



Assessing Contractor Capabilities for Streamlined Site Investigations -- Additional Information Regarding All Appropriate Inquiries and Hiring an Environmental Professional

The Environmental Protection Agency prepared the document “*Assessing Contractor Capabilities for Streamlined Site Investigations*” (EPA 542-R-00-001, January 2000) to assist Brownfields grantees and other decision makers as they assess the capabilities of contractors and consultants to determine their qualifications to provide streamlined and innovative strategies for the assessment and cleanup of brownfields. A key decision faced by brownfields grantees and site managers who are implementing streamlined and innovative assessment and cleanup activities at brownfields sites is hiring the best environmental consultants and professionals to undertake these activities. Many vendors can provide these services. It is important for decision makers to understand the vendors’ capabilities to offer these services and their qualifications to apply required methods and technologies in an efficient, valid, and streamlined manner.

The 2002 Brownfields Amendments to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) require EPA to promulgate regulations establishing standards and practices for conducting “all appropriate inquiries.” All appropriate inquiries is the process of evaluating a property’s environmental conditions and assessing potential liability under CERCLA for any contamination. EPA published the final All Appropriate Inquiries rule on November 1, 2005 (70 FR 66070). The final rule is effective on November 1, 2006.

The final All Appropriate Inquiries requirements are applicable to any party who may potentially claim protection from CERCLA liability as an innocent landowner, a bona fide prospective purchaser, or a contiguous property owner. Parties who receive grants under the EPA’s Brownfields Grant program to assess and characterize properties also must comply with the all appropriate inquiries standards when using grant funds to assess or characterize brownfields. To ensure the quality of all appropriate inquiries, or Phase I environmental site assessment, the final rule includes specific educational and experience requirements for an environmental professional. The final rule requires that the person who oversees the conduct of the all appropriate inquiries and who signs the written report must meet the definition of an environmental professional provided in §312.10 of the final rule.

Users of EPA’s “*Assessing Contractor Capabilities for Streamlined Site Investigations*” document therefore should be aware that, as a result of the All Appropriate Inquires rule, vendors performing all appropriate inquiries for property owners who want to qualify for protection from CERCLA liability or who are performing assessments of brownfields funded by EPA’s Brownfields Grant program must include personnel who meet the definition of an environmental professional.

WHO QUALIFIES AS AN ENVIRONMENTAL PROFESSIONAL FOR THE PURPOSE OF ALL APPROPRIATE INQUIRIES?

The final rule defines an environmental professional as someone who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to a property, sufficient to meet the objectives and performance factors of the rule.

In addition, an environmental professional must:

- Hold a current Professional Engineer’s (P.E.) or Professional Geologist’s (P.G.) license or registration from a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of three (3) years of relevant full-time experience; **or**

- Be licensed or certified by the federal government, a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries and have the equivalent of three (3) years of relevant full-time experience; **or**
- Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five (5) years of relevant full-time experience; **or**
- Have the equivalent of ten (10) years of relevant full-time experience.

Individuals who do not meet the above requirements may still participate in the conduct of all appropriate inquiries. However, they must work under the supervision or responsible charge of an individual who does meet the requirements for an environmental professional.

WHAT IS THE DEFINITION OF RELEVANT EXPERIENCE?

For the purposes of qualifying as an environmental professional under the final rule for all appropriate inquiries, “relevant experience” is defined as:

“Participation in the performance of environmental site assessments that may include environmental analyses, investigations, and remediation which involve the understanding of surface and subsurface environmental conditions and the processes used to evaluate these conditions and for which professional judgment was used to develop opinions regarding conditions indicative of releases of hazardous substances.”

WHAT TO LOOK FOR WHEN HIRING AN ENVIRONMENTAL PROFESSIONAL TO PERFORM ALL APPROPRIATE INQUIRIES?

As Brownfields decision makers and grantees evaluate the capabilities of environmental professionals whom they may hire to perform all appropriate inquiries, the following qualifications should be considered:

- Does the individual who will supervise the environmental assessment, or all appropriate inquiries, meet the minimum qualifications of an Environmental Professional, as defined above and in the final rule at §312.10?
- Does the vendor have experience in performing Phase I and Phase II environmental site assessment activities, including: interviewing owners, operators and occupants; reviewing historical sources of information and federal, state, tribal and local government records; performing visual inspections; conducting multi-media sampling and analysis; interpreting geologic, hydrologic, and chemical data; and preparing site assessment reports?
- Can the vendor demonstrate experience within the industry associated with the property being assessed (*e.g.*, aerospace and defense, chemicals, electronics, energy, manufacturing, metals/mining, petroleum, pharmaceuticals, real estate, telecommunications, transportation, etc.)?
- Is the vendor knowledgeable of federal, state, tribal, and local environmental laws and policies, particularly those related to the industry with which the property being assessed is associated?

CONTACT INFORMATION

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Also see U.S. EPA’s website at www.epa.gov/brownfields for additional information.