



# All Appropriate Inquiries Final Rule

## WHAT IS “ALL APPROPRIATE INQUIRIES”?

“All appropriate inquiries” is the process of evaluating a property’s environmental conditions and assessing potential liability for any contamination.

## WHY DID EPA ESTABLISH STANDARDS FOR CONDUCTING ALL APPROPRIATE INQUIRIES?

The 2002 Brownfields Amendments to CERCLA require EPA to promulgate regulations establishing standards and practices for conducting all appropriate inquiries.

## STAKEHOLDER COLLABORATION

A Negotiated Rulemaking Committee consisting of 25 diverse stakeholders developed the proposed rule. Following publication of the proposed rule, EPA provided for a three month public comment period. EPA received over 400 comments from interested parties. Based upon a review and analysis of issues raised by commenters, EPA developed the final rule.

## WHEN DID THE RULE GO INTO EFFECT?

The final rule was effective on November 1, 2006—one year after being published in the Federal Register.

## WHO IS AFFECTED?

The final All Appropriate Inquiries requirements are applicable to any party who may potentially claim protection from CERCLA liability as an innocent landowner, a bona fide prospective purchaser, or a contiguous property owner. Parties who receive grants under the EPA’s Brownfields Grant program to assess and characterize properties must comply with the All Appropriate Inquiries Rule.

## WHEN MUST ALL APPROPRIATE INQUIRIES BE CONDUCTED?

All appropriate inquiries must be conducted or updated within one year prior to the date of acquisition of a property. If all appropriate inquiries are conducted more than 180 days prior to the acquisition date, certain aspects of the inquiries must be updated.

## WHAT SPECIFIC ACTIVITIES DOES THE RULE REQUIRE?

Many of the rule’s required activities must be conducted by, or under the supervision or responsible charge of, an individual who qualifies as an “environmental professional” as defined in the final rule.

The inquiry of the environmental professional must include:

- interviews with past and present owners, operators and occupants;
- reviews of historical sources of information;
- reviews of federal, state, tribal and local government records;
- visual inspections of the facility and adjoining property;
- commonly known or reasonably ascertainable information; and
- degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect the contamination.

“Additional inquiries” that must be conducted by or for the prospective landowner or grantee include: searches for environmental cleanup liens; assessments of any specialized knowledge or experience of the prospective landowner (or grantee); an assessment of the relationship of the purchase price to the fair market value of the property, if the property was not contaminated; and commonly known or reasonably ascertainable information.

## **WHO QUALIFIES AS AN ENVIRONMENTAL PROFESSIONAL?**

To ensure the quality of all appropriate inquiries, the final rule includes specific educational and experience requirements for an environmental professional.

The final rule defines an environmental professional as someone who has:

- (1) a state or tribal issued certification or license and three years of relevant full-time work experience; **or**
- (2) a Baccalaureate degree or higher in science or engineering and five years of relevant full-time work experience; **or**
- (3) ten years of relevant full-time work experience.

For a more information on the environmental professional definition, please see EPA's Fact Sheet on the Definition of Environmental Professional.

## **WILL THERE BE AN UPDATED ASTM PHASE I SITE ASSESSMENT STANDARD?**

Yes. Parties can use ASTM International's E1527-13 standard, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." In a final rule published on December 31, 2013, EPA established that the ASTM E1527-13 standard is consistent with the requirements of the final rule for all appropriate inquiries and may be used to comply with the provisions of the rule. The ASTM standard is available at [www.astm.org](http://www.astm.org)

## **CONTACT INFORMATION**

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Also, please see the U.S. EPA's web site at [www.epa.gov/brownfields](http://www.epa.gov/brownfields) for additional information.