

| DECEMBER 2022 |

DECEMBER 15, 2022 – EPA RECOGNIZES ASTM INTERNATIONAL E1527-21 STANDARD PRACTICE AS SATISFYING “ALL APPROPRIATE INQUIRIES” RULE

On December 15, 2022, the United States Environmental Protection Agency (EPA) published final rulemaking (effective February 13, 2023) recognizing ASTM International E1527-21 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” as satisfying 40 CFR Part 312 “All Appropriate Inquiries” (AAI) Rule. This will replace past standard ASTM E1527-13. The new standard was published in November 2021 and the final rulemaking can be found [here](#). The AAI Rule sets forth due diligence practices and standards for landowners to qualify for certain defenses to CERCLA liability.

The EPA has provided a sunset period of one year (ending February 13, 2024) for ASTM E1527-13 to complete ongoing Phase I Environmental Site Assessments (ESAs) and allow for training and familiarization with the -21 standard.

As we reported in our November 2021 regulatory update “What To Expect from the Revised ASTM Phase I ESA Standard,” the changes between the 2013 and 2021 standard practices largely intended to provide clarity on definitions, as well as consistency in scope and findings among providers of Phase I ESAs. However, some changes to the scope of services and report formats provided by most consultants should be anticipated.

Phase I ESA users should be aware that:

- Langan is prepared to implement the -21 standard upon the effective date of February 13, 2023. You will see changes to report formats, language, and definitions in conformance to ASTM E1527-21. Your Langan project manager will reach out to discuss these changes prior to issuance of a report following our new standard format.
- Some Phase I ESA providers may increase fees or turnaround times to meet the requirements of ASTM E1527-21.
- References to the ASTM E1527-13 should be phased out by February 13, 2024 or sooner as your projects require. Check your contract documents for consistency and make sure your Phase I ESA providers are preparing Phase I ESAs that meet and appropriately reference the ASTM standard that meets your project needs during the transition period.

If you would like to discuss how these changes will impact your future projects, please contact your Langan representative or:



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