

[Date]

[Recipient Name]

[Recipient Title]

[Company Name]

[Address]

[City, State, Zip Code]

RE: Advisory Notice Regarding Successor Liability and Environmental Indemnification

Property: [Site Name / Address]

Brownfield Site ID: [ID Number]

Dear [Recipient Name],

This letter serves to advise you of the potential successor liability risks associated with the acquisition of the above-referenced Brownfield property and the necessity of establishing robust environmental indemnification protections.

As the site is designated as a Brownfield due to the confirmed or perceived presence of hazardous substances, any entity acquiring interest in the property may be held liable for existing contamination under federal and state environmental laws, regardless of fault.

To mitigate these risks, we strongly recommend the following actions prior to the completion of the transaction:

- **All Appropriate Inquiries (AAI):** Ensure a Phase I Environmental Site Assessment is completed to qualify for "Bona Fide Prospective Purchaser" (BFPP) status.
- **Indemnification Agreement:** Execute a comprehensive environmental indemnification agreement with the seller to allocate costs for future cleanup or third-party claims.
- **Remediation Standards:** Verify that all voluntary cleanup programs or certificates of completion are transferable and provide legal release from liability.
- **Environmental Insurance:** Evaluate the necessity of Pollution Legal Liability (PLL) insurance to cover unforeseen remediation costs.

Failure to properly structure these protections may result in significant financial responsibility for legacy environmental conditions. We recommend that you review these findings with your legal counsel and environmental consultants immediately.

Sincerely,

[Your Name]

[Your Title]

[Your Organization]