

NOW & NEXT

Environmental Alert

DECEMBER 15, 2022

It's official — ASTM E1527-21 adopted by USEPA!

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Final Rule published today



What's the Impact?

- / The amendment to the All Appropriate Inquiry Rule (AAI) goes into effect February 13, 2023, officially recognizing the new standard for Phase I Environmental Site Assessments ASTM E1527-21.
- / After one year, the current standard ASTM E1527-13 will sunset and will no longer be recognized by EPA as satisfying AAI.

Today, USEPA published a long-anticipated Final Rule adopting the ASTM E1527-21 standard for Phase I Environmental Site Assessment. Here are some of the main points purchasers, developers, lenders, and others involved in commercial real estate transactions need to know:

- / As of February 13, 2023, the amendment of the All Appropriate Inquiry Rule (AAI) will go into effect, recognizing ASTM E1527-21 as the standard that satisfies AAI to support a defense to CERCLA liability.
- / The previous standard—ASTM E1527-13 will continue to be recognized for another year, through February 13, 2024. However, after that time, the ASTM E1527-13 standard will sunset and will no longer be recognized by EPA as satisfying AAI. Accordingly, either standard may

be used for Phase I Environmental Site Assessments through February 13, 2024, but after that date, only the ASTM E1527-21 standard may be used.

- / The one-year sunset for ASTM E1527-13 is a revision to the final rule originally published by USEPA on March 14, 2022, which was withdrawn on May 2, 2022, that would have recognized both the E1527-13 and E1527-21 standards as satisfying AAI. The Final Rule is intended to address commenters' objections that EPA recognition of both standards simultaneously would cause market confusion.
- / The Final Rule recognizes that the E1527-21 standard constitutes current "good commercial and customary business practice".

For more information on key changes to ASTM standard, see our March 29, 2022, alert, "[EPA proposes approval of the update to the national standard for Phase I Environmental Site Assessments.](#)"

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