

ECI 2011 DUE DILIGENCE SCORECARD

TWO TYPES OF DUE DILIGENCE

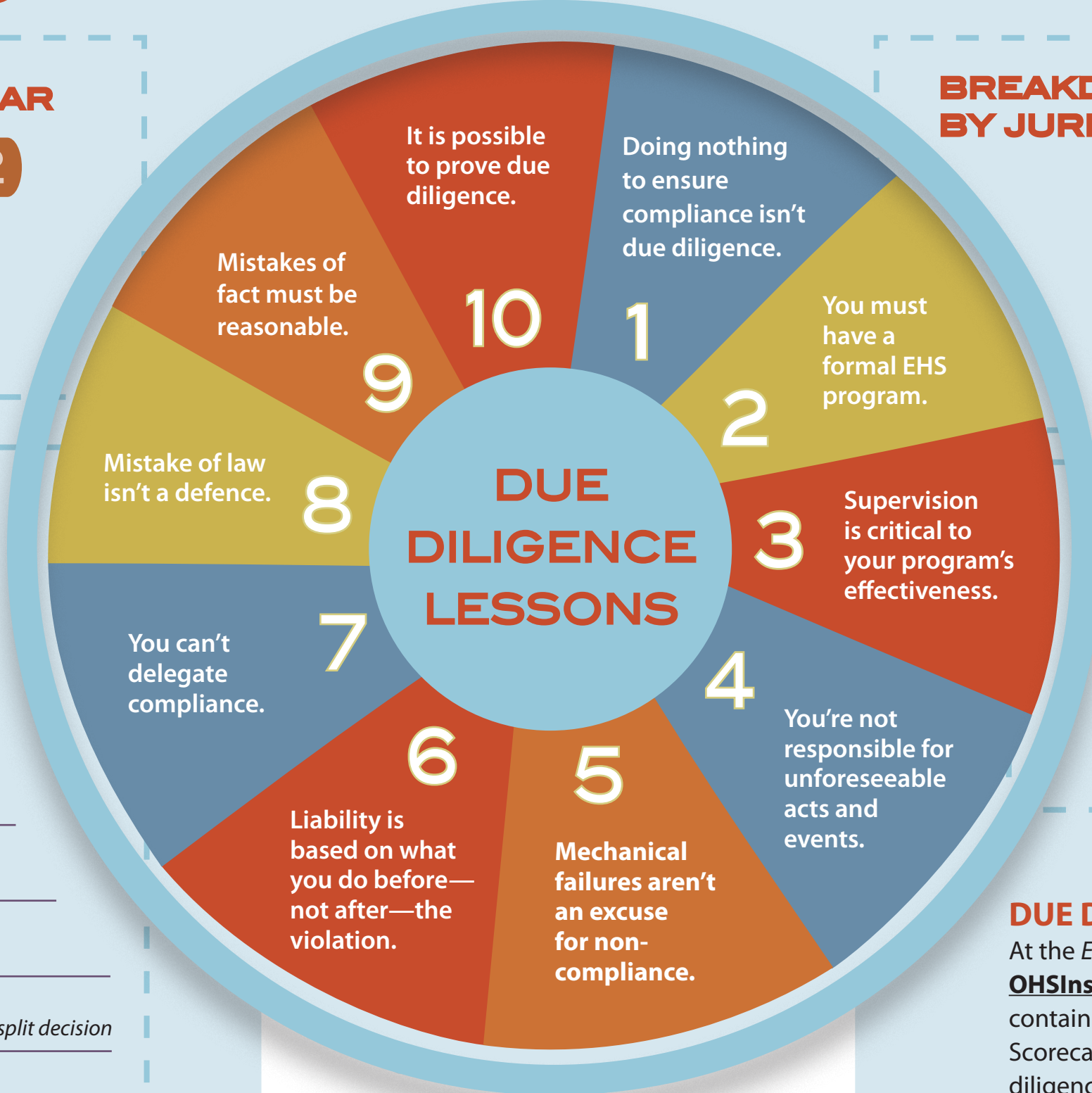
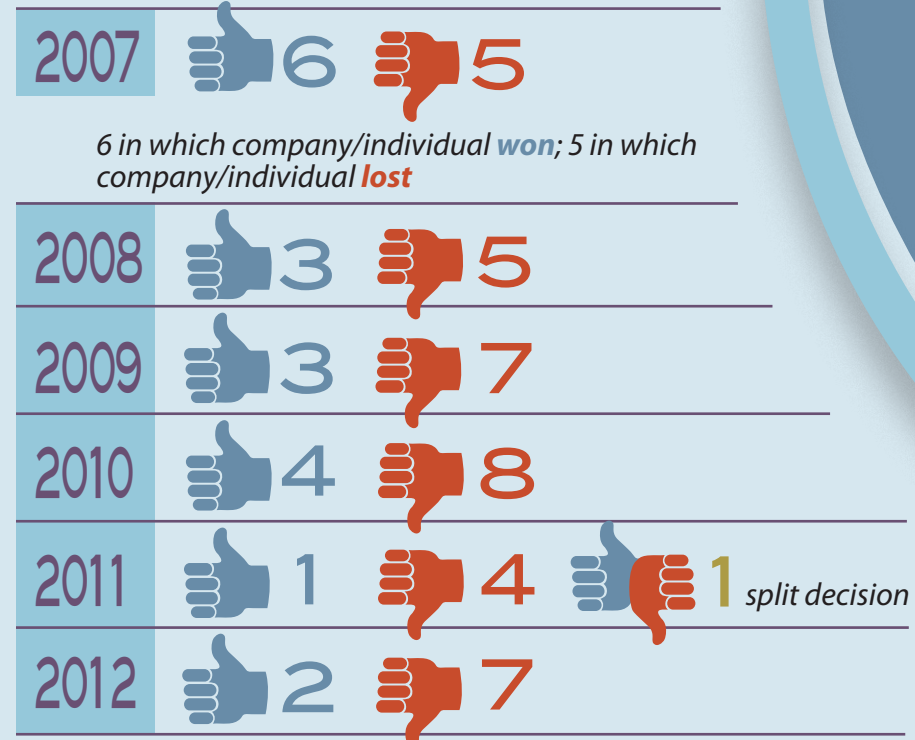
1 REASONABLE STEPS
The company must demonstrate that it took all reasonable steps to protect the environment, ensure compliance with environmental laws and prevent violations.

2 REASONABLE MISTAKE OF FACT
The company must prove that it reasonably relied on a set of facts that turned out to be untrue but, if those facts had been true, what it did—or failed to do—would've been legal.

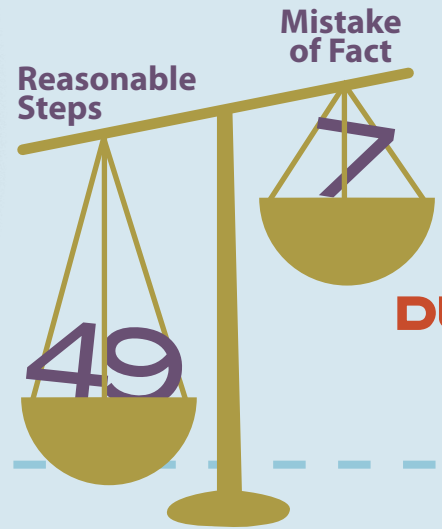
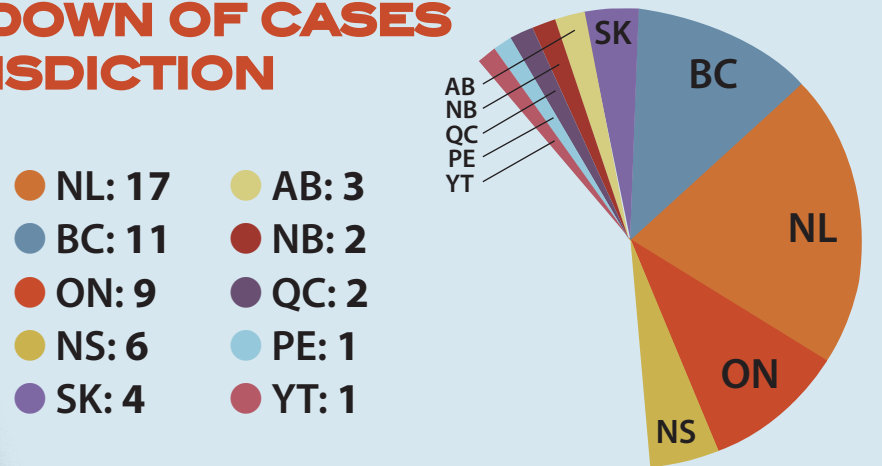
NUMBER OF CASES BY YEAR



BREAKDOWN OF CASES BY YEAR—WINNERS & LOSERS



BREAKDOWN OF CASES BY JURISDICTION



BREAKDOWN OF CASES BY TYPE OF DUE DILIGENCE DEFENCE

DUE DILIGENCE RESOURCES

At the *Environmental Compliance Insider's* partner site, **OHSInsider.com**, the **Due Diligence Compliance Center** contains each year's *Safety Compliance Insider* Due Diligence Scorecard as well as dozens of other articles on due diligence in general, including more on the **reasonable mistake of fact** defence and whether following an **industry standard** is due diligence.