



# EPA's Proposed AAI Law

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In today's market, liability, due diligence, and litigation are terms that are widely discussed. However, these issues as they relate to the Environmental Sciences are constantly evolving. Starting in early 2005, these terms are going to take on a much broader and prominent meaning in the Phase I Environmental Site Assessment market.

The U.S. Environmental Protection Agency (EPA) is currently in the process of implementing significant additions to ASTM E 1527-00, the standard by which Phase I Assessments have been performed. The AAI (All Appropriate Inquiries) rule sets a higher bar for the conduct and content of a Phase I; looking for additional conclusions, more interviews and a more complete basis for why a Phase I is being performed. Additional guidelines for the current rule in draft form include:

- More stringent qualifications for environmental professionals performing the work
- Additional interviews of former property owners or adjacent property owners in situations where contamination or "abandoned" properties are present
- Mandatory review of local and state government records

- Requirement to comment on any data gaps where environmental conditions or environmental compliance issues are present

Most involved feel that the EPA is trying to have a positive effect on environmental due diligence in terms of more reliable and comprehensive Phase I's conducted by experienced professionals. The rules should clarify what is expected of the consultant and keep parties from looking for gray areas or loopholes.

Please feel free to contact any of our branch offices if you have questions about AAI and how it will affect you.