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EPA Mandatory Declassification Review

Any individual or organization may request a review of classified information for declassification under Executive Order (E.O.) 12958. The EPA National Security Information (NSI) Program Team shall ensure that requests for declassification are processed in accordance with the provisions of the Freedom of Information Act and of the Privacy Act of 1974.

All information classified under E.O. 12958 or predecessor orders shall be subject to a review for declassification by EPA if the following criteria are met:

- The request for a review describes the document or material containing the information, with sufficient specificity to enable EPA to locate it with a reasonable amount of effort.
- The information is not exempted from search and review under sections 105C, 105D, or 701 of the National Security Act of 1947 (50 U.S.C. 403-5c, 403-5e, and 431).
- The information has not been reviewed for declassification within the past two years:
 - If EPA has reviewed the information within the past two years, or the information is the subject of pending litigation, EPA shall inform the requester of this fact and of the requester's appeal rights.

Mandatory declassification review requests shall be processed as follows:

- Classified information under EPA jurisdiction must be reviewed for declassification upon receipt of a request.
- Requests shall be submitted to:
 - U.S. Environmental Protection Agency
 - National Security Information Program Team
 - 1200 Pennsylvania Avenue, NW
 - Mail Code 3206R, Room G.1-1
 - Washington, DC 20460
- A valid mandatory declassification review request need not identify the requested information by date or title of the responsive records, but must be of sufficient specificity to allow the office with primary responsibility to locate the records containing the information sought with a reasonable amount of effort.
- The NSI Program Team shall acknowledge receipt of the request directly to the requester. The NSI Program Team shall ensure that each mandatory declassification review is forwarded to EPA's Office of Homeland Security for review and processing by an Original Classification Authority (OCA) with jurisdiction over the information:
 - The OCA conducting a mandatory review for declassification shall declassify information that no longer meets the standards for classification.
 - When information cannot be declassified in its entirety, the person declassifying the information will make a reasonable effort to declassify as much as possible (this is known as redaction).
- The OCA must review the information within 30 days:



- The OCA shall inform the NSI Program Team of the declassification determination or request additional time.
- The OCA shall make a final declassification determination within 180 days from the date of receipt.
- The NSI Program Team shall communicate its declassification determination to the requester:
 - If the request is denied, the requester will be informed of the right of an administrative appeal, which must be filed within 60 days of receipt of the denial.
 - Requesters have the right to appeal the OCA's decision of EPA to the Interagency Security Classification Appeals Panel (ISCAP) in accordance with E.O. 12958.
- Following the receipt of an appeal, the NSI Program Team shall make a determination within 90 days:
 - If additional time is required, the requester will be informed of the additional time needed and provided with the reason for the extension.
- NSI Program Team shall notify the requester, in writing, of the final determination and the reasons for any denial.

When EPA receives a mandatory declassification review request for records in its possession that were originated by another agency, the NSI Program Team shall refer the request and the pertinent records to the originating agency or department. However, if the originating agency has previously agreed that the custodial office may review its records, the custodial office shall review the requested records in accordance with declassification guides or guidelines provided by the originating agency. Upon receipt of a request from the referring agency, the NSI Program Team shall process the request in accordance with this chapter.