

Revised ASTM Phase I ESA Standard to be Issued This Year

APRIL 2, 2013

An ASTM Task Group has sent to U.S. EPA for approval, proposed revisions to the ASTM standard for Phase I Environmental Site Assessments (ESAs). The current ASTM Phase I ESA standard, ASTM E1527-05, was last revised in 2005. It is typically required by lenders and investors in commercial transactions involving real estate.

The ASTM Phase I ESA standard was developed to meet the U.S. EPA requirement of All Appropriate Inquiry (AAI) to receive liability protections under CERCLA. Because the new standard, expected to be released later this year as ASTM E1527-13, is intended to meet the AAI requirement, it will need to be approved by EPA.

The new standard is expected to include the following changes that are intended to improve the quality of Phase I ESAs and address confusion over existing terms:

- A simpler definition of Recognized Environmental Condition (REC);
- A revised definition of Historical Recognized Environmental Condition (HREC), which applies to a REC that has been remediated to unrestricted levels;
- The addition of a new category of REC, Controlled Recognized Environmental Condition (CREC), which will apply to a REC that has received risk-based regulatory closure with contamination in place that is addressed through institutional controls;
- An explicit requirement for regulatory file reviews for adjacent properties;
- A presumption that an environmental professional should perform a review of agency records in determining the presence of a REC; and
- Clarification of how to address impacts from vapor intrusion.

We will provide an update when the ASTM Phase I ESA Standard is finalized.

1 Min Read

Related Topics

Rulemaking

Related Capabilities

Environmental

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.