

Date: [Insert Date]

To: [Property Owner/Developer Name]
[Company Name]
[Address Line 1]
[Address Line 2]

Subject: Advisory Regarding Baseline Environmental Assessment and Indemnification

Project Site: [Insert Site Name/Address]

Dear [Name],

This letter serves as a formal advisory regarding the environmental due diligence requirements and potential liability protections associated with the acquisition and redevelopment of the above-referenced brownfield site.

1. Baseline Environmental Assessment (BEA)

To establish a "safe harbor" against liability for pre-existing environmental contamination, a Baseline Environmental Assessment must be conducted. This assessment documents the current environmental conditions of the property at the time of purchase or occupancy. The goal is to distinguish new contamination from legacy issues.

2. Statutory Indemnification and Liability Protection

Under [Insert Applicable State/Federal Law, e.g., CERCLA or State Brownfield Act], completing a BEA and submitting it to the appropriate regulatory agency may grant the owner/developer "Bona Fide Prospective Purchaser" status. This status provides a degree of indemnification against costs associated with remediating contamination caused by previous owners.

3. Continuing Obligations

Please be advised that indemnification is often contingent upon "due care" obligations. To maintain liability protection, the owner must:

- Take reasonable steps to stop any continuing releases.
- Prevent exposure to existing contamination.
- Comply with all land-use restrictions and institutional controls.

4. Recommendations

We recommend that you engage a qualified environmental professional to perform a Phase I and Phase II Environmental Site Assessment (ESA) to support the BEA documentation. Furthermore, we advise that your legal counsel review all indemnification clauses in the purchase agreement to ensure they align with the findings of the assessment.

Failure to complete these steps prior to or within [Insert Number] days of the transfer of title may result in the loss of statutory liability protection.

Sincerely,

[Your Name]

[Your Title]

[Your Organization]