

455H.305 Participation not deemed an admission of liability.

1. Enrolling a site pursuant to [this chapter](#) or participating in a response action does not constitute an admission of liability under the statutes of this state, the rules adopted pursuant to the statutes, or the ordinances and resolutions of a political subdivision, or an admission of civil liability under the Code or common law of this state.

2. The fact that a person has become a participant in a response action under [this chapter](#) is not admissible in any civil, criminal, or administrative proceeding initiated or brought under any law of this state other than to enforce [this chapter](#).

3. All information, documents, reports, data produced, and any sample collected as a result of enrolling any property under [this chapter](#) are not admissible against the person undertaking the response action, and are not discoverable in any civil or administrative proceeding against the participant undertaking the response action except in a judicial or administrative proceeding initiated to enforce [this chapter](#) in connection with an alleged violation thereof. This prohibition against admissibility does not apply to any person whose covenant not to sue has been revoked under [this chapter](#).

4. Enrolling a site pursuant to [this chapter](#) or participating in a response action shall not be construed to be an acknowledgment that the conditions at the affected area identified and addressed by the response action constitute a threat or danger to public health or safety or the environment.

[97 Acts, ch 127, §19](#)