



All Appropriate Inquiries Rule:

Definition Of Environmental Professional

WHAT IS “ALL APPROPRIATE INQUIRIES?”

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

WHY IS EPA ESTABLISHING STANDARDS FOR CONDUCTING ALL APPROPRIATE INQUIRIES?

The 2002 Brownfields Amendments to CERCLA require EPA to develop regulations establishing standards and practices for conducting all appropriate inquiries.

WHEN IS THE RULE EFFECTIVE?

The final rule is effective on November 1, 2006—one year after its publication date in the Federal Register. Until November 1, 2006, both the standards and practices included in the final regulation and the current interim standard established by Congress for all appropriate inquiries (ASTM E1527-00) will satisfy the statutory requirements for the conduct of all appropriate inquiries.

WHO QUALIFIES AS AN ENVIRONMENTAL PROFESSIONAL?

To ensure the quality of all appropriate inquiries, the final rule includes specific educational and experience requirements for an environmental professional. The definition applies only to persons conducting all appropriate inquiries for the specific purposes outlined in the final rule.

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 have:

- A state or tribal issued certification or license and three years of relevant full-time work experience; or

- A Baccalaureate degree or higher in science or engineering and five years of relevant full-time work experience; or
- Ten years of relevant full-time work experience.

QUALIFYING AS AN ENVIRONMENTAL PROFESSIONAL THROUGH CERTIFICATION OR LICENSE REQUIREMENTS

Individuals with a state- or tribal-issued license or certification also must have the equivalent of three years full-time relevant experience to qualify as an environmental professional for the purposes of the all appropriate inquiries rule.

The relevant certification and license requirements include and are limited to the following categories:

- A current Professional Engineer’s (P.E.) License;
- A current Professional Geologist’s (P.G.) License;
- Other current license or certification from a state, tribe, U.S. territory, or the Commonwealth of Puerto Rico to perform environmental site assessments or all appropriate inquiries as defined in the final rule.

Individuals who do not hold one of these licenses or certifications may still qualify as an environmental professional through educational and experience requirements, as explained below.

QUALIFYING AS AN ENVIRONMENTAL PROFESSIONAL THROUGH EDUCATIONAL REQUIREMENTS

Individuals who hold a Baccalaureate or higher degree in engineering or science from an accredited institution of higher education and have equivalent of five years full-time relevant experience qualify as an environmental professional under the final rule.

Individuals not meeting the educational requirements may still qualify as an environmental professional through the relevant experience requirements outlined below.

QUALIFYING AS AN ENVIRONMENTAL PROFESSIONAL THROUGH EXPERIENCE REQUIREMENTS

Individuals who do not otherwise meet the qualifications for an environmental professional outlined above may still meet the definition of environmental professional as stated in the final all appropriate inquiries rule if they have the equivalent of ten years of full-time relevant experience.

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” means:

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.

MAY PERSONS WHO DO NOT QUALIFY AS ENVIRONMENTAL PROFESSIONALS PARTICIPATE IN THE CONDUCT OF ALL APPROPRIATE INQUIRIES?

Individuals who do not meet any of 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.

HOW DOES THE DEFINITION OF ENVIRONMENTAL PROFESSIONAL IN THE FINAL RULE DIFFER FROM THE ASTM E1527-00 STANDARD ?

Unlike the ASTM E1527-00 standard, the final rule for all appropriate inquiries contains specific certification or licensing, educational, and experience requirements. In addition, the final rule’s definition of an environmental professional differs in that it only concerns the qualifications of the individual supervising the conduct of all appropriate inquiries. Individuals without the proper qualifications to meet the definition of an environmental professional may still take part in all appropriate inquiries as long as they are under the supervision or responsible charge of a person who meets those requirements. For example, a person lacking the required certification or license, education, or relevant experience qualifications may perform any of the required activities provided that the environmental professional oversees his or her work.

For a more information on the all appropriate inquiries final rule see EPA’s Fact Sheet on the All Appropriate Inquiries Final Rule (EPA 560-F-05-240).

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