

ASTM UPDATE

MAY 2022



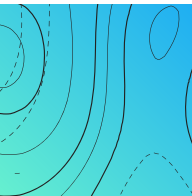
NEWS FLASH:

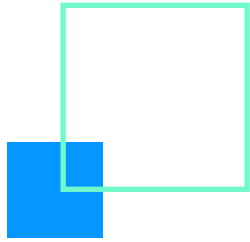
U.S. EPA Withdraws Direct Final Rule to Amend AAI to Recognize ASTM E1527-21

On Monday, May 2, 2022, the U.S. Environmental Protection Agency (EPA) published a brief statement in [the Federal Register](#) withdrawing the direct final rule for Standards and Practices for All Appropriate Inquiries (AAI Rule) that was [published March 14, 2022](#).

The rule, if effective, would have referenced [ASTM's E1527-21](#) "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and allowed for its use to satisfy the requirements for conducting AAI under CERCLA. In the early May notice, EPA acknowledged the receipt of negative comments on the direct final rule, triggering the withdrawal. EPA also stated that the comments received will be addressed in a subsequent final action and there will not be a second comment period. Environmental consultants who still need to make changes to their Phase I ESA processes, procedures, and reports now have more time before making the transition.

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SURVEY:

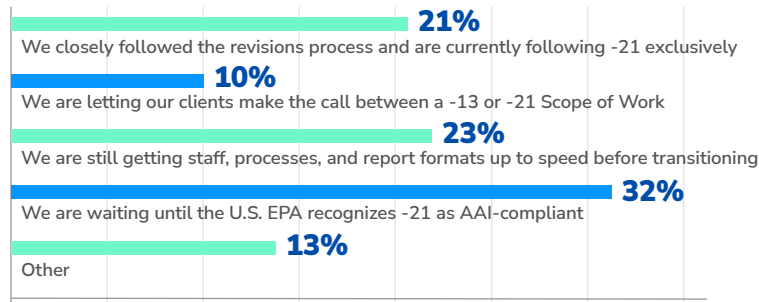


How is the industry responding to the new ASTM E1527-21 Phase I ESA standard?

In a survey open from February 24 to March 11, 2022, LightBox invited environmental consultants, engineers, lenders, and other risk management professionals to share their responses to a series of questions about the industry’s transition to the new ASTM E1527-21 Phase I ESA Standard Practice. Representing the first look into how the environmental risk-management industry is responding to the new ASTM Phase I ESA standard, this survey summary includes the latest data on how widespread adoption is to date, and how Phase I ESA providers are preparing for adoption of the new Standard Practice, including the specific changes being made to procedures, processes, and report formats.



As of early March, 21% of EPs were following ASTM E1527-21 exclusively, and another 10% were leaving it up to their clients to choose between -13 and -21.



We are closely following E1527-21, as well as including in proposals and reports that our Phase I ESAs are -21 and -13 compliant, and AAI-compliant. We will switch to exclusively referencing the -21 standard once the EPA recognizes it as AAI-compliant”

– LightBox survey respondent



CONTENT SPOTLIGHT:

February 9th webinar

Navigating the E1527-21 ASTM Transition: Expert Insights and Perspectives featured Enrique Garcia, Jr., and Mary Claire Maxwell, environmental risk directors in commercial banking at Chase, and Sean Leary, an associate principal and the vice president of transaction risk management at Vieau Associates/GZA as well as an ASTM-approved instructor. The panelists covered a broad range of topics, including the U.S. EPA’s estimated timing for approving E 1527-21 as compliant with the All Appropriate Inquiry Rule under CERCLA, documentation and report format, training tips for environmental professionals, and lenders’ perspectives on specific areas of revision.

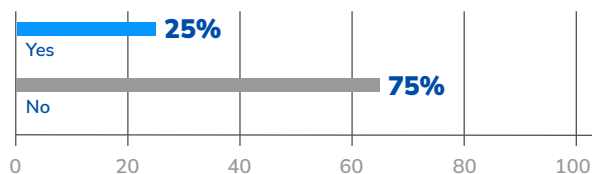
[Insights And Perspectives On Navigating The ASTM E1527-21 Transition: A LightBox Webinar.](#)



DID YOU KNOW...?

Although PFAS is not yet included as a hazardous substance under CERCLA, a growing number of state regulatory agencies have exposure limits and reporting requirements for PFAS. In response to increased regulatory attention, the survey results paint a picture of an industry expecting more client requests to add PFAS risk assessments to the Scope of Work for Phase I ESAs. One-quarter of respondents to our February/March 2022 survey already have a section for Emerging Contaminants in their Phase I ESA reports, and others expect to adjust their reports as necessary, pending any change in federal regulations to manage PFAS risk.

Do your Phase I ESA reports have a new section for Emerging Contaminants?



More and more of our clients are requesting a section on Emerging Contaminants/PFAS, but we add as non-scope until it’s required by US EPA AAI standards.”

– LightBox survey respondent