



United States Department of Agriculture



OFFICE OF INSPECTOR GENERAL



# Agroterrorism Prevention, Detection, and Response

## Audit Report 61701-0001-21

### OBJECTIVE

Our objective was to evaluate if USDA's OHSEC had developed and communicated effective plans and procedures to prevent, detect, and respond to agroterrorism threats.

### REVIEWED

OIG reviewed applicable legislation, directives, and regulations; interviewed OHSEC officials; and evaluated existing OHSEC publications related to agroterrorism preparedness activities from October 2010 to November 2016. We conducted fieldwork at USDA Headquarters in Washington, D.C. We performed audit fieldwork from October 2015 through November 2016. In November 2016, OIG initiated an audit of USDA agencies' agroterrorism preparedness efforts.

### RECOMMENDS

OHSEC needs to develop and implement written processes to effectively oversee USDA's agroterrorism prevention, detection, and response activities; develop and implement a comprehensive process to track USDA's compliance with HSPD-9; and improve the process used to create the SSP.

## OIG reviewed OHSEC's actions to oversee USDA's ability to prevent, detect, and respond to agroterrorism.

### WHAT OIG FOUND

Agroterrorism is a threat to national security and could result in increased human illnesses and deaths, widespread destruction of crops and livestock, and significant economic loss to the Nation's farmers and ranchers. The Office of Inspector General (OIG) focused on the Department of Agriculture's (USDA) Office of Homeland Security and Emergency Coordination's (OHSEC) actions related to agroterrorism preparedness. OIG found that OHSEC had not adequately overseen and coordinated USDA's efforts to prevent, detect, and respond to agroterrorism. Also, OHSEC did not demonstrate that USDA was in compliance with Homeland Security Presidential Directive (HSPD)-9 requirements to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies.

Additionally, OHSEC led the Food and Agriculture (FA) Sector's efforts to develop and publish a 2015 Sector-Specific Plan (SSP), which resulted in limited representation of USDA's efforts to secure the Nation's agriculture and food supply. OHSEC officials stated they had a process that gathered information from a few key USDA agencies. However, OHSEC did not maintain any evidence to support the material in the 2015 SSP or to assist with preparing the next SSP. Thus, the FA Sector may not be able to fully rely on this plan to guide security and resilience efforts for the next four years since it may not focus on the Sector's critical needs.

OHSEC generally agreed with our recommendations, and we accepted management decision on 11 of 14 recommendations.





United States Department of Agriculture  
Office of Inspector General  
Washington, D.C. 20250



DATE: March 27, 2017

AUDIT  
NUMBER: 61701-0001-21

TO: Todd H. Repass, Jr.  
Director  
Office of Homeland Security and Emergency Coordination

ATTN: Jennifer Wendel  
Audit Liaison Officer

FROM: Gil H. Harden  
Assistant Inspector General for Audit

SUBJECT: Agroterrorism Prevention, Detection, and Response

This report presents the results of the subject audit. Your written response, dated March 6, 2017, is included in its entirety at the end of the report. Excerpts from your response and the Office of Inspector General's position are incorporated in the relevant sections of the report. Based on your written response, we are accepting management decision for 11 of the 14 audit recommendations in the report.

In accordance with Departmental Regulation 1720-1, please furnish a reply within 60 days describing the corrective actions taken or planned, and timeframes for implementing the recommendations for which management decisions have not been reached. Please note that the regulation requires management decision to be reached on all recommendations within 6 months from report issuance, and final action to be taken within 1 year of each management decision to prevent being listed in the Department's annual Agency Financial Report. For agencies other than the Office of the Chief Financial Officer (OCFO), please follow your internal agency procedures in forwarding final action correspondence to OCFO.

We appreciate the courtesies and cooperation extended to us by members of your staff during our audit fieldwork and subsequent discussions. This report contains publicly available information and will be posted in its entirety to our website (<http://www.usda.gov/oig>) in the near future.



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# Background and Objectives

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## Background

Agroterrorism is defined as “the deliberate introduction of an animal or plant disease for the purpose of generating fear, causing economic loss, or undermining social stability.”<sup>1</sup> The Food and Agriculture (FA) Sector’s critical infrastructure<sup>2</sup> includes “open areas (e.g., farms, ranches, or livestock transport areas) and complex systems”<sup>3</sup> that make them vulnerable to an agroterrorist attack. The United States has roughly 2.1 million farms, encompassing 915 million acres of land. Collectively, American farms produce \$212 billion in crops and another \$182 billion in livestock, poultry, and products.<sup>4</sup> A Homeland Security Presidential Directive (HSPD) issued in 2003 stated, “Terrorists seek to destroy, incapacitate, or exploit critical infrastructure and key resources across the United States to threaten national security, cause mass casualties, weaken our economy, and damage public morale and confidence.”<sup>5</sup> Therefore, it is vitally important to protect the Nation’s food and agriculture in order to ensure our health, safety, and economic well-being.

In response to the September 11, 2001, terrorist attack in the United States, Congress enacted the Homeland Security Act of 2002. The Act established the Department of Homeland Security (DHS) as an executive department.<sup>6</sup> The President also issued a series of HSPDs, of which HSPD-7<sup>7</sup> and HSPD-9<sup>8</sup> have the most relevance to our audit.

## Homeland Security Presidential Directives

HSPD-7, enacted in 2003, established a national policy for Federal departments and agencies to identify and prioritize the United States’ critical infrastructure and to protect it from terrorist attacks. It also designated USDA as a Sector-Specific Agency (SSA).<sup>9</sup> As an SSA, USDA is required to develop and submit Sector Specific Plans (SSP) to DHS for the development of a comprehensive National Infrastructure Protection Plan (NIPP).<sup>10</sup> The NIPP provides an overall framework for integrating critical infrastructure protection and resiliency programs, strategies,

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<sup>1</sup> Congressional Research Service, *Report for Congress, Agroterrorism: Threats and Preparedness* (Mar. 12, 2007).

<sup>2</sup> The Patriot Act of 2001, Pub. L. No. 107-56, 115 Stat. 401 (2001), defined critical infrastructure as “systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”

<sup>3</sup> USDA, Food and Drug Administration (FDA), *Food and Agriculture Sector-Specific Plan* (2015).

<sup>4</sup> National Agricultural Statistics Service, *2012 Census of Agriculture* (2014).

<sup>5</sup> HSPD-7, *Critical Infrastructure Identification, Prioritization, and Protection* (Dec. 17, 2003).

<sup>6</sup> The Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2142.

<sup>7</sup> HSPD-7, *Critical Infrastructure Identification, Prioritization, and Protection* (Dec. 17, 2003).

<sup>8</sup> HSPD-9, *Defense of United States Agriculture and Food* (Jan. 30, 2004).

<sup>9</sup> HSPD-7 defines an SSA as a “federal department or agency responsible for infrastructure protection activities in a designated critical infrastructure sector or key resources category.”

<sup>10</sup> The NIPP was originally released in 2006 and was updated in 2009 and 2013. The purpose of the *NIPP 2013: Partnering for Critical Infrastructure Security and Resilience* “is to guide the national effort to manage risk to the Nation’s critical infrastructure.”

and activities into a single national program.<sup>11</sup> In 2013, Presidential Policy Directive (PPD)-21 replaced HSPD-7, and designated USDA and the Department of Health and Human Services (HHS) as co-SSAs responsible for providing leadership for the FA Sector.<sup>12</sup> PPD-21 required DHS to update the NIPP, which it did in 2013. The 2013 NIPP required each SSA to update its SSP.

HSPD-9, enacted in 2004, “establishe[d] a national policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies.”<sup>13</sup> It directed the Secretary of Agriculture and leaders of other Federal departments and agencies to defend the agriculture and food systems against terrorist attacks, major disasters, and other emergencies. HSPD-9 outlined roles and responsibilities for USDA, some of which include: developing early warning capabilities, identifying and mitigating vulnerabilities, and enhancing response and recovery in the event of a terrorist attack, major disaster, or other emergency.

### **USDA OHSEC and Agroterrorism Preparedness**

In 2003, USDA established the Homeland Security Staff and delegated it the authority to provide overall leadership and coordination of programs for planning and responding to major natural, man-made, and terrorist threats and emergencies. The Homeland Security Staff became the Office of Homeland Security (OHS) in 2008. In 2010, USDA created the Office of Homeland Security and Emergency Coordination (OHSEC) by merging OHS with the Office of Security Services in order to “ensure better security and preparedness throughout all of its agencies and offices.”<sup>14</sup> The Secretary of Agriculture has delegated specific authorities to OHSEC, including the “development and promulgation of policies for the Department regarding emergency preparedness and national security, including matters relating to anti-terrorism and agriculture-related emergency preparedness planning both national and international, and guidance to USDA State and County Emergency Boards.”<sup>15</sup> OHSEC has also been delegated the authority to “oversee the Department’s ability to collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity and to coordinate such activities among agencies and offices within the Department.”<sup>16</sup> OHSEC, as a co-leader of the FA Sector, has the responsibility to coordinate with all USDA agencies and offices to meet sector goals.<sup>17</sup>

Over the past six years, OHSEC has issued two SSPs, one in 2010 and one in 2015; one Sector Critical Infrastructure Protection Annual Report (SAR) in 2011; one Departmental Manual (DM) in 2011;<sup>18</sup> and one Departmental Regulation (DR) in 2011;<sup>19</sup> and has drafted a HSPD-9 tracking document in 2015. “The purpose of the FA SSP is to guide and integrate the FA Sector’s efforts

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<sup>11</sup> USDA, FDA, *Food and Agriculture Sector-Specific Plan, An Annex to the National Infrastructure Protection Plan* (2010).

<sup>12</sup> PPD-21, *Critical Infrastructure Security and Resilience* (Feb. 12, 2013).

<sup>13</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 1 (Jan. 30, 2004).

<sup>14</sup> USDA, *About OHSEC* (accessed on Oct. 16, 2015), <http://www.dm.usda.gov/ohsec/about.htm>.

<sup>15</sup> 7 Code of Federal Regulations (C.F.R.) § 2.95(b)(1)(iv).

<sup>16</sup> 7 C.F.R. § 2.95(b)(5).

<sup>17</sup> USDA Departmental Manual 1800-001, *Incident Preparedness, Response, and Recovery* (Dec. 2011).

<sup>18</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery* (Dec. 2011).

<sup>19</sup> USDA Departmental Regulation 1800-001, *Incident Preparedness, Response, and Recovery* (Dec. 2011).

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to improve security and resilience, and to describe how the FA Sector contributes to national critical infrastructure security and resilience as set forth in PPD-21.”<sup>20</sup> OHSEC is also required to annually submit a SAR to DHS to document FA Sector efforts to identify, prioritize, and coordinate critical infrastructure protection.<sup>21</sup> This report includes a listing of projects and selected accomplishments completed during a reporting cycle. In 2011, OHSEC issued the DM to provide guidance on incident preparedness, response, and recovery responsibilities within USDA at the national, regional, State, and county levels.

If an agroterrorism incident were to occur, the DM and DHS’ National Response Framework<sup>22</sup> provide that it would generally be handled at the lowest jurisdictional level. The local government (such as a city or town) would be the first to respond to an incident. If a disaster exceeds the capacity of the local government, then the State government would supplement the local efforts. According to the DM, “the size and complexity of an incident will determine the level of involvement for USDA and its offices and agencies.”<sup>23</sup>

### **Prior Audit**

In a 2011 audit report,<sup>24</sup> the Government Accountability Office (GAO) recommended that USDA develop a USDA-wide strategy for implementing HSPD-9 responsibilities.<sup>25</sup> OHSEC completed corrective action for this recommendation in July 2015 by creating a tracking document that compiled responses about HSPD-9 activities from contributing USDA agencies. OHSEC officials said that they intend to update this document annually.

### **Objective**

The objective of our audit was to evaluate if USDA’s OHSEC had developed and communicated effective plans and procedures to prevent, detect, and respond to agroterrorism threats.

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<sup>20</sup> *Food and Agriculture Sector-Specific Plan* (2015).

<sup>21</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery*, Chapter 6 (Dec. 2011).

<sup>22</sup> DHS’ *National Response Framework* (June 2016) “is a guide on how the Nation responds to all types of disasters and emergencies.”

<sup>23</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery*, Chapter 2, Part 1 (Dec. 2011).

<sup>24</sup> GAO Audit Report, GAO-11-652, *Actions Needed to Improve Response to Potential Terrorist Attacks and Natural Disasters Affecting Food and Agriculture* (Aug. 2011).

<sup>25</sup> This was one of five recommendations that GAO made to USDA. The other four recommendations were specific to the Animal and Plant Health Inspection Service. All five recommendations have been addressed by USDA and closed by GAO.

## Section 1: OHSEC Needs to Improve Actions Related to USDA's Agroterrorism Preparedness

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### Finding 1: OHSEC Lacked Oversight of USDA's Agroterrorism Preparedness

OHSEC had not adequately overseen and coordinated USDA's efforts to prevent, detect, and respond to an agroterrorism attack on the U.S. agriculture and food systems, which are vulnerable to disease, pest, or poisonous agents.<sup>26</sup> This occurred because OHSEC had not developed and implemented effective procedures to carry out the office's responsibilities for USDA's agroterrorism preparedness. Instead, OHSEC relied on USDA agencies to independently conduct actions related to agroterrorism prevention, detection, and response.<sup>27</sup> An agroterrorism attack is a threat to national security and, without adequate agency preparedness and response, could result in increased human illnesses and death, widespread destruction of crops and livestock, and significant economic loss to the nation's farmers and ranchers.

The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) assigned USDA's Director of Homeland Security<sup>28</sup> the responsibility to coordinate all homeland security activities for the Department, including integration and coordination of interagency emergency response plans for agricultural disease emergencies, agroterrorist acts, and other threats to agricultural biosecurity.<sup>29</sup> The Assistant Secretary for Administration delegated authority to OHSEC to oversee USDA's ability to collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity, and coordinate such activities among agencies.<sup>30</sup> In addition, the Assistant Secretary for Administration delegated OHSEC the authority to develop and promulgate policies for USDA regarding emergency preparedness and national security, including matters related to anti-terrorism.<sup>31</sup>

We identified several improvements that OHSEC can make to oversee and coordinate USDA's ability to prevent, detect, and respond to agroterrorism. These improvements are related to oversight processes, vulnerability assessments, response plans, exercises, reports, and online resources. The following sections provide details regarding our findings and conclusions in each of these areas.

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<sup>26</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 2 (Jan. 30, 2004).

<sup>27</sup> We did not contact USDA agencies because the audit's objective was to evaluate OHSEC's activities. In November 2016, we initiated an audit of USDA agencies' efforts to prevent, detect, and respond to agroterrorism threats or attacks.

<sup>28</sup> In 2010, USDA created OHSEC by merging OHS with the Office of Security Services.

<sup>29</sup> 2008 Farm Bill, Pub. L. No. 110-246, tit. XIV, subtit. B, § 14111 (June 18, 2008) (codified at 7 U.S.C. § 8911).

<sup>30</sup> 7 C.F.R. § 2.95(b)(5). The Assistant Secretary for Administration delegated this authority to the Director of OHSEC on July 23, 2010.

<sup>31</sup> 7 C.F.R. § 2.95(b)(1)(v). The Assistant Secretary for Administration delegated this authority to the Director of OHSEC on July 23, 2010. The Director, Homeland Security Staff, was delegated a similar authority by the Secretary of Agriculture on May 20, 2003.

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### *Lack of a Documented Oversight Process*

OHSEC did not have a documented process to oversee and coordinate USDA's ability to prevent, detect, and respond to agroterrorism. OHSEC was delegated authority to oversee USDA's ability to collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity, and coordinate such activities among agencies within USDA.<sup>32</sup> In addition, the Departmental regulation governing internal controls<sup>33</sup> states, "all managers directing or controlling resources within USDA are responsible for establishing, evaluating, and improving on controls."<sup>34</sup>

Based on these requirements, we requested OHSEC's policies and procedures related to the prevention, detection, and response to agroterrorism threats. The information OHSEC provided<sup>35</sup> consisted of either Presidential directives or broad and high level guidance. Accordingly, we concluded that OHSEC had not documented a detailed process to oversee USDA's agroterrorism preparedness.<sup>36</sup> We met with OHSEC officials several times to obtain explanations about how they oversee and coordinate USDA's agroterrorism preparation activities, and an OHSEC official stated that OHSEC did not have oversight responsibilities over USDA agencies.

We disagree with the official's position about OHSEC's oversight responsibilities because regulations clearly state that OHSEC is required to oversee USDA's ability to prepare for an agroterrorist act as well as develop and promulgate policies for USDA related to emergency preparedness and national security, including matters related to anti-terrorism and agriculture-related emergency preparedness planning.<sup>37</sup> In addition, OHSEC is required to coordinate all homeland security activities for USDA, including integration and coordination of interagency emergency response plans for agricultural disease emergencies, agroterrorist acts, and other threats to agricultural biosecurity.<sup>38</sup> Based on these requirements, OHSEC needs to develop and implement a written process to oversee and coordinate USDA's agroterrorism prevention, detection, and response activities. This process needs to include steps to perform a USDA-wide vulnerability assessment<sup>39</sup> for agroterrorism preparedness every two years and integrate and coordinate response plans for agricultural disease emergencies and agroterrorist acts.<sup>40</sup> A written

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<sup>32</sup> 7 C.F.R. § 2.95(b)(5).

<sup>33</sup> GAO-14-704G, *Standards for Internal Control in the Federal Government* (Sept. 2014), states that internal controls include plans, methods, policies, and procedures used to fulfill an entity's mission, strategic plans, goals, and objectives.

<sup>34</sup> USDA DR 1110-002, *Management's Responsibility for Internal Control* (June 17, 2013).

<sup>35</sup> In response to our request, OHSEC referred to: HSPD-9; PPD-21; PPD-8, *National Preparedness*; USDA DR 1800; and USDA DM 1800-001.

<sup>36</sup> OHSEC officials cited USDA DM 1800-001 as fulfilling this need. However, our review of the document determined that it does not include specific plans, methods, policies, and procedures OHSEC uses to fulfill its mission, goals, and objectives.

<sup>37</sup> 7 C.F.R. § 2.95(b)(1)(v) and (b)(5).

<sup>38</sup> 2008 Farm Bill, Pub. L. No.110-246, tit. XIV, subtit. B, § 14111 (June 18, 2008) (codified at 7 U.S.C. § 8911).

<sup>39</sup> According to the *NIPP 2013: Partnering for Critical Infrastructure Security and Resilience*, vulnerability is a physical feature or operational attribute that renders an entity open to exploitation or susceptible to a given hazard.

<sup>40</sup> We discuss vulnerability assessments and response plans in more detail later in the finding.

process would help OHSEC provide effective oversight of USDA's agroterrorism preparedness capabilities because it would allow OHSEC to establish, oversee, and communicate responsibilities and achievements to relevant stakeholders. In addition, a written process would help ensure consistency and provide a means to maintain organizational knowledge if there is staff turnover.

#### *Vulnerability Assessments Not Performed*

We also determined that OHSEC had not assessed USDA's agroterrorism vulnerabilities. HSPD-9 requires that the Secretary of Agriculture expand and continue vulnerability assessments of the FA Sector and update them every two years.<sup>41</sup> OHSEC has been delegated the authority to act as the primary USDA representative for anti-terrorism activities<sup>42</sup> and is responsible for advising the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security.<sup>43</sup> In our view, OHSEC has the responsibility to perform vulnerability assessments based on the requirements above.

We requested vulnerability assessments completed in the past five years. OHSEC did not provide any vulnerability assessments for that time period.<sup>44</sup> An OHSEC official stated that OHSEC had not performed any vulnerability assessments and relied on the agencies to independently make assessments. However, OHSEC did not routinely obtain or monitor agency assessment results. Additionally, since each agency is a component of USDA, the agency vulnerabilities might not be representative of the entire Department. As a result, OHSEC may not be aware of USDA's most significant agroterrorism vulnerabilities. According to the NIPP, assessing vulnerabilities is an important step in developing security solutions and managing critical infrastructure risk.<sup>45</sup> Therefore, OHSEC needs to develop and implement a written process to perform a USDA-wide agroterrorism vulnerability assessment every two years to adhere to the HSPD-9 requirement and better prepare for agroterrorism threats. A USDA-wide assessment would allow OHSEC to understand the most significant vulnerabilities so that resources can be allocated for planning and mitigation. This USDA-wide assessment can be based on assessment results provided by individual agencies.

#### *Response Plans and Exercise Results Not Obtained*

OHSEC had not exercised sufficient oversight over agency response plans, and had not obtained information or results from agencies on exercises<sup>46</sup> related to agroterrorism.

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<sup>41</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 11 (Jan. 30, 2004). This requirement also applies to the Secretaries of HHS and Homeland Security.

<sup>42</sup> 7 C.F.R. § 2.95(b)(1)(viii).

<sup>43</sup> 2008 Farm Bill, Pub. L. No.110-246, tit. XIV, subtit. B, § 14111 (June 18, 2008).

<sup>44</sup> In October 2015, we requested that OHSEC provide vulnerability assessments completed in the past five years.

<sup>45</sup> NIPP 2013 Supplemental Tool: *National Protection and Programs Directorate Resources to Support Vulnerability Assessments*.

<sup>46</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery*, defines an exercise as an instrument to train for, assess, practice, and improve performance in prevention, protection, response, and recovery capabilities in a risk-free environment. Exercises can be performed at the national, regional, and State levels.

The 2008 Farm Bill assigned authority to the Director of OHSEC to coordinate all homeland security activities for USDA, including integration and coordination of interagency emergency response plans for agricultural disease emergencies, agroterrorist acts, and other threats to agricultural biosecurity.<sup>47</sup> In addition, HSPD-9 states that the Secretary of Homeland Security, in coordination with the Secretary of Agriculture and other Federal leaders, “will ensure that the combined Federal, State, and local response capabilities are adequate to respond quickly and effectively to a terrorist attack, major disease outbreak, or other disaster affecting the national agriculture or food infrastructure.”<sup>48</sup> According to Departmental guidance,<sup>49</sup> exercises are the primary tool to assess preparedness and identify areas for improvement. Therefore, agency agroterrorism exercise results would provide OHSEC with valuable information as to whether response capabilities are adequate in accordance with HSPD-9.

Based on these requirements, we requested that OHSEC provide current agroterrorism response plans and reports of the most recently completed agroterrorism exercises. OHSEC did not provide any response plans. When we asked about OHSEC’s responsibility in this area, an official stated that OHSEC does not have oversight responsibility over agency response plans. We asked OHSEC officials how they measured the success of response plans, and they reaffirmed their position that agency officials manage their own response plans. We disagree with this position because it leaves OHSEC with limited assurance that agencies have effective response plans in place and that their preparedness and response capabilities are adequate. Without effective response plans, agricultural resources could be more vulnerable to disease emergencies or agroterrorism. OHSEC officials need to develop and implement a written process to integrate, coordinate, and communicate agency response plans for agricultural disease emergencies or agroterrorist acts to address this potential vulnerability and to meet their oversight responsibilities.

We also asked OHSEC officials if they obtained information about agency exercises, such as After-Action Reports/Improvement Plans (AAR/IP).<sup>50</sup> An official stated that OHSEC does not receive AAR/IPs from agencies because exercises are not within OHSEC’s area of responsibility. OHSEC officials stated they led and coordinated the Department’s participation in three exercises.<sup>51</sup> However, during our audit work, OHSEC officials did not provide us with any evidence related to these activities or elaborate on how these exercises were related to agroterrorism preparedness.

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<sup>47</sup> 2008 Farm Bill, Pub. L. No.110-246, tit. XIV, subtit. B, § 14111 (June 18, 2008).

<sup>48</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 14 (Jan. 30, 2004). This requirement applies to the Secretary of Homeland Security, in coordination with the Secretaries of Agriculture and HHS, the Attorney General, and the Administrator of the Environmental Protection Agency (EPA).

<sup>49</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery*, Chapter 8 (Dec. 2011).

<sup>50</sup> According to USDA DM 1800-001, an AAR/IP captures issues and observations recorded during an exercise and post-exercise discussions. An AAR/IP focuses on results in meeting mission area capabilities, targets, and critical tasks.

<sup>51</sup> OHSEC officials referred to the annual Eagle Horizon exercise, a foot and mouth disease exercise in 2016, and the Southern Exposure exercise in 2015.

In our view, information from agency exercises could be used to improve USDA's ability to prepare for agroterrorism by making sure that issues identified in the exercises are mitigated by agency or OHSEC officials. In addition, best practices and effective policies validated through exercises can be shared across USDA to increase agroterrorism preparedness. In order to obtain these benefits, OHSEC needs to develop a process to obtain information from agencies about the purpose, frequency, and outcomes related to agroterrorism exercises. In addition, OHSEC needs to review AAR/IPs to identify and share key results, and ensure that agencies implement corrective actions in a timely manner to resolve identified weaknesses.

### *Report Publication Can Be Improved*

OHSEC has not issued a Sector Critical Infrastructure Protection Annual Report (SAR) on an annual basis. Departmental guidance states that OHSEC works with FDA to compile information into a comprehensive report for the FA Sector and submit it to DHS on an annual basis.<sup>52</sup> However, OHSEC had not issued a SAR for the FA Sector since 2011. OHSEC officials did not have a documented process to create a SAR. The OHSEC official responsible for creating the SAR informed us that he joined OHSEC in late 2014. As a result, he could not provide a reason why a SAR had not been issued since 2011. He acknowledged that issuing a SAR is important because it provides information on what agencies are doing each year to assess if they are working to further the FA Sector's goals. The OHSEC official also informed us that he started the process to compile data from agencies for a SAR to be published later in fiscal year 2016.<sup>53</sup> In order to ensure that a SAR is published each year, OHSEC should create a documented process to obtain information from agencies and compile it into a SAR annually.

OHSEC also generates reports based on information from USDA agencies, but it does not have an integrated process for requesting the necessary data. For example, OHSEC requires agency data in order to create a tracking document for USDA's compliance with HSPD-9 and the SSP for the FA Sector.<sup>54</sup> OHSEC intends to compile information from agencies related to HSPD-9 on a yearly basis and collect information to issue a new SSP every four years. Since the SAR, HSPD-9 tracking document, and SSP all require information from agencies, OHSEC should integrate the data collection processes for these documents. This integration will increase efficiencies for both OHSEC and the agencies because all the information can be requested and provided as part of a single process.

### *Outdated Online Resources*

OHSEC had not included relevant and current resources to promote agroterrorism preparedness on the USDA homeland security website.<sup>55</sup> The homeland security website

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<sup>52</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery*, Chapter 6 (Dec. 2011).

<sup>53</sup> A new SAR has not been published as of January 2017.

<sup>54</sup> We discuss these topics in detail in Findings 2 and 3, respectively.

<sup>55</sup> USDA, *Homeland Security* (Mar. 28, 2016),

<http://www.usda.gov/wps/portal/usda/usdahome?navid=HOMELANDSECU>.

was accessible through the main USDA website.<sup>56</sup> However, OHSEC officials were unaware of the website until we questioned them about it, and they did not know who was responsible for the site's information. We reviewed the website and noted that it did not offer current information or resources about agroterrorism preparedness. For example, the website provided links to a checklist for farm security from 2006 and a news release from 2005. However, the 2008 Farm Bill assigned OHSEC the responsibility to coordinate all homeland security activities for USDA, which would include updating the homeland security website.<sup>57</sup>

We searched other Federal websites to identify useful information on agroterrorism preparedness that OHSEC could also use on a USDA website. For example, FDA's website offers tools and educational materials such as food defense training resources, facility defense plans, and food-related emergency exercises.<sup>58</sup> DHS' website offers free tools and resources to government and private sector partners related to critical infrastructure security and resilience.<sup>59</sup> We noted that OHSEC's National Security Policy Staff (NSPS) website<sup>60</sup> includes some resources related to agroterrorism preparedness, but it was more difficult to find and access than the homeland security website.

After we brought the existence of the homeland security website to the attention of OHSEC officials, they had the Office of the Chief Information Officer disable it. However, in our view, USDA should offer an easily accessible website with links to current tools and resources, such as those offered on FDA and DHS websites. This information can help increase the FA Sector's overall agroterrorism preparedness. America's agriculture and food system is an extensive, open, interconnected, diverse, and complex structure providing potential targets for terrorist attacks.<sup>61</sup> An easily accessible USDA website that provides agroterrorism preparedness resources could be helpful to farmers and ranchers seeking information on how to protect their operations from intentional contamination or adulteration, and report potential incidents to authorities. Accordingly, OHSEC should develop and implement a written process to maintain a USDA website to provide useful resources related to agroterrorism that is readily available to all USDA constituents.

Overall, OHSEC officials need to develop written processes to meet their responsibilities related to agroterrorism prevention, detection, and response activities. OHSEC officials also need to develop written processes to obtain exercise results from agencies so that they have a better understanding of agency preparedness. In addition, OHSEC can use existing resources by providing links to agroterrorism preparedness information on an easily accessible website. These actions will help OHSEC identify and address weaknesses that could leave the nation's

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<sup>56</sup> USDA, <http://www.usda.gov/wps/portal/usda/usdahome> (accessed on Mar. 28, 2016).

<sup>57</sup> 2008 Farm Bill, Pub. L. No.110-246, tit. XIV, subtit. B, § 14111 (June 18, 2008).

<sup>58</sup> FDA, *Food Defense* (accessed on Mar. 30, 2016),

<http://www.fda.gov/Food/FoodDefense/ToolsEducationalMaterials/default.htm>.

<sup>59</sup> DHS, *Critical Infrastructure Resources* (accessed on Mar. 30, 2016), <https://www.dhs.gov/critical-infrastructure-resources>.

<sup>60</sup> OHSEC, *National Security Policy Staff* (accessed on Mar. 18, 2016),

<http://www.dm.usda.gov/ohsec/nsps/index.htm>.

<sup>61</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 2 (Jan. 30, 2004).

agricultural resources vulnerable to an attack and provide the public with information that can increase preparedness.

OHSEC officials generally agreed with our recommendations, but commented that they are compliant with their regulatory responsibilities based on their current activities. However, we believe that our recommendations are in accordance with OHSEC's regulatory responsibilities and will help enhance USDA's agroterrorism preparedness. Therefore, we recommend that OHSEC officials obtain a formal opinion from the USDA's Office of the General Counsel (OGC) on OHSEC's responsibilities for overseeing USDA's preparedness for emergencies, including agroterrorism.

## **Recommendation 1**

Develop and implement a written process for how OHSEC oversees and coordinates USDA's agroterrorism prevention, detection, and response activities. At a minimum, this process should include steps to: (a) perform a USDA-wide vulnerability assessment for agroterrorism preparedness every two years, and (b) integrate, coordinate, and communicate response plans for agricultural disease emergencies and agroterrorist acts.

### **Agency Response**

In its March 6, 2017, response, OHSEC stated, "OHSEC is in the process of rewriting DR-1800 and DM-1800 which will include these objectives." OHSEC provided an estimated completion date of March 31, 2018, for this action.

### **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 2**

Obtain information from agencies about the purpose, frequency, and outcomes of exercises related to agroterrorism. Review after-action reports from agency exercises to: (a) identify lessons learned and best practices and distribute them to other appropriate USDA agencies, and (b) ensure that agencies implement corrective actions in a timely manner to resolve identified weaknesses.

### **Agency Response**

In its March 6, 2017, response, OHSEC stated, "OHSEC is developing standard operating procedures (SOP) outlining how to best accomplish these objectives." OHSEC provided an estimated complete date of March 31, 2018, for this action.

## **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 3**

Create a process to obtain information from agencies and compile it into a SAR each year for issuance to DHS.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated, “This process was utilized for the FY16 data call and will be documented in SOPs.” OHSEC provided an estimated completion date of March 31, 2018, for this action.

## **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 4**

Integrate the data collection processes for the HSPD-9 tracking document, SAR, and SSP.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated, “Completed.”

## **OIG Position**

We do not accept management decision for this recommendation. OHSEC’s response did not include enough information for us to determine if the action or actions were sufficient to fully address our recommendation. To reach management decision, OHSEC needs to describe the action or actions taken to fully address this recommendation.

## **Recommendation 5**

Develop and implement a written process to maintain a USDA website to provide useful resources related to agroterrorism that is readily available to all USDA constituents. As a part of this process, conduct an analysis to identify agroterrorism prevention, detection, and response information available on USDA and other Federal websites that can be included on this website.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated, “OHSEC maintains a page meeting these requirements. OHSEC will capture a written process for maintenance as part of SOPs.” OHSEC provided an estimated completion date of March 31, 2018, for this action.

## **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 6**

Obtain a formal opinion from the USDA’s Office of the General Counsel on OHSEC’s responsibilities for overseeing USDA’s preparedness for emergencies, including agroterrorism.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated that it supports, “OIG’s assertion that the first step in addressing recommendations associated with these audit findings should be to seek a formal opinion from the Office of General Counsel (OGC) on OHSEC’s responsibilities for overseeing USDA’s preparedness for emergencies, including agroterrorism.” OHSEC stated, “OHSEC will complete this recommendation prior to other incomplete recommendations to help scope those actions.” OHSEC provided an estimated completion date of July 31, 2017, for this action.

## **OIG Position**

We accept management decision for this recommendation.

## **Finding 2: Insufficient Evidence to Support USDA’s Compliance with HSPD-9**

OHSEC officials were unable to demonstrate USDA’s compliance with HSPD-9 requirements. We arrived at this conclusion because OHSEC officials had not developed a documented annual oversight process to obtain, evaluate, and validate HSPD-9 activities from all USDA agencies. Instead, OHSEC officials used a basic tracking document and relied on USDA agencies to independently comply with HSPD-9 requirements. HSPD-9’s purpose is to establish a national policy to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies. However, OHSEC had limited assurance that USDA was in compliance with HSPD-9 requirements.

HSPD-9 directs the Secretary of Agriculture and the leaders of other Federal departments and agencies to take actions to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies.<sup>62</sup> HSPD-9 contains 22 requirements, which include ensuring capabilities are adequate to respond to a terrorist attack, performing vulnerability assessments every 2 years, and developing strategies to protect vulnerable critical nodes of production or processing from the introduction of diseases, pests, or poisonous agents. HSPD-9 also states that the Secretary of Agriculture will perform responsibilities as an SSA.<sup>63</sup> SSAs are responsible for overseeing and coordinating protection and resiliency efforts. At USDA, leadership for SSA responsibilities rests with OHSEC.<sup>64</sup>

In July 2015, OHSEC created a tracking document in response to a 2011 GAO audit that recommended USDA develop a USDA-wide strategy for implementing HSPD-9 responsibilities.<sup>65</sup> The tracking document compiled responses from 8 of 37 USDA agencies<sup>66</sup> about activities related to 20 HSPD-9 requirements as of July 2015.<sup>67</sup> Based on the document, an OHSEC official believed that HSPD-9 requirements were in place at USDA, and that there was a process to monitor implementation.

However, we identified several deficiencies with OHSEC’s process for creating and using the tracking document. As a result, OHSEC had limited assurance that USDA was in compliance with HSPD-9 requirements. The following sections provide details on these deficiencies.

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<sup>62</sup> These other leaders include the Attorney General, the Secretary of Homeland Security, the Director of Central Intelligence, and the Secretary of HHS.

<sup>63</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 7 (Jan. 30, 2004). This requirement also applies to the Secretary of HHS and the Administrator of the EPA.

<sup>64</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery*, Chapter 6 (Dec. 2011).

<sup>65</sup> GAO Audit Report, GAO-11-652, *Actions Needed to Improve Response to Potential Terrorist Attacks and Natural Disasters Affecting Food and Agriculture* (Aug. 2011).

<sup>66</sup> The tracking document included responses from the: (1) Agricultural Research Service; (2) Animal and Plant Health Inspection Service; (3) Food Safety and Inspection Service; (4) National Institute of Food and Agriculture; (5) Risk Management Agency; (6) Agricultural Marketing Service; (7) Office of Budget and Program Analysis; and (8) Office of the General Counsel.

<sup>67</sup> The tracking document did not include USDA activities for two HSPD-9 requirements. OHSEC officials stated that one activity was the primary responsibility of the Attorney General, the Secretary of Homeland Security, and the Director of Central Intelligence. The second activity was to submit a budget plan for defense of the United States food system. OHSEC officials requested information for this activity, but did not receive any responses.

### *Lack of a Documented Process*

OHSEC officials had not developed a documented process to oversee USDA's compliance with HSPD-9. Specifically, OHSEC had no written policies or procedures to document USDA's compliance with HSPD-9. We asked OHSEC officials what was done prior to the 2015 tracking sheet to collect information on HSPD-9 activities. An OHSEC official responded that there was no other documentation of HSPD-9 oversight prior to the 2015 tracking document. The official who implemented the 2015 tracking document joined OHSEC in late 2014 and could not discuss HSPD-9 oversight prior to that date because, he stated, no information was available. OHSEC needs to develop and implement a written process to track USDA's compliance with HSPD-9 to ensure that the tracking is performed annually, consistently, and will continue when there is staff turnover. An OHSEC official agreed that the process should be documented.

### *Limited Number of Agencies Contacted*

One issue with the tracking document was that OHSEC only contacted 8 of 37 USDA agencies to compile responses. As a result, the tracking document does not provide a complete or comprehensive report on USDA's HSPD-9 compliance. OHSEC officials only contacted the eight agencies because OHSEC officials concluded that those agencies had responsibilities related to HSPD-9 compliance.<sup>68</sup> However, there are other agencies besides the eight that OHSEC contacted that could play a role in agroterrorism preparedness. For example, OHSEC did not contact the Farm Service Agency (FSA), but FSA State and county employees who are primary members of State and County Emergency Boards could have responsibilities related to incident response, such as assisting with situation reporting and coordinating resources in all States.<sup>69</sup> In addition, FSA and its field staff are also likely to be among the most recognizable and accessible USDA employees to farmers and ranchers because of interaction on farm programs. In order to have increased understanding and assurance about USDA's capabilities, OHSEC should contact all agencies when compiling the HSPD-9 tracking document. After we discussed this concern, an OHSEC official planned to contact all agencies' emergency coordinators to obtain HSPD-9 compliance information for the next tracking document.<sup>70</sup>

### *Agency Responses Not Evaluated or Validated*

Aside from only contacting 8 of 37 agencies to compile HSPD-9 information, we determined that OHSEC had not evaluated agencies' efforts to comply with HSPD-9, even though it has the responsibility to oversee USDA's ability to collect and disseminate information and prepare for an agroterrorist act.<sup>71</sup> In addition, OHSEC has the responsibility to coordinate all homeland security activities for USDA, including

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<sup>68</sup> OHSEC did not perform any type of documented analysis or risk assessments to select which agencies were contacted.

<sup>69</sup> USDA DM1800-001, *Incident Preparedness, Response, and Recovery*, Chapter 2, Part 2 (Dec. 2011).

<sup>70</sup> Emergency coordinators are USDA agency employees who serve as liaisons to USDA on prevention, protection, response, and recovery activities.

<sup>71</sup> 7 C.F.R. § 2.95(b)(5).

integration and coordination of agency emergency response plans for agricultural disease emergencies, agroterrorist acts, and other threats to agricultural biosecurity.<sup>72</sup> In our view, evaluating agencies' actions to assess compliance with HSPD-9 is a part of fulfilling these responsibilities. The agencies' actions were not evaluated because an OHSEC official stated that he trusted the experts at the agencies and let them determine if individual agencies met HSPD-9 requirements.

We discussed this concern with an OHSEC official, who acknowledged that the agencies' responses on the tracking document were basic. HSPD-9 requires the Secretary of Agriculture to develop robust, comprehensive, and fully coordinated surveillance and monitoring systems for, in part, animal, plant, and wildlife diseases.<sup>73</sup> For example, the Animal and Plant Health Inspection Service (APHIS) provided a list of various programs and systems for the tracking document, such as the Live Bird Marketing System and Comprehensive Integrated Swine Surveillance. However, the tracking document did not describe how the programs were robust, comprehensive, and fully coordinated. OHSEC needs to evaluate agencies' responses reported on the tracking document in order to make a better assessment of USDA's compliance with HSPD-9. An OHSEC official agreed that evaluating agency responses would be a beneficial next step in the process of tracking compliance with HSPD-9.

OHSEC also had not requested evidence to support the agencies' activities recorded on the tracking document. Regulations state that OHSEC is to oversee USDA's ability to collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity, and coordinate such activities among agencies within USDA.<sup>74</sup> Although OHSEC collected information about agencies' HSPD-9 compliance, it is our position that OHSEC needs to validate agencies' activities by reviewing supporting evidence as a part of its oversight responsibility. The OHSEC official stated that OHSEC's responsibility was to coordinate compliance with HSPD-9 and provide an overall picture for USDA. However, OHSEC cannot determine USDA's overall compliance with HSPD-9 with a high level of assurance without evidence to support and validate agencies' responses.

To illustrate our point, HSPD-9 required the creation of a National Veterinary Stockpile (NVS) to contain sufficient quantities of animal vaccine, antiviral, or therapeutic products to appropriately respond to the most damaging animal diseases, and that can be deployed within 24 hours of an outbreak.<sup>75</sup> The tracking document showed that APHIS, the agency responsible for the NVS, responded that this requirement was "complete." However, OHSEC officials were unable to confirm the accuracy of the statement and that the NVS was fully compliant with the HSPD-9 requirement, because they had not obtained

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<sup>72</sup> 2008 Farm Bill, Pub. L. No.110-246, tit. XIV, subtit. B, § 14111 (June 18, 2008) (codified at 7 U.S.C. § 8911).

<sup>73</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 8(a) (Jan. 30, 2004). This requirement also applies to the Secretaries of the Interior and HHS and the Administrator of the EPA.

<sup>74</sup> 7 C.F.R. § 2.95(b)(5).

<sup>75</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 18(a) (Jan. 30, 2004). This requirement is to be completed in coordination with the Secretary of Homeland Security and in consultation with the Secretary of HHS and the Administrator of the EPA.

documentation to validate the statement from APHIS. In order to make a reliable determination on USDA's compliance with HSPD-9, OHSEC needs to obtain evidence from agencies to support activities reported on the tracking document.<sup>76</sup>

OHSEC officials also had not followed up with agencies that did not provide responses about activities related to HSPD-9 requirements. For example, HSPD-9 required that vulnerability assessments of the agriculture and food sectors be performed and updated every two years.<sup>77</sup> The HSPD-9 tracking document shows that only one agency, the Food Safety and Inspection Service (FSIS), provided a response about vulnerability assessments. OHSEC officials had not followed up with the remaining seven agencies that did not respond with actions related to this requirement, so OHSEC officials did not know if agencies did not report information due to an oversight or because they did not perform vulnerability assessments. In our view, OHSEC needs to follow up with agencies that do not provide responses on HSPD-9 requirements related to mission areas or responsibilities. This confirmation will provide OHSEC with a more accurate and complete assessment of USDA's activities related to HSPD-9. An OHSEC official agreed to follow up with agencies regarding HSPD-9 efforts.

#### *Planned Activities and Performance Measures Not Included*

OHSEC did not include information about agencies' planned activities related to HSPD-9 compliance on the tracking document. This information would give OHSEC insight into areas where agencies plan to make improvements and areas where there is less focus related to HSPD-9 compliance. OHSEC officials stated that compliance with HSPD-9 is a long-term process and the tracking document should be comprehensive to ensure agencies continue to improve capabilities. In our view, OHSEC needs to request that USDA agencies provide information about planned activities for future periods related to HSPD-9 requirements. This information would provide OHSEC with a better understanding of how agencies are improving agroterrorism prevention, detection, and response capabilities.

Lastly, we determined the HSPD-9 tracking document did not include performance information to accompany the agencies' reported activities. An OHSEC official agreed that surpassing the minimum HSPD-9 requirements is beneficial, but stated that OHSEC could not analyze each USDA program's effectiveness. We believe that achievements and performance information is important because it would provide an indication of how well agencies are meeting or improving on HSPD-9 requirements. As noted previously, compliance with HSPD-9 is a long-term process, but without performance data, OHSEC had limited information to identify improvement or degradation in capabilities related to HSPD-9 requirements.<sup>78</sup> Therefore, OHSEC should request that agencies provide

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<sup>76</sup> We did not review documentation related to the NVS to determine APHIS' compliance with HSPD-9.

<sup>77</sup> HSPD-9, *Defense of United States Agriculture and Food*, Section 11 (Jan. 30, 2004). This requirement also applies to the Secretaries of HHS and Homeland Security.

<sup>78</sup> According to GAO-14-704G, *Standards for Internal Control in the Federal Government* (Sept. 2014), section 10.03, the establishment and review of performance measures and indicators is a common control activity for an entity's internal control structure.

performance information related to HSPD-9 requirements annually as a part of the HSPD-9 tracking process.

In 2015, OHSEC started to collect HSPD-9 information from some USDA agencies through a tracking document for the first time in four years.<sup>79</sup> However, OHSEC's oversight efforts need to be expanded USDA-wide to adequately and completely assess HSPD-9 compliance. Future assessment efforts can benefit from establishing core procedures to collect and analyze evidence. Process enhancements will provide OHSEC officials with more complete and comprehensive information so that they can better assess USDA's compliance with HSPD-9 requirements. As a result, OHSEC will also be able to more readily identify areas where improvement is needed so that USDA is better prepared to defend the agriculture and food system against terrorist attacks, major disasters, and other emergencies. OHSEC officials agreed that improvements could be made to the HSPD-9 tracking process, and offered comments on the draft report.

### **Recommendation 7**

Develop and implement a written process for tracking USDA's compliance with HSPD-9.

#### **Agency Response**

In its March 6, 2017, response, OHSEC stated, "OHSEC is developing SOPs outlining how to best accomplish these objectives." OHSEC provided an estimated completion date of March 31, 2018, for this action.

#### **OIG Position**

We accept management decision for this recommendation.

### **Recommendation 8**

Obtain HSPD-9 compliance information from all USDA agencies annually and follow up when they do not provide responses on HSPD-9 requirements related to mission areas and responsibilities.

#### **Agency Response**

In its March 6, 2017, response, OHSEC stated, "Completed."

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<sup>79</sup> An attachment to the 2011 SAR listed various USDA agency projects and accomplishments related to the FA Sector.

## **OIG Position**

We do not accept management decision for this recommendation. OHSEC's response did not include enough information for us to determine if the action or actions were sufficient to fully address our recommendation. To reach management decision, OHSEC needs to describe the action or actions taken to fully address this recommendation.

## **Recommendation 9**

Obtain evidence from agencies to support HSPD-9 activities and evaluate the activities to assess compliance with HSPD-9 requirements.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated, "This objective will be completed pending OGC opinion on scope of regulatory authority." OHSEC provided an estimated completion date of March 31, 2018, for this action.

## **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 10**

Request that USDA agencies provide performance information related to HSPD-9 requirements annually.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated, "This objective will be completed pending OGC opinion on scope of regulatory authority." OHSEC provided an estimated completion date of March 31, 2018, for this action.

## **OIG Position**

We accept management decision for this recommendation.

### **Finding 3: Sector-Specific Plan Was Not a Comprehensive Representation of USDA's Efforts to Secure the Nation's Agriculture and Food Supply**

The SSP that OHSEC developed and published in 2015 only included a partial representation of USDA's efforts to secure the Nation's agriculture and food supply. This occurred because OHSEC had not established a process to gather, prepare, and maintain the information necessary to routinely update the SSP. Instead, OHSEC officials said that they used an undocumented process that gathered information from only 4 of 37 USDA agencies and did not maintain any evidence to support the material in the 2015 SSP or to assist with the preparation of future SSP updates. Thus, we concluded that the FA Sector cannot fully rely on this plan to guide its security and resilience efforts for the next 4 years because it is only a partial representation of the FA Sector's critical needs.

As a co-SSA,<sup>80</sup> USDA is required to develop and submit an SSP to DHS for the development of the NIPP. According to the NIPP guidelines, each SSA is required to update its SSP every 4 years. DHS requested that OHSEC lead efforts to update the FA Sector's SSP in 2015. DHS provided guidance to all SSAs on developing an SSP in order to ensure uniform coverage of the 2013 NIPP elements among sectors.<sup>81</sup> OHSEC collaborated with FA Sector partners to update the SSP in 2015.<sup>82</sup>

We asked OHSEC officials to provide documentation that outlined the process they used to compile the 2015 SSP. The OHSEC officials stated that they had not developed or documented a process to update and compile the SSP every 4 years. Instead, the official responsible for coordinating the update (hereafter referred to as lead official) explained the process OHSEC used to update the SSP. The lead official stated that OHSEC used DHS' guidance and collaborated with FA Sector partners, including the Food and Agriculture Sector Government Coordinating Council (GCC)<sup>83</sup> and the Food and Agriculture Sector Coordinating Council (SCC),<sup>84</sup> to update the SSP in 2015. The lead official stated that he set up and led a working group to compile the SSP.<sup>85</sup> He explained that the group members provided comments and information about a

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<sup>80</sup> PPD-21, *Critical Infrastructure Security and Resilience* (Feb. 12, 2013), designated USDA and HHS as co-SSAs for the FA Sector.

<sup>81</sup> DHS, *2014 Sector-Specific Plan Guidance, Guide for Developing a Sector-Specific Plan under NIPP 2013* (Aug. 2014), included an annotated outline with six chapters plus appendices and provided direction on the content of each chapter.

<sup>82</sup> The *NIPP 2013: Partnering for Critical Infrastructure Security and Resilience*, states that "The mechanisms for collaboration between private sector owners and operators and government agencies were first established through the NIPP, and further refined by PPD-21 which" ... "established the requirement for partnerships of the Federal Government, critical infrastructure owners and operators, and State, local, tribal, and territorial government entities."

<sup>83</sup> GCC membership is composed of key representatives and influential leaders on food and agriculture safety/defense issues from Federal, State, local, tribal, and territorial governments. The GCC is co-chaired by USDA and FDA.

<sup>84</sup> The SCC was created by the industry to serve the FA Sector's counter-terrorism and security interests. The SCC is made up of representatives from the private sector, including food and agriculture corporations, associations, and institutes.

<sup>85</sup> The 2015 SSP working group consisted of APHIS, FSIS, OHSEC, DHS, and HHS/FDA; State Departments of Agriculture from Minnesota, Michigan, and New Mexico; National Milk Producers Federation, National Cattlemen's Beef Association, National Grain and Feed Association, National Center for Food Protection and Defense, National Pork Board, and Conagra Foods.

different SSP chapter<sup>86</sup> every two weeks. The working group members also edited the information through biweekly conference calls. The lead official acknowledged that OHSEC does not have written procedures for how to update the SSP. As a result, there is no established process that OHSEC can follow to create the next SSP. We are concerned because if the lead official were to leave OHSEC, new officials would not have the knowledge to replicate the process, and would have to develop their own process to update the SSP. To avoid this inefficiency and ensure consistency across SSPs, OHSEC should develop and implement a written process for updating the SSP every 4 years.

OHSEC officials had also not maintained evidence to support the material in the SSP, which would include the name of the individual who updated the document. As a result, OHSEC officials will not be able to refer back to the information that was used to update the 2015 SSP during the next update process. The lead official stated that drafts were exchanged back and forth and verbal suggestions and comments were provided by the working group. OHSEC did not maintain support for the information in the SSP or a record of which entities provided input or requested changes. Accordingly, OHSEC cannot efficiently identify the supporting evidence or source for the information in the SSP. OHSEC should maintain documentary evidence to support updates incorporated in the SSP to ensure consistency and increase efficiency during future SSP update processes.

The SSP may not focus on the FA Sector's critical needs because, according to the lead official, OHSEC only obtained input from 4 of 37 USDA agencies (APHIS, FSIS, the Agricultural Research Service, and OHSEC), and they only included 3 USDA agencies in the working group. As a result, the SSP did not include the efforts of important USDA agencies such as FSA or the Food and Nutrition Service (FNS). FSA is important because the agency's employees who are primary members on State and County Emergency boards contribute to incident response by assisting with situation reporting and emergency coordination of resources across all 50 States.<sup>87</sup> FSA also assists agricultural producers to protect and conserve America's natural resources. The United States has approximately 2.1 million farms encompassing nearly 915 million acres of land. Collectively, American farms produce \$212 billion in crops and another \$182 billion in livestock, poultry, and products.<sup>88</sup> FSA's farm programs assist agricultural producers in managing market risks, recovering from disasters, and conserving and protecting America's resources. In addition, FNS administers many important nutrition programs, including the Child Nutrition Programs which were projected to serve nearly 5.2 billion lunches and 2.5 billion breakfasts in 2016. Since the 2015 SSP identified food contamination, diseases, and pests as top Sector risks, it is our view that OHSEC should, at a minimum, have obtained input from FNS and FSA for the SSP about the agencies' efforts to protect the food supply.

We compared the 2015 SSP to the 2010 SSP to determine the FA Sector's progress, specifically as it related to USDA. In accordance with DHS' guidance, OHSEC included new areas of importance for the FA Sector, including a high level overview of sector risks, priorities for the

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<sup>86</sup> The SSP chapters were based on DHS' *2014 Sector-Specific Plan Guidance, Guide for Developing a Sector-Specific Plan under NIPP 2013* (Aug. 2014).

<sup>87</sup> USDA DM 1800-001, *Incident Preparedness, Response, and Recovery*, Chapter 2, Part 2 (Dec. 2011).

<sup>88</sup> National Agricultural Statistics Service, *2012 Census of Agriculture* (2014).

next four years, and three key accomplishments.<sup>89</sup> However, we concluded that the 2015 SSP demonstrated USDA had made little to no progress in areas such as vulnerability assessments.

The SSP noted that FDA and USDA performed over 50 vulnerability assessments in 2005 to 2008.<sup>90</sup> The SSP also stated that USDA performed an additional 30 assessments.<sup>91</sup> However, the SSP did not specify which agencies performed assessments, the years that the assessments were performed, or whether these were follow up assessments. Based on the information in the 2015 SSP, we determined that USDA had made minimal to no progress in this area since 2010. We asked OHSEC officials if APHIS had reported performing vulnerability assessments, since it was the USDA agency with oversight of animal and plant pests and diseases (identified in the 2015 SSP as a Sector Risk). OHSEC officials were unable to provide any more details because they had not followed up with APHIS to determine why it did not provide information on vulnerability assessments. Without responses from agencies, OHSEC does not know if agencies performed certain actions or if they just did not report them. This is an important distinction because the SSP should be updated to address important areas, such as vulnerability assessments, where agencies may not be taking necessary actions. Accordingly, OHSEC officials could improve the SSP by ensuring that they obtain updates or negative responses from all USDA agencies. Obtaining responses from all agencies would provide OHSEC a complete picture of actions being taken or important areas that need to be addressed. This will allow OSHEC to better coordinate USDA's agroterrorism preparedness efforts.

Finally, OHSEC had not developed any performance measures to evaluate USDA's progress toward meeting goals and priorities outlined in the SSP.<sup>92</sup> The lead official stated that performance measures were developed at the agency level. However, we believe that performance information would be useful since it would provide an indication of how well USDA is progressing toward meeting the applicable FA Sector goals and priorities and how well USDA is addressing the FA Sector's critical needs. OHSEC needs to develop performance measures and evaluate USDA's progress toward meeting goals and priorities over the next 4 years.

Overall, we concluded that OHSEC needs to develop and implement a written process for how it compiles information from USDA and coordinates with the FA Sector to create the SSP so it can be done consistently and efficiently every 4 years, especially if there is staff turnover at OHSEC.<sup>93</sup> This process should be integrated with other data collection processes for the HSPD-

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<sup>89</sup> The three key accomplishments included in the 2015 SSP are: (1) improving response capabilities as a result of the 2015 Highly Pathogenic Avian Influenza Outbreak; (2) the FA Sector-conducted Cybersecurity Assessment and Risk Management Approach; and (3) the creation of the Food Related Emergency Exercise Bundle.

<sup>90</sup> *Strategic Partnership Program Agroterrorism (SPPA) Initiative* (Sept. 2005 – Sept. 2008).

<sup>91</sup> FSIS was the only USDA agency that reported performing vulnerability assessments.

<sup>92</sup> According to GAO-14-704G, *Standards for Internal Control in the Federal Government* (Sept. 2014), sections 13.01 and 13.05, management should use quality information to achieve the entity's objectives. Management uses the quality information to make informed decisions and evaluate the entity's performance in achieving key objectives and addressing risks.

<sup>93</sup> The *NIPP 2013: Partnering for Critical Infrastructure Security and Resilience*, Call to Action #2, states that all sectors will update SSPs to support this National Plan, and every four years thereafter, based on guidance developed by DHS in collaboration with the SSAs and cross-sector councils.

9 tracking document and the SAR<sup>94</sup> (see Finding 1). At a minimum, this process should include steps to obtain input from all USDA agencies and maintain supporting documentation for information included in the SSP. Finally, OHSEC should develop performance measures for meeting sector goals and priorities and procedures to evaluate the progress made toward meeting these measures. OHSEC should use this information to prioritize activities for the next 4 years.

During the course of our audit fieldwork, we discussed our recommendations with OHSEC officials. They agreed to develop written procedures for updating the SSP every 4 years and to provide all USDA agencies the opportunity to contribute to the SSP. OHSEC officials generally agreed with our recommendations and offered comments on the draft report for consideration.

## **Recommendation 11**

Develop and implement a written process for updating the SSP with USDA input every 4 years.

### **Agency Response**

In its March 6, 2017, response, OHSEC stated, “OHSEC has a process for updating the SSP based on DHS guidance. This process will be captured in the SOPs.” OHSEC provided an estimated completion date of March 31, 2018, for this action.

### **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 12**

Maintain documentary evidence to support USDA updates incorporated in the SSP every 4 years.

### **Agency Response**

In its March 6, 2017, response, OHSEC stated, “OHSEC will capture this best practice in the SOPs.” OHSEC provided an estimated completion date of March 31, 2018, for this action.

### **OIG Position**

We accept management decision for this recommendation.

## **Recommendation 13**

Request updates or negative responses from all USDA agencies to update the SSP.

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<sup>94</sup> The HSPD-9 tracking document and SAR are to be updated annually.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated, “Completed.”

## **OIG Position**

We do not accept management decision for this recommendation. OHSEC’s response did not include enough information for us to determine if the action or actions were sufficient to fully address our recommendation. To reach management decision, OHSEC needs to describe the action or actions taken to fully address the recommendation.

## **Recommendation 14**

Develop performance measurements and evaluate USDA’s progress toward meeting goals and priorities from the SSP that are applicable to USDA.

## **Agency Response**

In its March 6, 2017, response, OHSEC stated, “This objective will be completed for goals and priorities applicable to OHSEC and, pending OGC opinion on scope of regulatory authority, to the broader goals and priorities applicable to USDA.” OHSEC provided an estimated completion date of March 31, 2018, for this action.

## **OIG Position**

We accept management decision for this recommendation.

## Scope and Methodology

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We performed audit fieldwork from October 2015 through November 2016. We conducted our audit through meetings with OHSEC officials and document reviews in Washington, D.C. We reviewed non-statistically selected documents related to OHSEC's agroterrorism preparedness activities from October 2010 to November 2016. We did not contact any other USDA agencies to address the audit objectives.<sup>95</sup>

To accomplish our audit objectives, we performed the following procedures:

- Reviewed applicable legislation, HSPDs, PPDs, DHS guidance, and regulations to identify OHSEC's responsibilities related to agroterrorism.
- Interviewed OHSEC officials to determine their actions related to agroterrorism prevention, detection, and response.
- Discussed the activities performed by OHSEC's NSPS, Continuity and Planning Division, and Emergency Programs Division with OHSEC officials.
- Evaluated USDA DM 1800-001 to identify policies and procedures related to agroterrorism prevention, detection, and response.
- Requested vulnerability assessments, response plans, and training exercise reports. OHSEC officials were unable to provide these and stated that this information was maintained at the agency level.
- Compared and evaluated the 2010 and 2015 FA sector SSPs. We interviewed OHSEC officials to determine their process to compile the 2015 SSP and the entities that contributed to it, and to request relevant supporting documentation.
- Analyzed agency responses recorded on the July 2015 HSPD-9 tracking document and discussed with OHSEC officials how they created and used the document.
- Reviewed the most recent SAR, issued in 2011, to identify activities that could fulfill HSPD-9 requirements.
- Assessed other Federal websites to identify activities and resources OHSEC could use to improve USDA's ability to prevent, detect, and respond to agroterrorism threats or attacks.
- Reviewed a 2011 GAO audit report<sup>96</sup> to gain an understanding of the findings and recommendations applicable to USDA.
- Discussed our findings and recommendations with OHSEC officials at the completion of audit fieldwork.

During the course of our audit, we did not rely on or verify information in any USDA electronic information systems, and we make no representation regarding the adequacy of any agency computer system or the information generated from it.

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<sup>95</sup> In November 2016, we initiated an audit of USDA agencies' efforts to prevent, detect, and respond to agroterrorism preparedness efforts.

<sup>96</sup> Audit Report GAO-11-652, *Actions Needed to Improve Response to Potential Terrorist Attacks and Natural Disasters Affecting Food and Agriculture*, Aug. 19, 2011.

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We conducted this audit in accordance with generally accepted government auditing standards. 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 objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

## Abbreviations

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AAR/IP .....	After-Action Report/Improvement Plan
APHIS .....	Animal and Plant Health Inspection Service
C.F.R. ....	Code of Federal Regulations
DHS.....	Department of Homeland Security
DM .....	Departmental Manual
DR .....	Departmental Regulation
EPA .....	Environmental Protection Agency
FA .....	Food and Agriculture
FDA.....	Food and Drug Administration
FNS .....	Food and Nutrition Service
FSA .....	Farm Service Agency
FSIS.....	Food Safety and Inspection Service
GAO .....	Government Accountability Office
GCC .....	Food and Agriculture Sector Government Coordinating Council
HHS.....	Department of Health and Human Services
HSPD .....	Homeland Security Presidential Directive
NIPP .....	National Infrastructure Protection Plan
NSPS .....	National Security Policy Staff
NVS.....	National Veterinary Stockpile
OHS.....	Office of Homeland Security
OHSEC .....	Office of Homeland Security and Emergency Coordination
OIG .....	Office of Inspector General
OGC .....	Office of the General Counsel
PPD .....	Presidential Policy Directive
SAR.....	Sector Critical Infrastructure Protection Annual Report
SCC.....	Food and Agriculture Sector Coordinating Council
SSA .....	Sector-Specific Agency
SSP .....	Sector-Specific Plan
USDA.....	Department of Agriculture

**USDA'S  
OFFICE OF HOMELAND SECURITY AND  
EMERGENCY COORDINATION'S  
RESPONSE TO AUDIT REPORT**





**TO:** Gil H. Harden  
Assistant Inspector General for Audit  
Office of Inspector General

**FROM:** Todd H. Repass, Jr. /s/ March 6, 2017  
Director  
Office of Homeland Security  
and Emergency Coordination

**SUBJECT:** Agroterrorism Prevention, Detection, and Response  
Engagement 61701-0001-21

Office of  
Homeland Security  
and Emergency  
Coordination

1400  
Independence  
Avenue, SW

Washington, DC  
20250-9600

The Office of Homeland Security and Emergency Coordination (OHSEC) has received your memo and official draft report on Agroterrorism Prevention, Detection, and Response dated February 9, 2017. I understand that many of the proposed recommendations will help us strengthen our efforts to prevent, detect, and respond to terrorism targeting food and agriculture, and I am thankful for the opportunity to bolster our program in support of the American people.

While the recommendations are constructive, the language utilized in the findings referencing “oversight” is inaccurate. I strongly believe that OHSEC consistently operates within the bounds prescribed by 7 CFR 2.95. This does not include direct programmatic oversight, management, evaluation, or execution as suggested in the subject audit. Throughout the audit investigation, my staff provided your team examples of coordination activities supporting agroterrorism prevention, detection, and response in line with OHSEC’s regulatory authority.

I support OIG’s assertion that the first step in addressing recommendations associated with these audit findings should be to seek a formal opinion from the Office of General Counsel (OGC) on OHSEC’s responsibilities for overseeing USDA’s preparedness for emergencies, including agroterrorism. Once this finding is received, I will be able to implement follow-on recommendations in line with independent OGC guidance.

I acknowledge the need to strengthen procedures related to agroterrorism prevention, detection, and response. I want to reiterate, however, that this is not a mission that OHSEC can accomplish alone. My staff provided multiple statutes, regulations, executive orders, and presidential decisions indicating the shared responsibility of protecting the nation from these threats. The truly integrated nature of the homeland security mission was not adequately explored by limiting this engagement to OHSEC alone.

I appreciate the opportunity to respond to this report. My comments on how we will approach the recommendations are provided in Attachment 1 to this memo.

Enclosure

## Attachment 1: Table of Proposed Corrective Actions for Agroterrorism

Audit 61701-0001-21

As of March 1, 2017

OIG Audit Recommendation Number	OIG Audit Recommendation	Status per OHSEC	OHSEC Proposed Completion Date
1	Develop and implement a written process for how OHSEC oversees and coordinates USDA's agroterrorism prevention, detection, and response activities. At a minimum, this process should include steps to: (a) perform a USDA-wide vulnerability assessment for agroterrorism preparedness every two years, and (b) integrate, coordinate, and communicate response plans for agricultural disease emergencies and agroterrorist acts.	OHSEC is in the process of rewriting DR-1800 and DM-1800 which will include these objectives.	3/31/2018
2	Obtain information from agencies about the purpose, frequency, and outcomes of exercises related to agroterrorism. Review after-action reports from agency exercises to: (a) identify lessons learned and best practices and distribute them to other appropriate USDA agencies, and (b) ensure that agencies implement corrective actions in a timely manner to resolve identified weaknesses.	OHSEC is developing standard operating procedures (SOP) outlining how to best accomplish these objectives.	3/31/2018
3	Create a process to obtain information from agencies and compile it into a SAR each year for issuance to DHS.	This process was utilized for the FY16 data call and will be documented in SOPs.	3/31/2018
4	Integrate the data collection processes for the HSPD-9 tracking document, SAR, and SSP.	Completed	Not applicable
5	Develop and implement a written process to maintain a USDA website to provide useful resources related to agroterrorism that is readily available to all USDA constituents. As a part of this process, conduct an analysis to identify agroterrorism prevention, detection, and response information available on USDA and other Federal websites that can be included on this website.	OHSEC maintains a page meeting these requirements. OHSEC will capture a written process for maintenance as part of SOPs.	3/31/2018

<b>OIG Audit Recommendation Number</b>	<b>OIG Audit Recommendation</b>	<b>Status per OHSEC</b>	<b>OHSEC Proposed Completion Date</b>
6	Obtain a formal opinion from the USDA's Office of the General Counsel on OHSEC's responsibilities for overseeing USDA's preparedness for emergencies, including agroterrorism.	OHSEC will complete this recommendation prior to other incomplete recommendations to help scope those actions.	7/31/2017
7	Develop and implement a written process for tracking USDA's compliance with HSPD-9.	OHSEC is developing SOPs outlining how to best accomplish these objectives.	3/31/2018
8	Obtain HSPD-9 compliance information from all USDA agencies annually and follow up when they do not provide responses on HSPD-9 requirements related to mission areas and responsibilities.	Completed	Not applicable
9	Obtain evidence from agencies to support HSPD-9 activities and evaluate the activities to assess compliance with HSPD-9 requirements.	This objective will be completed pending OGC opinion on scope of regulatory authority.	3/31/2018
10	Request that USDA agencies provide performance information related to HSPD-9 requirements annually.	This objective will be completed pending OGC opinion on scope of regulatory authority.	3/31/2018

<b>OIG Audit Recommendation Number</b>	<b>OIG Audit Recommendation</b>	<b>Status per OHSEC</b>	<b>OHSEC Proposed Completion Date</b>
11	Develop and implement a written process for updating the SSP with USDA input every 4 years.	OHSEC has a process for updating the SSP based on DHS guidance. This process will be captured in the SOPs.	3/31/2018
12	Maintain documentary evidence to support USDA updates incorporated in the SSP every 4 years.	OHSEC will capture this best practice in the SOPs.	3/31/2018
13	Request updates or negative responses from all USDA agencies to update the SSP.	Completed	Not applicable
14	Develop performance measurements and evaluate USDA's progress toward meeting goals and priorities from the SSP that are applicable to USDA.	This objective will be completed for goals and priorities applicable to OHSEC and, pending OGC opinion on scope of regulatory authority, to the broader goals and priorities applicable to USDA.	3/31/2018

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