = recommendation is closed with all agreed-to actions completed
 U = recommendation is unresolved with resolution efforts in progress

Agency Response to the Draft Report and OIG Evaluation

June 10, 2011

MEMORANDUM

SUBJECT: Response to Early Warning Report OPE-FY10-0024

FROM: Craig E. Hooks, Assistant Administrator
Office of Administration and Resources Management

TO: Arthur A. Elkins, Jr.
Inspector General

Thank you for the opportunity to comment on the Office of Inspector General's (OIG's) Early Warning Report: *EPA Should Prepare and Distribute Security Classification Guides*, dated May 11, 2011.

The Office of Administration and Resources Management (OARM) believes that the Report is not warranted. We respectfully disagree with the Report's factual findings, interpretation of governing legal authorities, characterization of EPA's National Security Information (NSI) program, conclusions, and recommendations. Our reasons are presented below, beginning with the results of our consultation on the Report with the Acting Director of the Information Security Oversight Office, National Archives and Records Administration.

Findings of the Information Security Oversight Office (ISOO)

The Security Management Division (SMD) consulted with ISOO about the Report and whether EPA should prepare classification guides. ISOO is responsible to the President for policy and oversight of the government-wide security classification system and the National Industrial Security Program. ISOO receives authority from Executive Order (EO) 13526, *Classified National Security Information* (the "Order"), December 29, 2009. ISOO is the federal executive agent for implementation of EO 13526.

In a June 1, 2011, email to EPA's NSI Team (attached), Acting Director William Cira stated the following (emphasis added):

ISOO does not believe that EPA needs to create a classification guide. ISOO does not believe that EPA is in violation of section 2.2 of the Order...**EPA has strong processes in place to ensure that classification decisions are appropriate and in accordance with the Order...**The purpose of Section 2.2 of the Order is to ensure that those agencies that have several [Original Classification Authorities (OCAs)] and make many

classification decisions are doing so in an effective and efficient manner that aids the classification system by ensuring uniformity and consistency. EPA only has one OCA; unlike at almost all other agencies, it may not be delegated. Additionally, unlike almost all other agencies, it has a very minute amount of classification activity...While the exact letter of the Order seems to suggest that all agencies granted OCA authority by the president must have classification guides, there is still room for judgement and common sense. In our view, looking at the program and its activity in its entirety, EPA's program is fully functioning and has the appropriate checks and balances in place to ensure that its classification program is consistent and effective.

OIG Response: EO 13526 states that agencies with original classification authority shall prepare classification guides. EPA internal guidance also requires the issuance of classification guides. As stated under EO 13526, Section 2.2(a):

Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information.

EPA's NSI handbook states, in Section 2-208:

A security classification guide shall be developed for each system, plan, program, or project in which classified information is involved.

EPA has exercised both original and derivative classification actions, but has not issued the required classification guide, in contravention of the EO and its own guidance.

With regard to ISOO, EO 13526 explicitly directs ISOO to take (1) the necessary steps to implement the order, (2) establish standards for classification and for classification guides, and (3) oversee agency actions to ensure compliance with the order. Federal government employees are charged with abiding by EO 13526. An e-mail from ISOO's acting director, after noncompliance has been disclosed, neither excuses EPA from its responsibility to create classification guides nor releases EPA from its responsibility to comply with EO 13526. As stated under EO 13526, Section 5.5(b):

Officers and employees of the United States Government, and its contractors, licensees, certificate holders, and grantees shall be subject to appropriate sanctions if they knowingly, willfully, or negligently . . . contravene any other provision of this order or its implementing directives.

Disagreement with the Report's Factual Findings

First, the Report states: "EPA has not established any official classification guides even though EPA Administrators have taken original classification actions" (p. 2). While ISOO verifies that EPA does not currently need a classification guide (June 1, 2011, email), the NSI program took forward-looking steps, beginning in June 2010, to create a classification guide in anticipation of possible future needs. The Agency has in fact considered, although not approved and finalized, several draft classification guides.

Second, the Report states: “The infrequent use of original classification authority at EPA does not relieve the Agency of the requirement to prepare classification guides” (p. 3). **ISOO’s June 1, 2011, email makes the infrequent use of original classification authority a primary reason why EPA does not currently need a classification guide.** In supporting his finding, Acting Director Cira states: “EPA’s situation is unique in that the OCA may not be delegated and it rarely needs to exercise this OCA authority.” The Report’s second finding is therefore in conflict with the assessment of the federal executive agent responsible for implementation of EO 13526.

OIG Response: As noted above, the EO specifically states that classification guides shall be prepared and specifically requires appropriate sanctions if any provision of the EO is contravened. As stated in our draft report, our review found that “EPA has not established any official classification guides even though EPA Administrators have taken original classification actions.” OARM acknowledges in the response to our draft report that EPA does not have an official (approved and finalized) classification guide. The existence, much less the mere consideration, of several unapproved drafts does not change the fact that EPA does not have any official classification guide.

OARM argues that “the infrequent use of original classification authority [is] a primary reason why EPA does not currently need a classification guide.” The EO does not support this position. The EO prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. Neither EO 13526 nor 32 CFR Part 2001 make a distinction between agencies that make frequent or infrequent use of original classification authority, or between agencies that have several original classification authorities and those that have only one original classification authority.

Disagreement with the Report’s Interpretation of Governing Legal Authorities

The Report states: “EO 13526 requires agencies with original classification authority to prepare classification guides to facilitate the proper and uniform derivative classification of information” (p. 2), and also: “EPA is not meeting the requirements of EO 13526...” (p. 3). This conclusion erroneously interprets the governing legal authorities here, by interpreting EO 13526 without reference to the regulatory directives of 32 C.F.R. Parts 2001 and 2003.

EO 13526 repeatedly directs that in handling classified information, including the use of classification guides, federal executive agencies, such as EPA must “conform to standards” contained in legally binding directives “issued by” the Director of ISOO under the Order. EO 13526, Sec. 2.2, 4.2, 5.1 (2010). In fact, the Director of ISOO was charged with issuing “binding” directives to implement EO 13526’s standards on classification guides. *Id.* at 5.1(5). The Director of ISOO did so through promulgating 32 C.F.R. Parts 2001 and 2003 in 2010. 32 C.F.R. 2001.1(b) (“...these directives are binding on agencies”).

Nothing in Parts 2001 and 2003 mandates issuance of classification guides. In fact, the opposite is true. 32 C.F.R. § 2001.15(c) explicitly states that classification guides “shall be disseminated

as necessary to ensure the proper and uniform derivative classification of information.” 32 C.F.R. § 2001.16 contains a directive for classification guidance review that presumes some agencies with original classification authority may not have authored classification guides.

OIG Response: There is no misinterpretation. EO 13526 specifically states that agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. The CFR sections, quoted (out of context) by OARM, specifically tell users of the ISOO directive that they are to refer to the EO concurrently for guidance. As stated in the Federal Register that implemented the regulations, Supplementary Information:

This final rule is issued pursuant to the provisions of 5.1(a) and (b) of Executive Order 13526 . . . and amends 32 CFR part 2001 . . . The purpose of this Directive is to assist in implementing the Order; users of the Directive shall refer concurrently to that Order for guidance.

Title 32 CFR § 2001.15 grants certain latitude in the dissemination of classification guides. OARM’s reasoning misses the point that, for there to be latitude in the dissemination of a classification guide, the Agency must first have prepared a classification guide. We also note that OARM’s response did not address EPA’s failure to comply with its own guidance, the 2006 *National Security Information Handbook, Revision 1*. EPA’s guidance states in Section 2-208:

A security classification guide shall be developed for each system, plan, program, or project in which classified information is involved . . . Security classification guides will be approved in writing by the OCA authorized to classify the information. Copies of the guides will be distributed by the originating organization to those organizations and activities believed to be derivatively classifying information covered by the guide or have a valid need-to-know.

Contrary to OARM’s position, we believe that the preparation of classification guides is required by EPA’s NSI handbook.

Disagreement with the Report’s Characterization of the NSI Program

The Report states: “...the lack of classification guides is a material internal control weakness in EPA’s classified NSI program” (p. 3) and also: “Without classification guides, EPA has no assurance that classified NSI is properly identified or safeguarded at the Agency” (p. 4). Yet ISOO Acting Director Cira states in his June 1, 2011, email (emphasis added):

EPA has developed a meticulous and rigorous process for deciding to originally classify records...ISOO has met yearly with EPA officials to discuss its classified national security program. Additionally, ISOO is in regular communication with EPA security staff to discuss EPA’s classified security program. Finally ISOO regularly monitors EPA’s classified national security program...EPA has strong processes in

place to ensure that classification decisions are appropriate and in accordance with the Order.

Disagreement with the Report’s Conclusion and Recommendations

Because the Report relies on incorrect factual and legal bases and is contrary to the assessment of ISOO, the federal executive agent responsible for EO 13526 and its implementing regulations, OARM does not agree with the Report’s conclusions and recommendations. The Report’s conclusion that EPA has not implemented a key internal control to protect information that could “damage the national security of the United States” is unfounded.

The Report’s unqualified recommendations that the Administrator must immediately “ensure the preparation, review, and approval of appropriate security classification guides” and “ensure the distribution of classification guides” are also unfounded.

OIG Response: In our opinion, EPA’s long-term noncompliance with the EO and its own NSI handbook constitutes a material internal control weakness. The OIG believes that the lack of classification guides is itself a material internal control weakness. EPA Order 1000.24 Change 2, dated July 18, 2008, defines an internal control weakness in Section 11 as:

A deficiency or flaw in the design or operation of a control that does not allow management or employees, in their normal course of performing their assigned function, to prevent or detect vulnerabilities in a timely manner.

In this case, the vulnerability is the potential release of information that might harm national security. Further, contravening the EO meets the criteria in Section 8D of EPA Order 1000.24 for determining whether a weakness is material in nature:

Program managers should use the following criteria to determine whether a weakness is material in nature: . . .

3. Violates statutory, judicial, or regulatory requirements . . .

Alternative Actions/Next Steps

The NSI Team will continue to work closely with ISOO to advance EPA’s program in anticipation of possible future needs. The Team will collaborate with the Office of Homeland Security and the program offices to explore options for how best to enhance the classification process at EPA.

E-mail From the Information Security Oversight Office

The following e-mail was submitted by ISOO to EPA on June 1, 2011.

Subject: EPA Classification Policy

EPA has asked ISOO if it needs to create a classification guide in accordance with Section 2.2 of Executive Order 13526 (“the Order”).

Finding: ISOO does not believe that EPA needs to create a classification guide. ISOO does not believe that EPA is in violation of section 2.2 of the Order. ISOO continues to believe that EPA has strong and sufficient controls in place with regard to its original classification program.

Background and supporting observations:

1. In the past seven fiscal years, EPA has originally classified a total of six documents. See FY list at the bottom of this e-mail message.
2. EPA is one of the few agencies granted Original Classification Authority by the President. Under the Order, only the Administrator serves as the OCA and she may not delegate this authority. EPA’s situation is unique in that the OCA may not be delegated and it rarely needs to exercise this OCA authority.
3. EPA has developed a meticulous and rigorous process for deciding to originally classify records. ISOO conducted a detailed on-site review in September 2005 that among other items, commended EPA for its decision-making process. At that time, ISOO found that EPA’s detailed process ensured that each possible classification decision was well-thought out, rationale, and informed. Further, ISOO found that this process involved all appropriate staff and offices, including the Office of the Administrator.
4. Since this detailed on-site audit, ISOO has met yearly with EPA officials to discuss its classified national security program. Additionally, ISOO is in regular communications with EPA security staff to discuss EPA’s classified national security program. Finally, ISOO regularly monitors EPA’s classified national security program and evaluates EPA’s reports and responses to ISOO data calls and requests.
5. EPA has strong processes in place to ensure that classification decisions are appropriate and in accordance with the Order.
6. The purpose of Section 2.2 of the Order is to ensure that those agencies that have several OCAs and make many classification decisions are doing so in an effective and efficient manner that aids the classification system by ensure uniformity and consistency. EPA only has one OCA; unlike at almost all other agencies, it may not be delegated. Additionally, unlike almost all other agencies, it has a very minute amount of classification activity.

Concluding remarks: While the exact letter of the Order seems to suggest that all agencies granted OCA authority by the President must have classification guides, there is still room for judgement and common sense. In our view, looking at the program and its activity in its entirety,

EPA's program is fully functioning and has the appropriate checks and balances in place to ensure that its classification program is consistent and effective.

2010-

Original-0

Derivative-16

2009-

Original-0

Derivative-4

2008-

Original-3

Derivative-10

2007-

Original-0

Derivative-13

2006-

Original-0

Derivative-46

2005-

O-2

D-5

2004-

O-1

D-0

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