



## CERTIFICATIONS: SAMPLE LANGUAGE

Providing certification letters as a result of field observation services is sometimes requested of environmental professionals. The wording utilized in these “certification” letters can increase the professional firm’s exposure above what is not only contractually agreed to, but beyond what is reasonably acceptable industry standards. Certification of the contractor’s work can lead to a guarantee or a warranty by the environmental professional of their services. Careful use, knowledge of the meaning, and case law play an important role in limiting a firm’s responsibilities, risks and liabilities.



The following are sample clauses that can be used when providing “certifications” of completed remediation/construction work. Prior to utilizing any sample clauses, it is recommended that standard limitations are reviewed in whole by legal counsel that is familiar with your firm’s operations and that of your industry in your geographic location.

*Based on our observation and tests as documented in our letters, daily field reports, and memorandum, and to the best of our knowledge, information, and belief, it is our opinion that the (specify construction or remediation activity) performed through (date) has been completed in substantial conformance with the project plans and specifications (dated \_\_\_\_\_).*

*The horizontal and vertical limits of (excavations/remediation) were determined by others. XYZ Firm does not guarantee the ade-*

*quacy of the (scope of work) construction, nor should our work orders be construed as relieving the contractor of their responsibility to perform the work in accordance with the contract plans and specifications.*

*Based upon observations performed in accord with the contract documents and such other information provided by others, the Work performed as of this date appears to have been completed in compliance with the Project contract documents. This document does not warrant or guarantee that the Work performed is free from defect and/or deficiency as same remain the sole responsibility of the Project Contractor.*

### THE FOLLOWING DEFINITION OF “CERTIFY” MAY BE INCLUDED ON A STANDARD FORM THAT IS REQUIRED BY THE CLIENT:

For purpose of this document, “certified” means to state or declare a professional opinion of conditions whose true properties cannot be known at the time such certification was made, despite appropriate professional evaluation (design/environmental/geoscience). Professional certification of conditions in no way relieves any other party remedial requirements imposed by contract or other means, including commonly accepted industry practices.

*The information contained herein is intended for informational purposes only and does not constitute legal advice. For legal advice, seek the services of a competent attorney. Any descriptions of insurance provisions are general overviews only.*

*“XL Insurance” is the global brand used by XL Group plc’s (NYSE: XL) insurance companies. Coverages underwritten by Greenwich Insurance Company, Indian Harbor Insurance Company, XL Insurance America, Inc., XL Specialty Insurance Company and XL Insurance Company Limited—Canadian Branch. Coverages not available in all jurisdictions.*

