

# The Continuing Obligations Plan: ASTM's New Standard for Controlling Environmental Risk in Business Transactions

[Steven L. Humphreys](#)

November 1, 2011

The article reviews liability protections under the federal Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA) and Brownfields Revitalization and Environmental Restoration Act ("BRERA") for property owners and business managers. It helps clarify how far a purchaser must go in complying with "due care" and other requirements to remain exempt from CERCLA liability. The article discusses the American Society for Testing Materials standard protocol to maintain CERCLA prospective purchaser exemptions post-closing. More specifically, the author explains the ASTM E1527-05 standard for conducting "all appropriate inquiry" investigations and the ASTM E2790-11, "Standard Guide for Identifying and Complying with Continuing Obligations."