

Policy on the Issuance of Comfort/Status Letters

November 12, 1996

The “*Policy on the Issuance of Comfort/Status Letters*” is designed primarily to assist parties who seek to cleanup and reuse brownfields. EPA headquarters and regional offices often receive requests from parties for some level of “comfort” that if they purchase, develop, or operate on brownfield property, EPA will **not** pursue them for the costs to clean up any contamination resulting from the previous use. The majority of the concerns raised by these parties can be addressed through the dissemination of information known by EPA about a specific property and an explanation of what the information means to EPA.

The policy contains four sample comfort/status letters which address the most common inquiries for information that EPA receives regarding contaminated or potentially contaminated properties.

- A “**No Previous Federal Superfund Interest Letter**“ may be provided to parties when there is no historical evidence of federal Superfund program involvement with the property/site in question (i.e., site is not found in CERCLIS).
- A “**No Current Federal Superfund Interest Letter**“ may be provided when the property/site either has been archived and is no longer part of the CERCLIS inventory of sites, has been deleted from the National Priorities List, or is situated near, but not within, the defined boundaries of a CERCLIS site.
- A “**Federal Interest Letter**“ may be provided at sites where EPA either plans to respond in some manner or already is responding at the site. This letter is intended to inform the recipient of the status of EPA’s involvement at the property. Additionally, language is included to respond to requests regarding the applicability of Agency Superfund policy, regulation or CERCLA statutory provision to a party or particular set of circumstances.
- A “**State Action Letter**“ may be provided when the state has the lead for day-to-day activities and oversight of a response action (e.g., deferred sites.)

The comfort/status letters are intended solely for informational purposes and relate only to EPA’s intent to exercise its response and enforcement authorities under Superfund at a property based upon the information presently known to EPA. The policy does not encourage EPA involvement in typical private real estate transactions. Rather, it limits the use of such comfort to where it may facilitate the cleanup and redevelopment of brownfields, where there is the realistic perception or probability of incurring Superfund liability, **and** where there is no other mechanism available to adequately address the party’s concerns. The comfort/status letters do not provide a release from CERCLA liability and are not considered no action assurances consistent with the Agency’s 1984 “*Policy Against No Action Assurances.*”

For additional information, contact Elisabeth Freed ((202) 564-5117) or Lori Boughton ((202) 564-5106) in the Office of Site Remediation Enforcement.