Environmental Due Diligence

Practices and Industries

PRIMARY CONTACTS

Mary Simmons Mendoza

+1 512.867.8418

Haynes and Boone environmental lawyers assist clients in a wide range of businesses and industries – from the real estate developer, to the private equity fund, to the multinational corporation – in addressing identified and potential environmental concerns. We work closely with clients, their transactional lawyers, and other professional advisors to devise innovative methods to streamline environmental due diligence to identify environmental risks and to devise creative and cost-effective ways to manage them.

Working as part of a team with corporate, real estate or finance attorneys, our environmental attorneys provide input into the structure of the transactions and review, draft and negotiate environmental provisions. We also help clients to properly scope their environmental due diligence investigations, to prepare requests for proposals from environmental consultants to perform them, to negotiate contracts with those consultants that are protective of their interests, and to understand the legal ramifications of the consultant reports and how the consultants' conclusions affect the value and nature of the deal.

Our day-to-day experience in representing clients in regulatory matters involving compliance and site remediation enables us to identify critical environmental risks and to suggest practical risk mitigation options to bring a transaction to a timely and successful conclusion. Among other things, we draw upon a variety of regulatory programs to manage and mitigate environmental risks associated with potential non-compliance, e.g., so-called environmental audit privilege statutes, and with contaminated properties, e.g., so-called Brownfields programs including voluntary cleanup programs, innocent owner/operator statutes, and risk-based cleanup standards. We also have experience with the use of environmental insurance products and private fixed price remediation/liability transfer programs.

We also assist clients on the environmental aspects of corporate disclosures made under other governmental regulatory programs, such as those of the SEC and FTC. We have counseled clients on disclosures relating to environmental risks generally and to climate change risks and to asset retirement obligations in particular.

© 2024 Haynes and Boone, LLP