

professionals as well. Second, if a site has ever been used for industrial or commercial activities, it should be assumed there is a greater chance that hazardous materials may have been used or stored on the property. This increased risk would compel a greater level of inquiry. Finally, many lenders will require a Phase I as a minimum level of inquiry.

The Phase I environmental site assessment process is usually completed by a qualified environmental professional. Although some states have defined the minimum qualifications for performing an ESA, most states have not. To determine if a state has minimum qualifications for environmental professionals, the state's environmental agency should be contacted. The ESA process requires interdisciplinary skills, and therefore it is difficult to prescribe a specific set of narrowly defined qualifications. Perhaps the best indicators of an environmental professional's qualification is in the combination of specific experience and education. Experience that is specific to the type of property or issues to be assessed should weigh more heavily than other experience. When evaluating education and training, consider the academic background of individuals but also review their commitment to continuing education and training. The ESA is a relatively new process and one that continues to evolve so that staying current with the latest standards and guidelines is critical for the environmental professional.

The *ASTM Standard Practice for Environmental Site Assessments, Phase I Environmental Site Assessment*, E-1527, provides clear guidance with which to undertake an ESA, but it also allows for the exercise of the judgment and discretion of the environmental professional. The expressed purpose of the ASTM standard practice is to establish a standard that will allow property buyers and developers to meet the requirements established by the laws and courts to minimize the risks of environmental liability associated with buying property. The standard can also be used to evaluate the final work product of the environmental professional. A checklist of the key points of the ASTM Standard may be used to measure the completeness of the report and work effort. It should be noted that this checklist is not a part of the ASTM standard guideline.

The Phase I ESA is designed in principle to be a cost-effective overview of a site that should identify indications of recognized environmental conditions. To keep the cost of the investigation at a reasonable level, the typical Phase I ESA involves no collection or testing of samples, and it is limited to information already available through public sources, interviews, or first-hand observation. This approach allows a buyer to determine if there is an indication of a problem or an increased risk with a particular property. By limiting the scope of the ESA, the cost is minimized, but the conclusions of the environmental professional are therefore drawn from limited information. For this reason the environmental professional may be unable to conclude that contamination is or is not present, and he or she may instead state that he or she can conclude only that there are indications of this condition or circumstances that could indicate contamination.

The ESA report should include copies of the notes collected during interviews, the database review summaries, maps, aerial photos, and any other reasonable