



All Appropriate Inquiries Final Rule

What are “All Appropriate Inquiries”?

All appropriate inquiries (AAI) is the process of evaluating a property’s environmental conditions and assessing potential liability for any contamination.

Why did the U.S. Environmental Protection Agency (EPA) establish standards for conducting AAI?

The 2002 Brownfields Amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, required EPA to promulgate regulations establishing standards and practices for conducting AAI. The AAI final rule was published in the Federal Register on November 1, 2005 (70 FR 66070) and went into effect on November 1, 2006.

Who is affected?

AAI requirements apply to any party who can potentially claim protection from CERCLA liability as an innocent landowner, contiguous property owner or bona fide prospective purchaser. Also, parties who receive grants under EPA’s Brownfields Program must comply with the AAI rule when using grant funds to assess or characterize properties.

When must AAI be conducted?

AAI must be conducted or updated within one year before the date of acquisition of a property. If AAI is conducted more than 180 days before the acquisition date, certain aspects of the inquiries must be updated (i.e., interviews of current and past owners, review of government records, on-site visual inspection and searches for environmental cleanup liens).

What specific activities does the AAI rule require?

The AAI rule requires the following:

- Interviews with past and present owners, operators and occupants.
- Review of historical sources of information.
- Review of federal, state, tribal and local government records.
- Visual inspection of the facility and adjoining property.
- Review of commonly known or reasonably ascertainable information.
- Assessment of the degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect the contamination.

Additional inquiries that must be conducted by or for the prospective landowner or grantee include searches for environmental cleanup liens, assessment of any specialized knowledge or experience of the prospective landowner (or grantee), and assessment of the relationship of the purchase price to the fair market value of the property if the property was not contaminated, and any commonly known or reasonably ascertainable information must be considered.

The reporting requirements for AAI are provided in the Code of Federal Regulations (CFR), 40 CFR 312 Subpart C (Standards and Practices). As specified in 40 CFR 312.11, ASTM International Standards E1527-13 and E2247-16 can be used to comply with the requirements set forth in 40 CFR 312.23 through 312.31. For more information on the specific reporting requirements, please see EPA's "All Appropriate Inquiries: Reporting Requirements Checklist for Assessment Grant Recipients" fact sheet.

Who can perform AAI?

To ensure the quality of AAI, the final rule requires that the person who oversees the conduct of the AAI and who signs the written report meets the definition of an "environmental professional," as defined in the final rule. An environmental professional is someone who possesses the specific education and relevant experience to develop opinions and conclusions regarding conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to a property.

The AAI final rule defines an environmental professional as someone who has one of these qualifications:

- A state- or tribal-issued certification or license and three years of relevant, full-time work experience.
- A bachelor's degree or higher in science or engineering and five years of relevant, full-time work experience.
- Ten years of relevant, full-time work experience.

For more information on the definition of an environmental professional, please see EPA's "All Appropriate Inquiries: Environmental Professional" fact sheet.



Historic Hollar Mills before renovation, Hickory, NC. Originally built in the 1930s, this textile mill was shut down in the 1990s.

Can ASTM Phase I site assessment standards be used to comply with the AAI final rule?

Yes. The AAI final rule provides that ASTM International Standard E1527-13 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and E2247-16 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property" are consistent with the requirements of the final rule and can be used to satisfy the statutory requirements for conducting AAI. AAI may be conducted in compliance with either of these standards to obtain protection from potential liability under CERCLA as an innocent landowner, contiguous property owner or bona fide prospective purchaser. The ASTM standards are available at www.astm.org.

Further information

For more information, visit the EPA Brownfields website at www.epa.gov/brownfields.

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