

# USER QUESTIONNAIRE

What Is It & Why Do I Need It?



A User Questionnaire is one of the first items to be completed in the Phase I Environmental Site Assessment (ESA) process. It consists of six questions to be answered to the best of the User's ability.

## Who Qualifies as a User?

According to the ASTM Standard, a User is defined as the party seeking to complete an environmental site assessment. In a purchase transaction, the purchaser is defined as the User.

## Why do I Need to Complete the Questionnaire?

The User has specific obligations for completing a successful Phase I ESA, including providing information as requested in the User Questionnaire. The information provided in the User Questionnaire may assist in identifying Recognized Environmental Conditions (RECs). By completing the User Questionnaire, the User is providing documentation of what they do or do not know about the property prior to purchase. Failure to provide this information could result in limitations in the Phase I ESA and a determination that the "All Appropriate Inquiries" as required under Final Rule (40 C.F.R. Part 213) is not complete.

## What if I Don't Know the Answers?

It is important that the User Questionnaire is filled out accurately and completely by the User. In many instances, the User has little to no information about the property and should complete the User Questionnaire accordingly and to the best of their knowledge. The User Questionnaire is not intended to be completed by the seller, tenant, or broker for the property in a real estate transaction. In some cases, a designated representative of the User (e.g., an attorney) can complete the User Questionnaire on behalf of the User. Additionally, in a foreclosure situation, the lender is considered a "new purchaser" and a representative of the lending institution should complete the questionnaire.