U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

Ensuring the safety of chemicals

Management Alert: To Minimize Risk of Environmental Harm, the Security Categorization of Electronic Manifest System Data Needs to Be Re-Evaluated

Report No. 18-P-0217 **June 21, 2018**

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Abbreviations

CFR	Code of Federal Regulations
e-Manifest	Electronic Manifest
EPA	U.S. Environmental Protection Agency
FIPS	Federal Information Processing Standards
NIST	National Institute of Standards and Technology
OIG	Office of Inspector General
OLEM	Office of Land and Emergency Management
SP	Special Publication

Cover Photo: On July 18, 2001, a freight train carrying hazardous chemicals crashed in a railroad tunnel in Baltimore, Maryland, forcing the closure of an interstate highway, the Camden Yards baseball park, and the Inner Harbor area. (Photo courtesy of the Baltimore City Fire Department)

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U.S. Environmental Protection Agency
Office of Inspector General

18-P-0217
June 21, 2018

At a Glance

Why We Did This Review

The Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) conducted this audit to determine whether the EPA categorized the sensitivity of hazardous waste material information within the Electronic Manifest (e-Manifest) system as prescribed by the National Institute of Standards and Technology (NIST).

Federal agencies are required to determine the security categorization of their information and information systems. As the security categorization increases from low to high, the minimum security controls become increasingly rigorous.

This report addresses the following:

- *Ensuring the safety of chemicals.*

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Management Alert: To Minimize Risk of Environmental Harm, the Security Categorization of Electronic Manifest System Data Needs to Be Re-Evaluated

What We Found

A breach of hazardous material information within e-Manifest may facilitate terrorist or other criminal activities.

The EPA categorized the sensitivity of the information within its e-Manifest system at such a low level that planned information system security controls would not minimize the risk of environmental harm. NIST provides guidelines that federal agency's must use for categorizing systems based on risk to determine minimum information system security controls. The low-level categorization occurred, in part, because:

- Personnel responsible for categorizing the sensitivity of the e-Manifest system and information did not sufficiently consider homeland security implications as they relate to chemicals of interest.
- EPA personnel considered the e-Manifest information to be in a low risk category that only requires minimal system security controls to be implemented to protect the information.
- The EPA did not consider further uses of the e-Manifest system; the system could potentially be used by first responders in their efforts to remediate incidents involving the transportation of hazardous waste.

As a result, the EPA plans to place sensitive hazardous waste information in its system without implementing stronger minimum information system security controls commensurate with the harm that could be caused if the information is compromised.

Recommendations and Planned Agency Corrective Actions

We recommend that the EPA work with the U.S. Department of Homeland Security to gain an understanding of the risk of a breach of the data within e-Manifest, and work with NIST to determine the proper data classification to re-evaluate the categorization of the information within e-Manifest. Further, we recommend that the EPA regularly re-evaluate the categorization.

We briefed the EPA on April 10, 2018. While the EPA disagreed with the finding, the agency agreed with our recommendations. The EPA indicated it intends to provide details on planned corrective actions and target completion dates in a formal response to this report. The recommendations remain unresolved pending receipt of that information. The EPA's response is in Appendix B.

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

THE INSPECTOR GENERAL

June 21, 2018

MEMORANDUM

SUBJECT: Management Alert: To Minimize Risk of Environmental Harm, the Security Categorization of Electronic Manifest System Data Needs to Be Re-Evaluated
Report No. 18-P-0217

FROM: Arthur A. Elkins Jr.

TO: Barry Breen, Acting Assistant Administrator
Office of Land and Emergency Management

This is our report on the subject audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). The project number for this audit was OA-FY18-0089. This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not 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.

The Electronic Manifest system is a major information technology investment for the Office of Land and Emergency Management. Within that office, the Office of Resource Conservation and Recovery is responsible for implementing the system. Within the Office of Environmental Information, the Senior Agency Information Security Officer has responsibility for enforcement and compliance of the agency's information security programs and information systems.

Action Required

In accordance with EPA Manual 2750, you are required to provide a written response to this report within 60 calendar days. You should include planned corrective actions and completion dates for all recommendations that need additional information for resolution. Your response will be posted on the OIG's 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 along with corresponding justification.

The report will be available at www.epa.gov/oig.

Table of Contents

Appendices

Purpose

The Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) conducted this audit to determine whether the EPA categorized the sensitivity of information for systems that handle hazardous waste material information as prescribed by the National Institute of Standards and Technology (NIST).

Background

The EPA is scheduled to launch its Electronic Manifest (e-Manifest) system in June 2018. This system is an electronic tracking system being designed to track shipment of hazardous waste from a generator's site to another site for disposition. The EPA is implementing e-Manifest under the Hazardous Waste Electronic Manifest Establishment Act.

As a web-based application, e-Manifest is being designed to update in real time when there is access to the internet, thus facilitating the electronic transmission of the uniform manifest form. The information on a manifest form includes material, quantity, waste code and hazard class for the transported material. It also contains the U.S. Department of Transportation nomenclature and the names and addresses of the waste generator and receiver. This information allows users of the manifest to understand the nature and volumes of the material being transported. EPA Office of Land and Emergency Management (OLEM) representatives said that, currently, transporters are required to keep paper copies of the manifest as an official record. The EPA is working with states, industry and related stakeholders to make the use of manifest information effective and convenient for users.

Responsible Offices

The e-Manifest system is a major information technology investment for the OLEM. Within the OLEM, the Office of Resource Conservation and Recovery is responsible for implementing the system.

Further, within the Office of Environmental Information, the Senior Agency Information Security Officer has responsibility for enforcement and compliance of the agency's information security programs and information systems.

Scope and Methodology

We conducted this audit from January 2018 to March 2018, in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

the evidence obtained to date provides a reasonable basis for our findings and conclusions presented in this document.

We reviewed special publications and federal information processing standards (FIPS) issued by NIST. We also reviewed federal and EPA criteria related to our objective. We evaluated the process used by the EPA to determine the e-Manifest system's security categorization. We interviewed OLEM personnel in Washington, D.C.

Results

The EPA categorized the sensitivity of the information within its e-Manifest system at such a low level that planned information system security controls would not minimize the risk of environmental harm. NIST provides guidelines federal agency's must use for categorizing systems based on risk to determine minimum information system security controls. This occurred, in part, because:

- Personnel responsible for categorizing the sensitivity of the e-Manifest system and information did not sufficiently consider homeland security implications as they relate to chemicals of interest.

- EPA personnel used an information type[1] that defines the hazardous waste data in the e-Manifest system in such a manner that minimal system security controls would be needed to protect the information.

- The EPA did not consider further uses of the e-Manifest system; the system could potentially be used by first responders in their efforts to remediate incidents involving the transportation of hazardous waste.

As a result, the EPA plans to place sensitive hazardous waste information in its system without implementing stronger minimum information system security controls commensurate with the harm that could be caused if the information is compromised. We are issuing this management alert because, before e-Manifest launches in June 2018, we believe the EPA should consider all relevant factors and select an information sensitivity rating that is commensurate with the harm that could be caused if the e-Manifest system is compromised.

[1] NIST Special Publication (SP) 800-60 defines an "Information Type" as a "specific category of information (e.g., privacy, medical, proprietary, financial, investigative, contractor sensitive, security management) defined by an organization or in some instances, by a specific law, Executive Order, directive, policy, or regulation."

EPA Evaluations of e-Manifest Did Not Include Sufficient Homeland Security Considerations

"Chemicals of Interest" are hazardous chemicals that the U.S. Department of Homeland Security want to keep out of the hands of those who would misuse them.

The EPA categorized the sensitivity of information within its e-Manifest system without sufficiently taking into account homeland security considerations. NIST provides guidelines for categorizing systems based on risk to determine minimum security controls. When the e-Manifest system goes into production, it will store information on "chemicals of interest." The U.S. Department of Homeland Security identified more than 300 chemicals within Appendix A of the Chemical Facility Anti-Terrorism Standards, 6 CFR Part 27, that have the following three main security concerns:

- "Release: Toxic, flammable, or explosive chemicals or materials that can be released at a facility.
- "Theft or Diversion: Chemicals or materials that, if stolen or diverted, can be converted into weapons using simple chemistry, equipment, or techniques.
- "Sabotage: Chemicals or materials that can be mixed with readily available materials."

FIPS 199 establishes the framework for categorizing information, and information systems. FIPS 199 states "Security categories are to be used in conjunction with vulnerability and threat information in assessing the risk to an organization." After the categorization of the information and information system impact levels as either low, moderate or high, the FIPS 199 drives the selection of the minimum information system security controls needed to protect the information and information system. See Appendix A of this report for the FIPS 199 defined impact levels.

EPA officials indicated that they consulted with the U.S. Department of Homeland Security and addressed all of that department's concerns. OLEM representatives indicated the EPA fulfilled Department of Homeland Security requests to delay public access to manifest information for 90 days after receipt of hazardous waste at receiving facilities and redact "chemicals of interest" information when the manifest containing this information is made public. While these actions address the release and availability of information through normal processes, these actions do not address how the EPA plans to protect the information from being compromised within the e-Manifest system.

The EPA's documented analysis used to categorize the sensitivity of information within the e-Manifest system indicated there were no homeland security considerations. However, public information about the e-Manifest system indicates that the EPA took steps to delay releasing e-Manifest information at the

request of the Department of Homeland Security. As such, the EPA system security analysis lacks information that should have been considered when evaluating whether additional information system security controls were needed to protect the e-Manifest system. Furthermore, the EPA's documented analysis indicates that the agency only has to use minimum information system security controls to protect sensitive data. Given that the e-Manifest system contains "chemicals of interest," it is incumbent upon the EPA to implement measures to safeguard this information while the hazardous material is being transported from the facility to the waste disposal site in addition to protecting the information before it is released to the public.

EPA Selected an Information Type that Requires Implementing Minimum Information System Security Controls

The EPA selected an information type for the e-Manifest system that requires implementing minimal information system security to protect the system and data. NIST SP 800-60 provides the guidelines for mapping type of information and information systems to security categories. The guideline's objective is to:

NIST SP 800-60 states that an information type "can be associated with both user information and system information. … It is also used as input in considering the appropriate security category for a system."

> facilitate provision of appropriate levels of information security according to a range of levels of impact or consequences that might result from the unauthorized disclosure, modification, or loss of availability of the information or information system.

The OLEM representatives believe that the information within e-Manifest falls within NIST SP 800-60, Volume II, Classification of D.8.8.3 Pollution Prevention and Control Information,[2] which equates to a low impact level classification. However, the Pollution Prevention and Control Information category does not seem to accurately reflect the types of information contained in hazardous waste manifests. As a result, the EPA's information type selection for the e-Manifest system lacks considerations of the impact on human health and the environment if the system is compromised.

The OIG disagrees with the categorization of the information within e-Manifest, as NIST and Department of Homeland Security documentation indicates that there are homeland security concerns with hazardous material data. Additionally, the OIG believes the information within e-Manifest more accurately matches NIST SP 800-60, Volume II, Data Categorization of C.3.4.2 Inventory Control Information Type, that "refers to the tracking of information related to procured assets and resources with regards to quantity, quality, and location."

[2] NIST SP 800-60, Volume II, states: "pollution prevention and control includes activities associated with the establishment of environmental standards to control the levels of harmful substances emitted into the soil, water and atmosphere."

While the e-Manifest system does not contain information for the EPA's procured assets and resources with regard to quantity, quality and location, e-Manifest contains industry-supplied inventory information that tracks shipment of hazardous waste from a generator's site to another site for disposition. Furthermore, this section specifically pertains to the tracking of information related to procured assets and the e-Manifest data raises many of the same security concerns.

EPA Did Not Consider Use of e-Manifest by Emergency Responders

The classification of the e-Manifest system and data did not include consideration for emergency responders' use of the e-Manifest system. On January 15, 2014, the EPA issued a press release[3] in which the EPA's Assistant Administrator for the Office of Solid Waste and Emergency Response[4] indicated:

> Once fully implemented, the national e-Manifest system will provide greater access for emergency responders to information about the types and sources of hazardous waste that are in transit between generator sites and waste management facilities.

Although the Hazardous Waste Electronic Manifest Establishment Act does not provide criteria for the e-Manifest system to be used by emergency responders, it is reasonable to assume that that the system would be valuable to emergency responders who may not be able to access the paper manifest. The e-Manifest system contains information helpful to emergency responders to remediate incidents involving shipments of hazardous material, and thus would enable better protection for emergency responders as well as the surrounding population. However, the EPA has no current plans to provide emergency responders access to e-Manifest.

Conclusion

Securing e-Manifest with the lowest information system security controls would hamper the EPA's ability to protect sensitive data that, if breached, has the potential to be used in terrorist attacks. Furthermore, if a system attack jeopardizes the availability of the e-Manifest system, it could potentially delay the remediation of the incidents involving the transportation of hazardous waste because emergency responders would not have access to electronic manifest data when the paper manifest is not available.

[3] Press Release: "EPA Takes Important Step in Implementing the Hazardous Waste Electronic Manifest Establishment Act."
[4] Effective December 15, 2015, the name for the Office of Solid Waste and Emergency Response was changed to the Office of Land and Emergency Management.

Recommendations

We recommend that the Assistant Administrator for Land and Emergency Management:

1. Obtain an understanding of the impact of a breach of the EPA's Electronic Manifest system's hazardous material information from the U.S. Department of Homeland Security and re-evaluate the security categorization accordingly.

2. In coordination with the EPA Office of Environmental Information and the National Institute of Standards and Technology, determine whether the Electronic Manifest system's hazardous material information should be handled as Pollution Prevention and Control Information or Inventory Control Information with special considerations for hazardous materials, and re-evaluate the security categorization accordingly.

3. Re-evaluate the security categorization of the Electronic Manifest system annually or when there are significant changes to the system (including allowing the system to be used by emergency responders) as required by the EPA's Information Security – Risk Assessment Procedures.

Agency Comment and OIG Evaluation

While the agency believes it has correctly categorized e-Manifest, the agency agrees with our recommendations. EPA management stated they fully addressed homeland security recommendations provided by the U.S. Department of Homeland Security as part of its interagency review process. Management also indicated they believe NIST does not contain an information category that exactly matches manifest data, and they believe Pollution Prevention and Control is the proper information type.

The OIG maintains that the data within e-Manifest should be categorized as moderate or high. This categorization is based on classifying the data using the information type Inventory Control Information. While e-Manifest is not an inventory of procured assets, it is still an inventory maintained by the EPA, and the EPA should treat it the same way it treats inventories of procured assets.

We informed EPA personnel of our findings throughout the audit. We provided the EPA with a discussion document with our findings and recommendations. On March 29, 2018, the EPA provided a response to the discussion document (Appendix B). On April 10, 2018, we briefed EPA management regarding the findings and recommendations in this report. EPA management again agreed with our recommendations and stated they would provide corrective actions and the corresponding completion dates in response to this final report. Therefore, we consider the recommendations unresolved pending receipt of that information.

Until the recommendations are addressed, the e-Manifest system may not meet NIST's and EPA's minimum security requirements for systems categorized as moderate or high when e-Manifest is launched in June 2018.

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS

Rec. No.	Page No.	Subject	Status[1]	Action Official	Planned Completion Date	Potential Monetary Benefits (in $000s)
1	6	Obtain an understanding of the impact of a breach of the EPA's Electronic Manifest system's hazardous material information from the U.S. Department of Homeland Security and re-evaluate the security categorization accordingly.	U	Assistant Administrator for Land and Emergency Management		
2	6	In coordination with the EPA Office of Environmental Information and the National Institute of Standards and Technology, determine whether the Electronic Manifest system's hazardous material information should be handled as Pollution Prevention and Control Information or Inventory Control Information with special considerations for hazardous materials, and re-evaluate the security categorization accordingly.	U	Assistant Administrator for Land and Emergency Management		
3	6	Re-evaluate the security categorization of the Electronic Manifest system annually or when there are significant changes to the system (including allowing the system to be used by emergency responders) as required by the EPA's Information Security – Risk Assessment Procedures.	U	Assistant Administrator for Land and Emergency Management		

[1] C = Corrective action completed.
R = Recommendation resolved with corrective action pending.
U = Recommendation unresolved with resolution efforts in progress.

Appendix A

FIPS 199 Defined Impact Levels

Table 1: FIPS 199 defined impact levels

Level	Definition	Amplification
Low	"The loss of confidentiality, integrity or availability could be expected to have a **limited** adverse effect on organizational operations, organizational assets or individuals."	"A limited adverse effect means that, for example, the loss of confidentiality, integrity or availability might: (i) cause a degradation in mission capability to an extent and duration that the organization is able to perform its primary functions, but the effectiveness of the functions is noticeably reduced; (ii) result in minor damage to organizational assets; (iii) result in minor financial loss; or (iv) result in minor harm to individuals."
Moderate	"The loss of confidentiality, integrity or availability could be expected to have a **serious** adverse effect on organizational operations, organizational assets or individuals."	"A serious adverse effect means that, for example, the loss of confidentiality, integrity or availability might: (i) cause a significant degradation in mission capability to an extent and duration that the organization is able to perform its primary functions, but the effectiveness of the functions is significantly reduced; (ii) result in significant damage to organizational assets; (iii) result in significant financial loss; or (iv) result in significant harm to individuals that does not involve loss of life or serious life-threatening injuries."
High	"The loss of confidentiality, integrity or availability could be expected to have a **severe or catastrophic** adverse effect on organizational operations, organizational assets or individuals."	"A severe or catastrophic adverse effect means that, for example, the loss of confidentiality, integrity or availability might: (i) cause a severe degradation in or loss of mission capability to an extent and duration that the organization is not able to perform one or more of its primary functions; (ii) result in major damage to organizational assets; (iii) result in major financial loss; or (iv) result in severe or catastrophic harm to individuals involving loss of life or serious life-threatening injuries."

Source: EPA OIG-generated data based on extractions from FIPS 199.

Appendix B

OLEM's Response to Discussion Document and OIG Evaluation

From: Guernica, Mimi
Sent: Thursday, March 29, 2018 4:28 PM
To: Schmidt, Albert
Cc: Donnelly, Stephen; Thornton, Kecia; Charbonneau, David; Brevard, Rudy; Munyeneh, Alonzo; Nisbett, Deana; Johnson, Barnes; Reaves, Thomas

Subject: RE: Discussion Document: EPA Needs to Reconsider Security Categorization for Its Electronic Manifest System for Monitoring Hazardous Waste Transport (Project No. OA-FY18-0089)

Thank you for the opportunity to respond to the issues and recommendations in the subject discussion document. The following is a summary of the Agency's overall position.

The Office of Inspector General (OIG) made findings and issued three recommendations in the discussion document that focused broadly on the following areas:

- EPA's interactions with the U.S. Department of Homeland Security (DHS) relating to EPA's security categorization for the electronic Manifest system (e-Manifest)
- EPA's choice of data classification for e-Manifest's information under the National Institute of Standards and Technology (NIST) information categories
- EPA's re-evaluation of the system's security categorization and use of the e-Manifest system by emergency responders

As part of interagency review related to the e-Manifest recently finalized fee rule, OLEM solicited, received and fully addressed homeland security recommendations from DHS. DHS's review and recommendations and EPA's ultimate actions in response focused on how to address the release of a subset of chemicals of interest information to the public. EPA considered and addressed the homeland security concerns raised by DHS. In response to OIG's recommendation, however, OLEM will again initiate discussions with DHS regarding this issue and will factor DHS concerns into assessing the impact of a breach, updating documentation as necessary.

Concerning EPA's choice of data classification for e-Manifest information, OLEM acknowledges that NIST 800-60 does not contain an information category that exactly matches manifest data. However, OLEM believes it concluded that the proper FEA Information Type is Pollution Prevention and Control. The consultation with DHS discussed above also bolsters support for the appropriateness of the categorization and controls to mitigate vulnerabilities. Combined with OLEM's rigorous application of the categorization guidelines and processes detailed in FIPS, NIST, FEA and Agency publications, OLEM believes that e-Manifest is based

on the correct information type, properly categorized, and adequately protected. Nonetheless, in response to OIG's finding, OLEM will reconsider relevant NIST and Agency guidance.

OIG Response:
NIST SP 800-60, Volume II, Revision 1, indicates that D.8.3 Pollution Prevention and Control Information includes activities associated with developing standards for the control of harmful substances emitted in soil, water and atmosphere; and that the Pollution Prevention and Control Information should be rated low for confidentiality, integrity and availability. However, NIST SP 800-60 does not contain any information categories into which e-Manifest information clearly fits. The information within e-Manifest most closely resembles the information that falls under Inventory Control Information. NIST SP 800-60, Volume II, indicates that C.3.4.2 Inventory Control Information Type refers to information related to the tracking of the quantity, quality and location of procured assets and resources. While Inventory Control Information directly applies to procured assets and resources, the special factors affecting the confidentiality impact determination for such information addresses many of the concerns associated with e-Manifest data. Further, Inventory Control Information related to hazardous materials security categorization has special factors affecting the confidentiality impact. These factors indicate that breach of hazardous material information may facilitate terrorist or other criminal activities and thus should have a confidentiality impact of moderate or high.

In accordance with OIG's recommendation, EPA will follow the NIST 800-53 and Agency Risk Assessment procedures for re-evaluation of the security categorization annually, or in concert with significant system changes.

Regarding OIG's discussion that EPA should tailor the e-Manifest system for use by emergency responders, the U.S. Department of Transportation (DOT) has jurisdiction relating to shipping papers and emergency responders. In deference to DOT's requirements, the e-Manifest regulations provide that the manifest shipping paper must remain in the truck with the hazardous waste shipment. Congress has mandated that DOT make efforts to implement electronic shipping paper requirements. A major focus of the DOT effort is how to involve the emergency response community in accessing data. While OLEM has been clear that the e-Manifest system has not initially been designed for use by first responders, OLEM is keenly aware that, as the e-Manifest system develops, this is an area that needs to be explored further and, in addition, OLEM will continue to engage with DOT to keep apprised of its solution.

OLEM would also like to point out that the final e-Manifest regulations' definition of 'user' does not encompass emergency responders or others who may access the e-Manifest system only to access manifests or manifest data supplied to the system by the users of the electronic manifest.

OIG Response:
During an emergency, a paper manifest may not be readily available to first responders. As a result, the ability of emergency responders to access electronic manifests would be instrumental in the timely remediation of incidents involving hazardous waste.

OIG has informed OLEM that it intends to issue a management alert based on its findings in the discussion document. The DHS OIG web site (https://www.oig.dhs.gov/reports/management-alerts?field_dhs_agency_target_id=1&field_oversight_area_target_id=10) characterizes management alerts as follows:

These notifications are used by the OIG to inform senior DHS managers of conditions which pose an immediate and serious threat of waste, fraud and abuse in agency programs. These alerts, usually triggered by findings made in the course of our audit, inspections and investigative work, may also contain recommendations to correct the identified concerns.

OLEM disagrees that OIG's findings in the subject discussion document meet the criteria for issuance of a management alert. In addition, OLEM's responses and willingness to address OIG's concerns mitigate the need for a management alert.

OIG Response:
The EPA OIG has the discretion to issue management alerts and is not bound by the U.S. Department of Homeland Security OIG's internal policies and procedures. We are issuing this as a management alert because the e-Manifest system is planned for launch in June 2018.

OLEM looks forward to discussing specific issues in greater detail during our meeting in April.

Mimi Guernica
Associate Division Director, ORCR/PIID

Appendix C

Distribution

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