

# Environmental Due Diligence – Keeping Up with What is New

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## Overview

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- Why due diligence – overview of environmental law
- Superfund
- All Appropriate Inquiry/Phase I – What it is and isn't
  - What it is and isn't
  - Recent caselaw
  - PFAS and emerging chemicals

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## Concerns to Lenders

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- Indirect liability – economic loss
  - Ability of the borrower to repay loan
  - Diminution in value of collateral
  - Subordination of security interest to an environmental lien
- Direct Liability

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## Overview of Environmental Law

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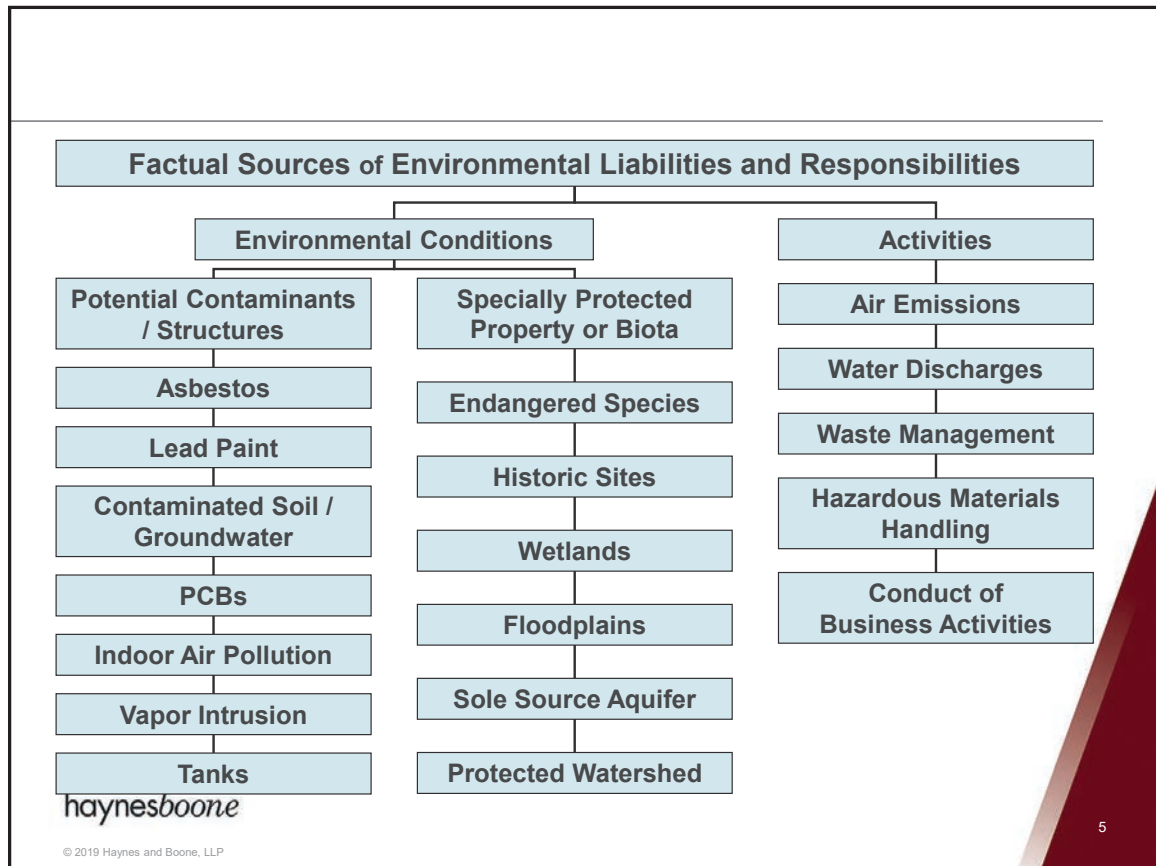
- Environmental laws are laws that regulate activities or conditions because of their effect or potential effect on public health, welfare and the environment.

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## Types of Environmental Programs

- Pollution Programs
- Chemical Handling Programs
- Conservation Programs

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[2020 Commercial Real Estate Lending Hot Topics: Tenant Distress during COVID-19; Environmental Due Diligence; Ancillary Construction Loan Documents and More](#)

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"Environmental Due Diligence - Keeping Up With What Is New"