INTRODUCTION

For more than 20 years following the enactment of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), it was not possible for purchasers of contaminated property to protect themselves entirely from claims related to the contamination, even if they had no connection to the contamination and were innocent in all respects. The chilling effect that this had on redevelopment of contaminated properties around the country has been well documented.

In 2001, Congress attempted to solve the problem—and thereby encourage the restoration of contaminated properties to productive use—with the enactment of the so-called “Brownfields Amendments” to CERCLA. The Brownfield Amendments were intended to shield “bona fide prospective purchasers” as defined in the statute from any liability under CERCLA. Although 13 years have passed since the enactment of the Brownfield Amendments, important issues and ambiguities remain, and there have been surprisingly few court cases that provide meaningful guidance for prospective purchasers of contaminated sites.

In this volume, Frank J. Deveau and David L. Guevara have gathered all of the relevant guidance documents published by United States Environmental Protection Agency and have analyzed all of the key judicial decisions interpreting the Brownfields Amendments, so that the practitioner who is dealing with such issues has all of the resources he or she needs to advise the client—and everything is included in a single, well-written volume. Even the most experienced practitioner will benefit from this book, as the issues and concepts associated with transactions involving contaminated properties have changed over the years and are continually evolving.

Environmental practitioners at all levels of experience and expertise will benefit from this thorough compilation and the insights of Messrs. Deveau and Guevara, both of whom are highly regarded experts in the field.

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