April 18, 2006
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The Legal Intelligencer

On Nov. 1, the U.S. Environmental Protection Agency promulgated regulations (to be published at 40 C.F.R. Section 312 and currently found at 70 Fed. Reg. 66070) titled "Standards for Conducting All Appropriate Inquiries." In layperson's terms, this rule establishes the regulatory and industry standard for performing environmental due diligence in real property transactions and for establishing a critical element required by three liability defenses under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

This article summarizes the rule's "all appropriate inquiry" requirements.