

David B. Farer

PARTNER / CO-CHAIR, ENVIRONMENTAL DEPARTMENT

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In my career as an environmental lawyer, I have focused on bringing people together to achieve cleanups, revitalize sites, resolve disputes. I concentrate on finding solutions and common ground. Outside of the legal world, I've found that the same bottom line applies: In the end, it's always the people who matter.

Mr. Farer concentrates his practice on the impact of environmental laws on transactions and real property in New Jersey and around the nation. A nationally renowned environmental lawyer, he has been on the cutting edge of developments in the environmental sector since the 1980s. He is a Past President of the American College of Environmental Lawyers, where he is currently Co-Chair of the International Pro Bono Committee. Among his speeches in international settings were presentations at Oxford University's Smith School of Enterprise and the Environment, and at the XI International Convention on Environment and Development in Havana, Cuba. Most recently, he led a delegation of American environmental lawyers who participated in a February 2023 symposium in Havana with Cuban counterparts on the topic "USA-Cuba Key Environmental Issues: Lessons Learned – Lessons Shared."

Mr. Farer has extensive experience related to the cleanup and redevelopment of contaminated properties including brownfields, environmental compliance and insurance issues, institutional and engineering controls, assessing and negotiating liability under federal and state Superfund laws, resolution of environmental issues in bankruptcy proceedings, litigation and dispute resolution arising from those issues, and the field of sustainable development and green building. He advises clients on environmental contractual protection

Departments

Environmental

Practice Groups

Environmental

Education

Boston University School of Law, J.D., 1978

Lafayette College, B.A., 1975

Bar Admissions

Massachusetts, 1978

New Jersey, 1979

U.S. Supreme Court, 1986

U.S. Court of Appeals, Third Circuit, 1995

techniques, due diligence, transaction-triggered environmental laws, funding options for brownfields redevelopment, state and federal cleanup liabilities, deed notices and use restrictions, and environmental disclosures. He also has substantial experience as special environmental counsel in bankruptcy proceedings, dealing with state and federal environmental authorities in the process of estimating and resolving environmental liabilities of bankrupt entities.

Mr. Farer has served as Special Master in environmental lawsuits in New Jersey, having been appointed to those positions by Judges of the Superior Court of New Jersey, Chancery Division. He regularly mediates environmental disputes, and is a qualified mediator under New Jersey court rules. He has also been selected by the United States District Court, District of New Jersey, to serve on the District's Panel of Mediators, and continues to be appointed to successive terms on the panel.

Prior to joining the firm in January 2012 as chair of its newly established Environmental Department, Mr. Farer chaired the Environmental & Brownfields practice group at Farer Fersko, where he established that firm's environmental practice in 1984.

For over thirty years, Mr. Farer has written and lectured extensively on environmental issues in New Jersey and nationally. He developed and chaired two long-standing American Law Institute Continuing Legal Education (ALI CLE, formerly ALI-ABA) national courses of study: "The Impact of Environmental Law on Real Estate and Business Transactions: Brownfields and Beyond," presented since 1987, and "Environmental Insurance." Since the mid-1980s, he has developed and presented numerous seminars for the New Jersey Institute for Continuing Legal Education (NJICLE), including his longstanding series of lectures, programs and associated manuals on New Jersey's Industrial Site Recovery Act (ISRA, formerly ECRA) and New Jersey's Brownfield Law. His most recent NJICLE programs focused on New Jersey's Site Remediation Reform Act and its Licensed Site Remediation Professional (LSRP) program.

Having completed his service as President of the American College of Environmental Lawyers (ACOEL), Mr. Farer's recent work as co-chair of the International Pro Bono Committee has focused on his role in leading ACOEL's efforts in developing pro bono projects in Cuba. In addition to the Cuba projects mentioned above, in February 2021, during the pandemic, he participated in a webinar, co-sponsored by Columbia University, ACOEL, a Cuban NGO and the Environmental Defense Fund, on the topic of reinvigorating and expanding U.S./Cuba environmental cooperation.

Results may vary depending on your particular facts and legal circumstances.

HONORS & AWARDS

- American College of Environmental Lawyers (ACOEL) Fellow: President (2015-2016); first New Jersey attorney appointed to fellowship; Executive Committee; International Pro Bono Committee Co-Chair; ACOEL Cuba Working Group, Chair; Program and Education Committee (past co-Chair); regular contributor to ACOEL's blog on environmental law topics

- American Bar Foundation Fellow
- Listed in *The Lawdragon Green 500: The 2024 Leaders in Environmental Law* (a publication of Lawdragon Inc.)
- Listed in *Chambers USA* (a publication of Chambers and Partners) in the Environment practice area (2005 – present)
- Listed in *The Best Lawyers in America*® (a trademark of Woodward/White, Inc.) in the Environmental Law practice area (2007 – present)
- Selected by *Best Lawyers*® (a trademark of Woodward/White, Inc.) as 2015 Woodbridge "Lawyer of the Year" in Environmental Law
- Listed in *New Jersey Super Lawyers* (a Thomson Reuters business) in the Environmental and Environmental Litigation practice areas (2005 – present)
- Martindale-Hubbell® Peer Review Rated AV® Preeminent (a trademark of Internet Brands, Inc.) (1990 – present)
- Selected for inclusion in *Who's Who Legal – Environment* (a publication of Law Business Research Ltd.) (2010 – present)
- Selected for inclusion in the *Who's Who Legal 2017 - Compendium Edition* (a publication of Law Business Research Ltd.)

Please visit our Award Methodology page for a description of the standard or methodology on which these accolades are based. Attorney Advertising: No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

ACTIVITIES & EXPERIENCE

- Led a February 2023 delegation of Fellows of the American College of Environmental Lawyers (ACOEL) at a two day symposium in Havana, "USA-Cuba Key Environmental Issues: Lessons Learned – Lessons Shared." Topics covered included the latest developments in the structure of environmental laws and regulations in Cuba and the community enforcement of those laws. Read our press release for more details.
- Moderated a November 2021 national course on "Environmental Insurance: Latest Developments and Emerging Issues," presented by American Law Institute CLE.
- Participated in a February 2021 webinar, co-sponsored by Columbia University, ACOEL, a Cuban NGO and the Environmental Defense Fund, on the topic of reinvigorating and expanding U.S./Cuba environmental cooperation.
- Delivered a presentation on "Lessons Learned: Effective Environmental Regulation of Critical Infrastructure Development & Operation" as a member of the American College of Environmental Lawyers' delegation to the XI Annual International Convention on Environment and Development,

which was held in Havana, Cuba in July 2017

- Presented a talk at the Smith School of Enterprise and the Environment at the University of Oxford in March 2015. Mr. Farer spoke on the topic of "Real estate & business transactions as prime drivers of environmental compliance activities in the U.S. - Sources/Developments/Latest Trends."
- American Bar Association; Section of Environment, Energy, and Resources; Section of Dispute Resolution
- Interviewed David J. Hayes, Deputy Secretary of the U.S. Department of the Interior, at the October 2012 annual meeting of the American College of Environmental Lawyers in Washington, D.C. In 2009, Mr. Farer had the honor of interviewing Mr. Hayes for a special ACOEL presentation on the Obama administration's environmental initiatives and priorities.
- Interviewed for the National Association of Real Estate Investment Trusts (NAREIT) website on the legislative and regulatory impacts of Superstorm Sandy, vapor intrusion and other environmental issues in the workplace (March 2013); on the regulation of environmentally sustainable building (March 2012); on brownfield redevelopment opportunities (March 2011)
- Argued successfully before the Third Circuit Court of Appeals in *U.S. v CDMG Realty Co.*, where the court held that an interim property owner cannot be held responsible under the federal Superfund law for "passive migration" of pre-existing contamination. [Click here to read the Court's opinion.](#)
- Lectured in London on U.S. environmental law issues. The three-day, April 2002 international law symposium was co-sponsored by the U.K. Law Society, the European Company Lawyers Association and ALI-ABA. Faculty members included former U.S. Supreme Court Justice Sandra Day O'Connor, senior judges of the U.S. Court of Appeals and other noted U.S. teachers and practitioners.

MORE ACTIVITIES & EXPERIENCE

- Jazz musician, performing on alto and soprano saxophone. Released his first album – *Netanya's Dream* – in June 2017 on CD Baby and iTunes. Comprised of eight of his own compositions, the album features the David Farer Quartet.
- Cape Cod Chamber Music Festival Board President

PRESENTATIONS & SPEAKING ENGAGEMENTS

Moderator/Panelist, Environmental Insurance: Latest Developments and Emerging Issues

Sponsor: *American Law Institute CLE*, November 3, 2021

Co-Moderator, Cuba-US Working Together Again: Lessons from Environmental Cooperation

Sponsor: *American College of Environmental Lawyers, Columbia University, Environmental Defense Fund, and Foundation Antonio Nunez Jimenez of Nature and Humanity*, February 22, 2021

Panelist, The Health & Environmental Settlements Project Workshop

Sponsor: *The State Energy & Environmental Impact Center at NYU School of Law*, March 12, 2019

Planning Chair and Faculty Member, The Impact of Environmental Law on Real Estate and Business Transactions: Brownfields and Beyond

Sponsor: *ALI CLE (formerly ALI-ABA) National Course of Study*, 1987- forward

Planning Chair and Faculty Member, ISRA Compliance

Sponsor: *New Jersey Institute for Continuing Legal Education*, 1985 - forward

Planning Chair and Faculty Member, Environmental Insurance: Emerging Issues and Latest Developments on the New Coverage and Insurance Cost Recovery

Sponsor: *ALI CLE National Course of Study*, 2000 – forward

Panelist, Environmental Collaboration and Conflict Resolution

Sponsor: *Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution*, May 7, 2015

Moderator/Presenter, The Changing Face of Site Remediation & Development in New Jersey: The Impact of Sandy, LSRPs and Other Critical Issues

Sponsor: *New Jersey Institute for Continuing Legal Education*, November 21, 2013

Planning Chair and Faculty Member, Allocating Environmental Risk in Transactions: Case Law and Drafting Tips

Sponsor: *ALI CLE Audio Webinar*, June 25, 2014

Speaker, Policy Briefing: The LSRP Program, A Year Later

Sponsor: *PlanSmart NJ*, September 12, 2013

Discussion Leader, Environmental Hazards in the Workplace

Sponsor: *NAREIT REITWise 2013 Law, Accounting & Finance Conference*, March 20, 2013

Moderator, The Dangers Within: An Update on Dealing with Environmental Hazards in the Workplace It's Not Just About OSHA!

Sponsor: *New Jersey Corporate Counsel Association 10th Annual Full Day CLE Conference*, September 12, 2012

Presenter, Allocation of Environmental Risks in Transactions

Sponsor: *American College of Environmental Lawyers Annual Meeting*, September 2011

Planning Chair and Faculty Member, Environmental Insurance: Market Update and the Latest on Negotiation and Claim Strategies

Sponsor: *ALI-ABA Video Webcast*, May 1, 2011

Planning Chair and Faculty Member, Allocating Environmental Risk in Transactions: Case Law and Drafting Tips

Sponsor: *ALI-ABA Audio Webinar*, March 2011

Discussion Leader, Green Issues Roundtable

Sponsor: *NAREIT REITWise 2011 Law, Accounting & Finance Conference*, March 2011

Faculty, Environmental Law Update: Hot Topics for In-House Counsel

Sponsor: *New Jersey Law Journal In-House Counsel CLE Seminar*, November 2010

Planning Chair and Faculty Member, Site Remediation Reform and the New LSRP System: Transactional, Technical and Brownfield Impacts

Sponsor: *New Jersey Institute for Continuing Legal Education*, March 2010

Moderator, Climate Change Legislation and Regulation

Sponsor: *American College of Environmental Lawyers Annual Meeting*, October 2009

Planning Chair and Faculty Member, ISRA 2009: Environmental Issues in Transactions & Brownfield Redevelopment & the New Site Remediation Reform Act

Sponsor: *NJICLE*, May 2009

Discussion Leader, Green Leases Roundtable

Sponsor: *NAREIT REITWise 2009 Law, Accounting & Finance Conference*, March 2009

Presenter, A Brownfield Redevelopment Case Study: K. Hovnanian's Tides at Seaboard Point

Sponsor: *Pace University Law School*, May 2008

PUBLICATIONS & ALERTS

Author, ACOEL Delegation Participates in U.S.-CUBA Environmental Symposium in Havana
American College of Environmental Lawyers Blog, March 2023

Chapter Author, Cuba-US Strategies on Furthering Environmental Cooperation
US - Cuba Working Together Again: Lessons from Environmental Cooperation, Columbia University Cuba Program, 2021

Author, Columbia University Publishes Proceedings of ACOEL-Columbia Univ-EDF-FANJ Joint Webinar in US-Cuba Environmental Cooperation
American College of Environmental Lawyers Blog, October 2021

Author, ACOEL Posts Video of ACOEL-Columbia Univ-EDF-FANJ Joint Webinar on US-Cuba Environmental Cooperation
American College of Environmental Lawyers Blog, August, 2021

Co-Author, The New Jersey Economic Recovery Act of 2020: An Overview of the Brownfields Redevelopment Incentive Program

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 29, 2021

Author, ACOEL Announces Its First Memorandum of Understanding with a Cuban Environmental Foundation

American College of Environmental Lawyers Blog, April 2019

Quoted, NJDEP, NJLSRPs, Drones, Case Studies, Sustainability and Environmental Law

Commerce Magazine (Commerce and Industry Association of New Jersey), November 2018

Author, Von Humboldt's Gifts

American College of Environmental Lawyers Blog, August 2018

Quoted, 2018 Annual Environmental Business Roundtable: Project, Trends and Governor Murphy's Agenda

Commerce Magazine (Commerce and Industry Association of New Jersey), April 2018

Author, Cuba Delegation 2: Our July 2017 Presentation in Havana and ACOEL Progress on Pro Bono Projects in Cuba (Part 1 of a Two-Part Series)

American College of Environmental Lawyers Blog, September 2017

Author, Cuba Delegation Blog 2: Notes from Our Informal Meetings

American College of Environmental Lawyers Blog, October 2016

Quoted, Environmental Business

Commerce Magazine, November 2015

Quoted, A State-of-the-Industry Report: Seeing More "Green" in 2015

Commerce Magazine, April 2015

Author, NJ Supreme Court Declares No Statute of Limitations Defense in Contribution Actions under State's Cleanup Law

American College of Environmental Lawyers Blog, January 2015

Author, The Investors' Climate March: Divestment & Reinvestment

American College of Environmental Lawyers Blog, September 2014

Quoted, Environmental Business Report: In New Jersey, 'Green' is Good

Commerce Magazine (Commerce and Industry Association of New Jersey), April 2014

Author, Joseph Sax: Innovator and Inspirer (1936-2014)

American College of Environmental Lawyers Blog, April 2014

Author, In Post-Sandy Moves, New Jersey Adopts FEMA Flood Maps in Emergency Rule
NYC Follows with Executive Order on Flood Elevation Standards
Greenbaum, Rowe, Smith & Davis LLP Client Alert, February 2013

Author, Contractual Allocation of Environmental Risk in Transactions: Recent Case Law Developments
Under CERCLA and Selected Contract Excerpts
ALI CLE Course of Study Materials, 2013 (updated since 1987)

Author, Environmental Lien and 'Super' Lien Laws
ALI CLE Course of Study Materials, 2013 (updated since 1987)

Author, Institutional Controls: Deed Notices, Transfer Notices, Environmental Covenants and
Environmental Use Restrictions
ALI CLE Course of Study Materials, 2013 (updated since 1987)

Author, Brownfield Redevelopment Initiatives: Federal and Selected State Developments
ALI CLE Course of Study Materials, 2013 (updated since 1987)

Author, Transaction-Triggered Environmental Laws and Transfer Notice Laws
ALI CLE Course of Study Materials, 2013 (updated since 1987)

Author, ISRA Compliance: Environmental Issues in Transactions, Brownfield Redevelopment and the Site
Remediation Reform Act
NJICLE, 8th Edition 2013

Quoted in the *Toxic Law Reporter* in its coverage of the New Jersey Supreme Court's September 2012
decision in *New Jersey Department of Environmental Protection v. Dimant* (October 4, 2012 – Bureau of
National Affairs)
October 2012

Quoted, New Jersey's LSRPs: Rising to the Challenge
Commerce Magazine, (September 2012 – Commerce and Industry Association of New Jersey)

Author, Contractual Allocation of Environmental Risk in Transactions: Recent Case Law Developments
under CERCLA and Selected Contract Excerpts From Synopsized Cases on Contractual Allocation of Risk
ALI-ABA Webinar Materials, March 2011

Contributing Author, Environmental Aspects of Real Estate & Commercial Transactions: From Brownfields
to Green Buildings – Chapter: "Transaction-Triggered Environmental Laws"
American Bar Association, 4th Edition, 2011

Author, Site Remediation Reform Act Overview
New Jersey Institute for Continuing Legal Education Seminar Materials, 7th Edition, 2010

Profiled in "Meet the Lawyers" as one of New Jersey's leading real estate lawyers by *Real Estate New Jersey Magazine*, (2007, 2008)

NEWS

Thirty-Four Attorneys from Greenbaum, Rowe, Smith & Davis Selected for Inclusion in 2024 Edition of New Jersey Super Lawyers
March 26, 2024

Who's Who Legal Recognizes Greenbaum Attorneys in 2023 Global Guides
September 19, 2023

2024 Edition of *Best Lawyers* Recognizes 59 Attorneys in 38 Practice Areas: Twelve Greenbaum Lawyers Recognized on "Ones to Watch" List; Five Selected for "Lawyer of the Year" Recognition
August 17, 2023

Greenbaum Partner David B. Farer Leads Delegation of U.S. Environmental Lawyers at Cuba Symposium
March 14, 2023

Who's Who Legal Recognizes Greenbaum Attorneys in 2022 Global Guides
September 9, 2022

2023 Edition of *Best Lawyers* Recognizes 51 Attorneys in 36 Practice Areas: Nine Greenbaum Lawyers Recognized on "Ones to Watch" List; Seven Selected for "Lawyer of the Year" Recognition
August 18, 2022