

Environmental Due Diligence – Keeping Up with What is New

Mary Simmons Mendoza
Haynes and Boone, LLP

54th Annual William W. Gibson, Jr. Mortgage
Lending and Servicing Institute
September 17-18, 2020
Austin, Texas

haynesboone

© 2019 Haynes and Boone, LLP

1

Overview

- 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

haynesboone

© 2019 Haynes and Boone, LLP

2

2

Concerns to Lenders

- 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

haynesboone

© 2019 Haynes and Boone, LLP

3

3

Overview of Environmental Law

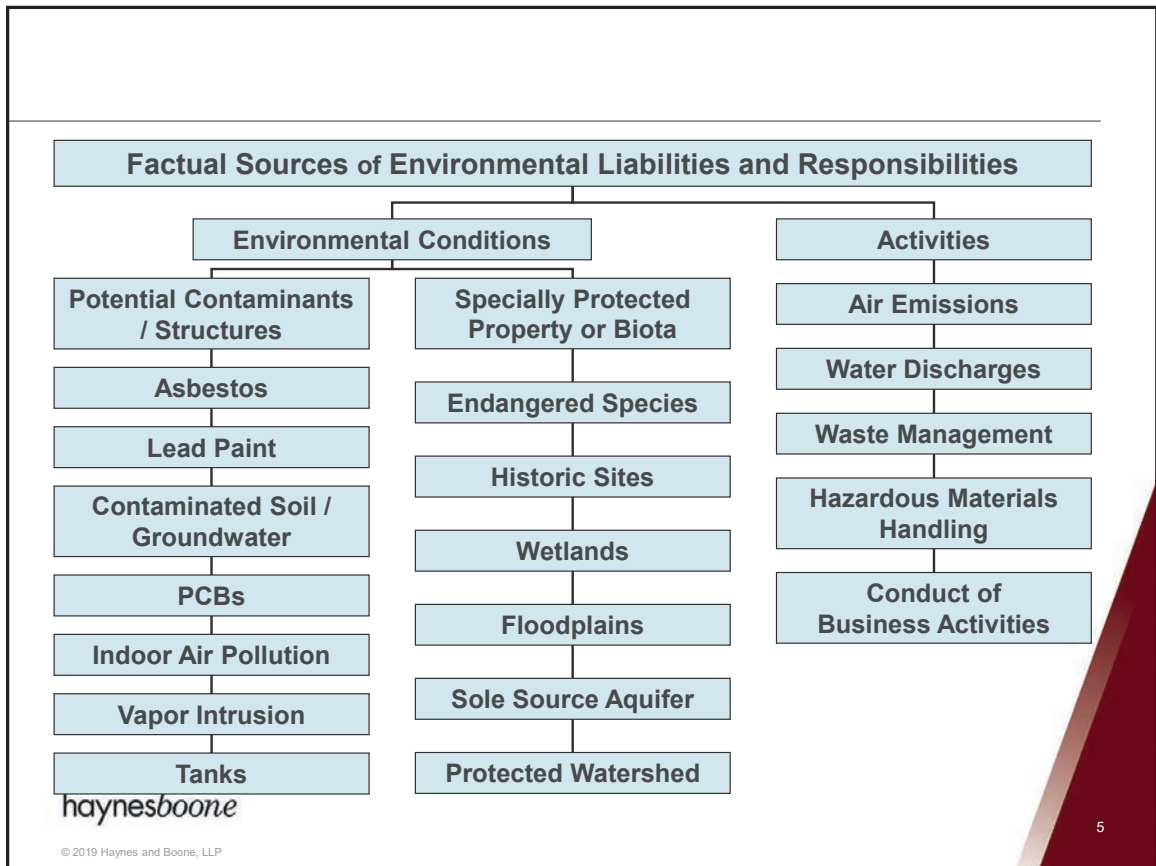
- Environmental laws are laws that regulate activities or conditions because of their effect or potential effect on public health, welfare and the environment.

haynesboone

© 2019 Haynes and Boone, LLP

4

4



5

Types of Environmental Programs

- Pollution Programs
- Chemical Handling Programs
- Conservation Programs

haynesboone

© 2019 Haynes and Boone, LLP

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Environmental Due Diligence - Keeping Up With What Is New

Also available as part of the eCourse

[Hooked on CLE: May 2021](#)

First appeared as part of the conference materials for the 54th Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute session "Environmental Due Diligence - Keeping Up With What Is New"