

## New ASTM Standard Recognized by U.S. EPA for Phase 1 Reports Now in Effect

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The U.S. Environmental Protection Agency (EPA) took final action to amend the Standards and Practices for All Appropriate Inquiries (the "AAI rule") to reference [The American Society for Testing and Materials' \(ASTM\) E1527-21](#) "Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process." The Final Rule approving the aforementioned has been effective since Monday February 13, 2023. Phase 1 site assessments using the prior ASTM standard E1527-13, will be accepted until February 13, 2024, but the use of the prior standard will not be acceptable for use after that date.

The new ASTM standard incorporates several changes which include the following:

- Key components of the Phase 1 report will have to be completed within one year of the date of the Phase 1 report.
- Terminology and clarifications.
- Treatment of emerging contaminants such as PFAS as business environmental risks and a requirement to evaluate chemicals as EPA designates those chemicals as CERCLA hazardous substances.
- Thorough review of historical records for subject property and adjoining properties.
- Clarification regarding title searches for environmental liens.

If you have any questions regarding the update or the effects on the due diligence process, please contact [me](#) or anyone in the Barley Snyder [Environment & Energy Industry Group](#).

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