

Environmental Due Diligence – Keeping Up with What is New

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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

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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

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Overview of Environmental Law

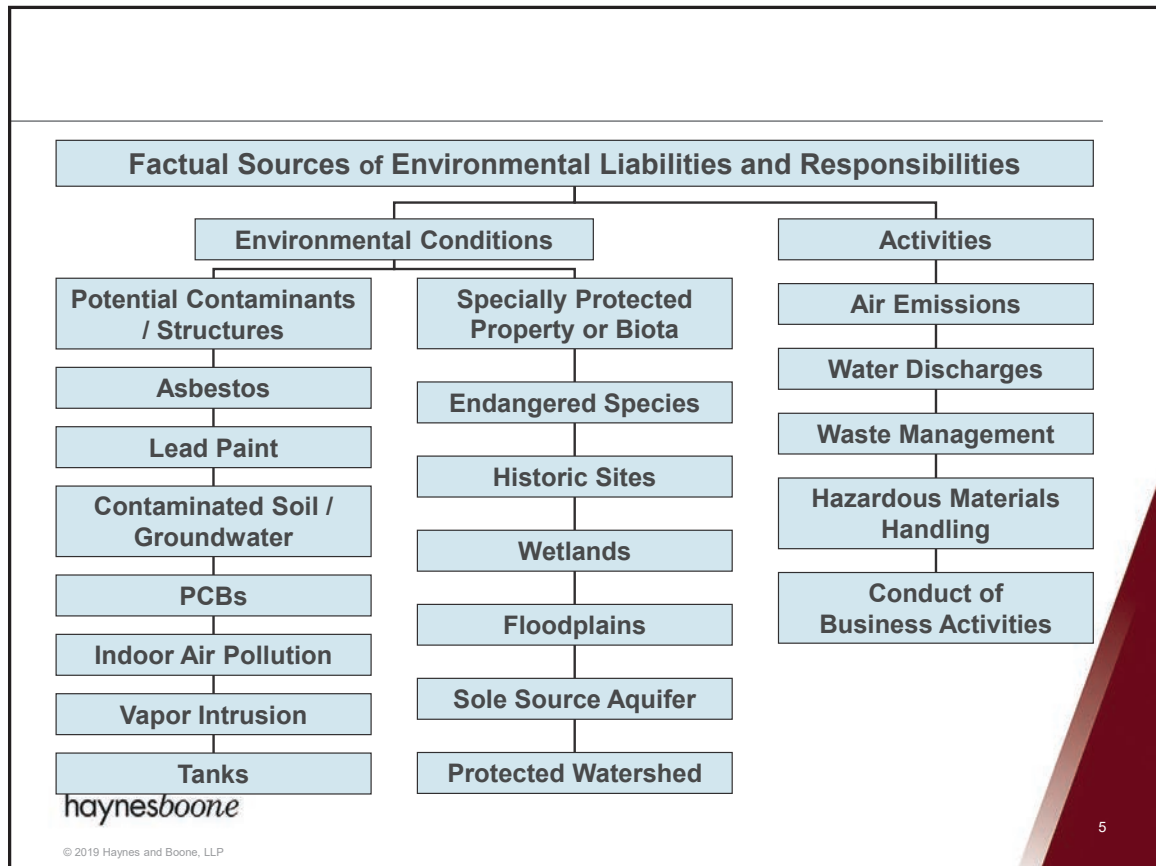
- Environmental laws are laws that regulate activities or conditions because of their effect or potential effect on public health, welfare and the environment.

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Types of Environmental Programs

- Pollution Programs
- Chemical Handling Programs
- Conservation Programs

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