



FOLEY & LARDNER LLP

50-STATE SURVEY OF PLANT CLOSING LAWS

August, 2010

Prepared by Foley & Lardner LLP

777 East Wisconsin Avenue

Milwaukee, WI 53202-5306

Phone: 414.271.2400

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Alabama	None.	N/A	None.	N/A
Alaska	Trigger: Sale of a facility for which owner or operator has actual knowledge of a release or threatened release of a hazardous substance. Requirements: Seller must disclose contamination to buyer, or seller is treated as liable under state CERCLA statute, and may not use third party defense to state CERCLA liability.	Alaska Stat. § 46.03.822(e)	None.	N/A
Arizona	Trigger: Transfer of property that has been subject to soil remediation, unless remediated to residential use standard. Requirements: Provide written notice of remediation to purchaser prior to transferring ownership.	Ariz. Rev. Stat. § 33-434.01	None.	N/A
Arkansas	Trigger: Transfer of property that has been accepted into voluntary cleanup program. Requirements: Copy of voluntary cleanup agreement must be provided to subsequent owners.	Ark. Code Ann. § 8-7-1104(n)	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
California	<p>Trigger: Sale, lease, or rental of property at which the owner knows or has reasonable cause to believe a release of a hazardous substance has come to be located.</p> <p>Requirements: Provide prior written notice to buyer, lessee, or renter.</p>	<p>Cal. Health & Safety Code § 25359.7</p> <hr/> <p>Cal. Health & Safety Code § 25230(a)(2)</p>	<p>Requirements to Provide Notice: 60 days' notice applicable to a "covered establishment" with 75 or more employees full or part-time for plant closing, layoff or relocation of 50 or more employees within a 30-day period regardless of percentage of work force. Relocation is defined as a move to a different location more than 100 miles away. Notice must also be given to the Local Workforce Investment Board, and the chief elected official of each city and county government within which the termination, relocation or mass layoff occurs.</p> <p>Penalty Provisions: A possible civil penalty of \$500 a day for each day of violation. Employees may receive back pay to be paid at employee's final rate or 3 year average rate of compensation, whichever is higher. In addition, employer is liable for cost of any medical expenses incurred by employees that would have been covered under an employee benefit plan. The employer is liable for period of violation up to 60 days or one-half the number of days the employee was employed, whichever period is smaller.</p>	<p>Cal. Labor Code Ch. 4, Part 4, §§ 1400-1408</p>
	<p>Trigger: Sale, lease, or rental of a designated hazardous waste property or border zone property.</p> <p>Requirements: Must prepare written instrument including specified language to accompany sale, lease, or rental agreement.</p>			



FOLEY & LARDNER LLP

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Colorado	<p>Trigger: Substantial change in ownership of a hazardous waste disposal site, including a change in facility design or operation.</p> <p>Requirements: Must obtain prior approval of the board of county commissioners or municipality.</p>	Colo. Rev. Stat. § 25-15-206(1)	None.	N/A
	<p>Trigger: Sale of permitted or interim status hazardous waste disposal facility.</p> <p>Requirements: Must record deed notice.</p>	Colo. Rev. Stat. § 25-15-303(4)		

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Connecticut	<p>Trigger: Termination of all business or other activities at any facility involved in “regulated activities,” defined as the production, use, storage, or handling of petroleum, flammable substances, CERCLA hazardous or extremely hazardous substances, or PCBs, if such use requires a permit from DEP and is not otherwise regulated under RCRA.</p> <p>Requirements: Owner or operator must file a notice with DEP, submit a list of all regulated substances and storage vessels, dispose of all regulated substances, post warning signs, and submit a certification to DEP. DEP is to conduct an inspection following receipt of the certification.</p>	Conn. Gen. Stat. § 22a-134g	<p>Health Insurance Continuation Requirements: Employers of 100 or more workers that close or relocate a facility to another state must pay for continuation of existing group health insurance for terminated workers and their dependents. Insurance must be extended for a period of 120 days from the date of the relocation or closing, or until the employees affected become eligible for other group coverage, whichever period is less. The statutory requirements are superseded by any collective bargaining agreement’s provisions addressing continuation of health insurance coverage. They do not apply to agricultural and construction enterprises or organizations that close because of bankruptcy or natural disasters.</p>	Conn. Gen. Stat. §§ 31-51n - 31-51o
	<p>Trigger: Transfer of an “establishment,” defined as a small or large quantity generator of hazardous waste, a hazardous waste treatment, storage, or disposal facility, a dry cleaner, furniture stripper, or vehicle body repair facility.</p> <p>Requirements: Engage licensed environmental professional and submit appropriate form to DEP within ten days of transfer certifying to condition of property, and/or to complete remediation activities.</p>	Conn. Gen. Stat. § 22a-134a		
Delaware	<p>None. But property owner must include a deed notice when a release of a hazardous substance that is deemed to be a threat to public health or the environment occurs.</p>	Del. Code tit. 7, § 9115	None.	N/A
Florida	<p>None.</p>	N/A	None.	N/A



FOLEY & LARDNER LLP

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Georgia	<p>Trigger: Creation of a deed, mortgage, deed to secure debt, lease, rental agreement or other instrument granting a use or creating an interest in property listed on the state hazardous site inventory and designated as needing corrective action.</p> <p>Requirements: Property owner must include a deed notice on instrument creating an interest or granting a use of the property.</p>	Official Code Ga. Ann. § 12-8-97(b); Ga. Comp. R. & Regs. r. 391-3-19-.08(1)	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Hawaii	None.	N/A	<p>Requirements to Provide Notice: Employers of 50 or more workers must provide 60 days' advance written notice of a plant closing, partial closing, or relocation to workers and the state Department of Labor and Industrial Relations.</p> <p>Severance Pay Requirements: Employers must pay dislocated workers' allowance for four weeks. The allowance applies to affected workers who are eligible for unemployment insurance and is equal to the difference between workers' average weekly wages before closing and weekly unemployment compensation benefits. Any supplemental unemployment compensation benefits provided for in a collective bargaining agreement supersede the allowance required by state law.</p> <p>Penalty Provisions: Employers that violate the law can be required to pay employees an amount per day equal to the value of the workers' wages, benefits, and other compensation for the two months preceding the facility closing, partial closing, or relocation. Workers have the right to sue their employer for noncompliance.</p>	Haw. Rev. Stat. §§ 394B-1 - 394B-13
Idaho	<p>Trigger: Sale of "residential" property.</p> <p>Requirements: Pre-transfer disclosure law applies only to residential properties. "Residential real property" is defined to include properties with mixed residential and commercial use (such as a commercial property with an apartment).</p>	Id. Code §§ 55-2501 to 55-2518.	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Illinois	<p>Trigger: Transfer of interest in land which has been used as a hazardous waste disposal site.</p> <p>Requirements: Notify IEPA of transfer, and notify transferee of permit conditions restricting future use.</p>	415 Ill. Comp. Stat. § 5/21(m)	<p>Requirements to Provide Notice: Applies to employer with 75 or more full-time workers. A “mass layoff” triggering notice requirements occurs when 25 or more full-time employees are laid off if they constitute one-third or more of the full-time employees at the site, or 250 or more full-time employees.</p>	820 Ill. Comp. Stat. § 65
Indiana	<p>Trigger: Transfer of property (1) subject to EPCRA § 312 reporting; (2) containing RCRA USTs; or (3) listed on CERCLIS.</p> <p>Requirements: Seller must provide a disclosure document prior to closing that identifies the potential liability, current and past property uses, and releases.</p>	Ind. Code Ann. § 13-25-3-1 et seq.	None.	N/A
Iowa	<p>Trigger: Any substantial change in use, sale, conveyance, or transfer of title of a hazardous waste or hazardous substance disposal site listed on the state registry.</p> <p>Requirements: State must give prior written approval of the change in use, sale, conveyance, or transfer.</p> <hr/> <p>Trigger: Any transfer of real property.</p> <p>Requirements: Seller must file real estate transfer statement with county recorder, including information on wells, solid waste disposal sites, underground storage tanks, and hazardous waste, and provide copy of statement to buyer.</p>	<p>Iowa Code Ann. § 455B.430; Iowa Admin. Code r. 567-148.6</p> <hr/> <p>Iowa Code Ann. § 558.69</p>	None.	N/A



FOLEY & LARDNER LLP

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Kansas	None.	N/A	Requirements: Certain employers must apply to the state Secretary of Labor for permission to limit or cease operations.	Kan. Stat. Ann. §44-616
Kentucky	None. However, Kentucky Environmental & Public Protection Cabinet records notice on deed whenever disposal activities have occurred at a hazardous waste site.	Ky. Rev. Stat. § 224.46-580(17)	None.	N/A
Louisiana	None. But property owner must file a deed notice regarding the location of solid or hazardous waste on the property. Buyer may rescind purchase if notice is not included and if it did not have actual knowledge of waste.	La. Rev. Stat. § 30:2039	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Maine	None.	N/A	<p>Requirements to Provide Notice: Employers intending to close or relocate a facility must give 60 days' advance written notice of the planned action to the director of the state Bureau of Labor Standards, affected workers, and local officials, unless the action is necessitated by a physical calamity or unforeseen circumstances.</p> <p>Severance Pay Requirements: Employers of at least 100 workers that cease operations or relocate 100 or more miles from the original location must provide workers with severance pay equal to one week's pay for each year of employment. Severance must be paid within one regular pay period following the last full day of work. The severance requirement does not apply if the relocation or closing is caused by a physical calamity or the affected workers are covered by a contract provision requiring severance pay, accept employment at the new location, or have been employed by their company for less than three years.</p> <p>Penalty Provisions: Workers and labor organizations have the right to file suit in state or federal court to recover unpaid severance benefits. Employers that fail to provide required notification are guilty of a civil violation punishable with a fine of up to \$500.</p>	Me. Rev. Stat. Ann., Title 26, § 625-B

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Maryland	None.	N/A	<p>Requirements to Provide Notice: Employers of 50 or more workers, in business for at least one year, are encouraged to comply with the state's voluntary guidelines. The guidelines recommend that 90 days' advance notice be given by employers that plan to relocate a facility or lay off at least 25 percent, or 15 employees, over any three-month period.</p> <p>Severance Pay and Health Insurance/Other Benefits Continuation Provisions: The voluntary guidelines also address continuation of health insurance and pension benefits and the provisions of severance pay.</p>	Md. Code Ann., Lab. & Empl. § 11-304
Massachusetts	<p>Trigger: Conveyance, lease, or change in use of land on which hazardous waste has been disposed.</p> <p>Requirements: Record deed notice.</p>	Mass. Gen. L. Ch. 21C, § 7	<p>Requirements to Provide Notice: Employers of 12 or more workers that relocate operations within the state must report that action to a designated state official. Employers of 50 or more workers that close or partially close a facility must report that action to the director of the state Division of Employment Security. Employers must provide enough information to enable the director to determine whether employees are eligible for certain state re-employment assistance benefits. Employers receiving financing from designated quasi-public agencies of the state must agree to certain voluntary standards of corporate behavior, including making a good-faith effort to provide workers with at least 90 days' notice of a plant closing or partial closing or equivalent benefits.</p> <p>Penalty Provisions: Noncompliance with the notification requirements is punishable with a fine of up to \$100 and imprisonment for up to two months.</p>	Mass. Gen. L. Ch. 149, §§ 179B, 182, Ch. 151A, § 71B

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Michigan	<p>Trigger: Transfer of an interest in real property that the owner knows (or has record notice) is a “facility.”</p> <p>Requirements: Owner must provide written notice to purchaser that property is a facility and disclose the general nature and extent of the release prior to the transfer.</p>	<p>Mich. Comp. Laws § 324.20116(1)</p>	<p>Requirements to Provide Notice: Employers of 25 or more workers that are planning a closing or relocation that will result in the displacement of at least 25 workers are encouraged to provide as much advance notice as possible to the state labor department, affected workers and their representatives, and the community.</p>	<p>Mich. Comp. Laws §§ 450.731 - 450.736</p>
	<p>Trigger: Transfer of an interest in a facility.</p> <p>Requirements: Must disclose any land or resource use restrictions that apply to the property, and the results of any baseline environmental assessment that discloses the property is a facility prior to transfer.</p>	<p>Mich. Comp. Laws § 324.20116(3), 20126(1)(c)(ii)</p>		

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Minnesota	<p>Trigger: Transfer of ownership of property used as the site as a "hazardous waste disposal facility" or which the owner knew or should have known is subject to extensive contamination by release of a hazardous substance, or any material change in information related to the disposal or contamination.</p> <p>Requirements: Owner must record an affidavit including certain information prior to transferring ownership, and must record a revised affidavit within sixty days after any material change in any matter required to be disclosed.</p>	Minn. Stat. § 115B.16.2	None.	N/A
	<p>Trigger: Any transfer of real property.</p> <p>Requirements: Prior to transferring ownership, the seller must disclose in writing to the buyer information on how sewage generated at the property is managed, including a statement that sewage is either sent to a facility permitted by the MPCA or a description of the subsurface sewage treatment system in use.</p>	Minn. Stat. § 115.55(6)		
	<p>Trigger: Any transfer of real property.</p> <p>Requirements: Prior to transferring ownership, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property.</p>	Minn. Stat. § 103I.235(1)		

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Mississippi	None. However, MDEQ is reportedly sending letters to plants that are closing, notifying them of permitting and brownfields issues and potential assistance from MDEQ.	N/A	None.	N/A
Missouri	Trigger: Transfer of abandoned or uncontrolled hazardous waste disposal site listed on the state registry. Requirements: Disclosure to buyer of restrictions and all registry information.	Mo. Rev. Stat. § 260.465(2)	None.	N/A
Montana	None.	N/A	None.	N/A
Nebraska	None.	N/A	None.	N/A
Nevada	None.	N/A	None.	N/A
New Hampshire	Trigger: Transfer of any developed waterfront property using a septic disposal system. Requirements: Owner of the property shall, at the owner's expense, engage a permitted subsurface sewer or waste disposal system designer to perform a site assessment study to determine if the site meets the current standards for septic disposal systems established by the department. This study shall be part of the sale and purchase agreement.	N.H. Rev. Stat. Ann. § 485-A:39	Notice Requirements: Employers are required to report to the Department of Employment Security layoffs of 25 or more individuals in the same calendar week, if the layoff will last seven days or more. If the layoff is due to a vacation or holiday shutdown, the employer must report it to the Department within seven business days following the end of the calendar week in which the layoff occurs. If the layoff is because of a company closure, it must be reported within three business days following the end of the calendar week the layoff occurs.	N.H. Rev. Stat. § 282-A:45-a

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
New Jersey	<p>Trigger: “Industrial establishment” planning to close operations, or transfer ownership or operations.</p> <p>Requirements: Owner or operator must notify NJDEP within five days of closing operations or signing an agreement to transfer ownership or operations, and remediate the industrial establishment. Prohibits transferring ownership or operations prior to the approval of a negative declaration, remedial action workplan, or remediation agreement by NJDEP, or the certification of a remedial action work plan or remediation certification by a licensed site remediation professional.</p>	N.J. Stat. Ann. § 13:1K-6 <i>et seq.</i> ; N.J. Admin. Code § 7 :26B	<p>Requirements to Provide Notice: An individual or private business entity operated by an employer for a period longer than three years and employs 100 or more full-time employees must provide 60 days’ notice to both the employee and the collective bargaining unit in the event of a transfer of operations or a termination of operations during any continuous period of 30 days which results in the termination of employment of 50 or more full-time employees, or a mass layoff that results in an employment loss at an establishment during any 30 day period for 500 or more full-time employees, or for 50 or more full-time employees representing one third or more of the full-time employees at the establishment.</p> <p>Severance Pay Requirements: Provided to each full-time terminated employee to whom the employer provides less than the number of days of notification. Calculation is equal to one week of pay for each full year of employment and is in addition to any other severance paid for any reason. Back pay provided by the employer to conform to the WARN law is credited towards meeting this severance pay criteria.</p>	N.J. Stat. Ann. § C.34:21-2
New Mexico	None.	N/A	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
New York	<p>Trigger: Erection of any structure, paving for use as a roadway or parking lot, creation of park or recreational facility, any activity likely to disrupt or expose contamination or increase exposure, or any other conduct tending to prevent or significantly interfere with a proposed, ongoing, or completed remedial program at an inactive hazardous waste disposal site.</p> <p>Requirements: Person proposing to make such change must notify the DEC at least 60 days prior to the change.</p>	6 N.Y. Comp. Codes R. & Regs. § 375-1.11(d), 375-2.2(a)	<p>Requirements to Provide Notice: Employers who employ 50 or more “full-time” employees are required to provide 90 days’ advance written notice of mass layoffs, relocations, and plant closings. An employer provides notice if: the mass layoff impacts 25 full-time employees who represent at least 33% of the workforce, or the plant closing results in 25 employees losing their positions over a 30-day period. An employer must also provide a 90 days’ written in the event of an employer’s relocation of all or substantially all of its operations to a location at least fifty miles from the current location.</p> <p>Penalty Provision: Affected employees may recover back pay and the value or cost of any benefits they would have received during the period of violation (up to a maximum of 60 days). In addition, the Department of Labor can penalize employers up to \$500 per day for each day of the employer’s violation (up to the maximum penalty provided for under federal law).</p>	N.Y. Labor Law § 860 <i>et seq.</i>
	<p>Trigger: Transfer of title, erection of any structure, creation of any park or recreational facility, any activity likely to disrupt or expose contamination or increase exposure, or any other conduct tending to significantly interfere with ongoing or completed remedial program at a state brownfields site.</p> <p>Requirements: Person proposing to make such change must notify the DEC at least 60 days prior to the change.</p>	6 N.Y. Comp. Codes R. & Regs. § 375-1.11(d), 375-3.2(d)		
	<p>Trigger: Transfer of title, erection of any structure, creation of any park or recreational facility, any activity likely to disrupt or expose contamination or increase exposure, or any other conduct tending to significantly interfere with ongoing or completed environmental restoration project.</p> <p>Requirements: Person proposing to make such change must notify the DEC at least 60 days prior to the change.</p>	6 N.Y. Comp. Codes R. & Regs. § 375-1.11(d), 375-4.2(b)		

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
North Carolina	<p>Trigger: Applies to the sale, lease, conveyance, or transfer of inactive hazardous substance or waste disposal sites.</p> <p>Requirements: Requires a notice in the deed or instrument of transfer that the property has been used as a hazardous substance or waste disposal site and a reference to the recordation of the Notice of Inactive Hazardous Substance or Waste Disposal Site.</p>	N.C. Gen. Stat. § 130A-310.8(e)	None.	N/A
North Dakota	None.	N/A	None.	N/A
Ohio	<p>Trigger: Cessation of "regulated operations," defined as the production, use, storage, or other handling of extremely hazardous substances, hazardous substances, flammable substances, and petroleum, for more than thirty days.</p> <p>Requirements: Requires owner or operator to notify DEP, LEPC, and fire department, submit information on hazardous chemicals, remove all regulated substances and decontaminate or remove equipment, secure the facility, and certify that all required actions have been completed. DEP to conduct an inspection after receiving the certification.</p>	Ohio Rev. Code ch. 3752	None.	N/A
Oklahoma	None. However, DEQ records a notice on the deed for sites when a hazardous waste permit is issued, a remediation is conducted pursuant to CERCLA, or a remediation to risk-based standards is performed.	Okl. Stat. Ann. § 27A-2-7-123	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Oregon	None. However, DEQ must provide notice to local governments and establish use restrictions for listed hazardous disposal sites.	Or. Rev. Stat. § 466.360	Requirements to Provide Notice: Employers required to provide written notice of a plant closing or mass layoff under the WARN Act also must notify the dislocated worker unit of the Department of Community Colleges and Workforce Development.	Ore. Rev. Stat. §§ 285A.51-285A.516
Pennsylvania	Trigger: Applies to property at which hazardous waste or hazardous substance has been disposed. Requirements: Grantor must record notice on deed for conveyance of such property.	Pa. Stat. Ann. Tit. 35 §§ 6018.405, 6020.512(b)	None.	N/A
Rhode Island	Trigger: Transfer of real estate. Requirements: Seller must disclosure all known conditions, which includes “asbestos and other contaminants.”	R.I. Gen Laws § 5-20.8-2(a)	Requirements: No notice is required, but an employer that liquidates or merges, sells or moves out of state must pay final wages within 24 hours of triggering event (for employees with at least one year of service, the employer must also pay holidays, vacations, and insurance benefits within 24 hours).	R.I. Gen. Laws § 28-14-4
South Carolina	None.	N/A	Requirements to Provide Notice: Employers must notify workers of shutdowns if they require employees to give notice that they are quitting work. Employers’ notices must be posted in each room of a plant at least two weeks before a shutdown, or for the same period of time in advance as employers require workers to give notice of quitting. Notices must include the date of the shutdown and its approximate duration. Penalty Provisions: Employers that fail to comply are subject to a fine of up to \$5,000 and may be held liable to workers for damages resulting from failure to give adequate notice.	S.C. Code Ann. § 41-1-40
South Dakota	None.	N/A	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Tennessee	<p>None. However, DEC will record a notice on the deed for any site that was placed on the state Superfund list.</p>	Tenn. Code § 68-212-212(d)	<p>Requirements to Provide Notice: Employers of at least 50 but not more than 99 full-time workers that are planning a full or partial closing or a relocation to a site more than 50 miles from the workplace that will reduce the workforce by 50 or more workers during any three-month period must give notice of the closing or relocation. The law does not specify that the notice must be given in advance. After notifying workers, employers must notify the state labor department of the workforce reduction, indicating the number of employees affected and the circumstances leading to the reduction. The law does not apply to reductions stemming solely from a labor dispute, occurring at a construction or other temporary worksite, or resulting from seasonal factors.</p>	Tenn. Code Ann. §§ 50-1-601 - 50-1-604
Texas	<p>Trigger: Transfer or lease of a former municipal solid waste landfill.</p> <p>Requirements: Owner of land overlying closed municipal solid waste landfill must record notice in real property records, and provide notice to lessees and occupants of former use.</p> <hr/> <p>Trigger: Transfer of a facility affected by a release or threatened release of a hazardous substance.</p> <p>Requirements: Owner with actual knowledge of a release or threatened release of a hazardous substance who fails to disclose release to new owner prior to transfer of ownership is liable under state Superfund law.</p>	<p>Tex. Health & Safety Code § 361.539</p> <hr/> <p>Tex. Health & Safety Code § 361.275(g)</p>	None.	N/A

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Utah	None.	N/A	None.	N/A
Vermont	None.	N/A	None.	N/A
Virginia	None.	N/A	None.	N/A
Washington	<p>Trigger: All commercial real estate conveyances.</p> <p>Requirements: Require sellers of commercial real estate to provide buyers with a disclosure statement, including extensive environmental disclosures.</p>	Rev. Code Wash. § 64.06.080	N/A	
West Virginia	<p>Trigger: Applies to property that was used for the storage, treatment, or disposal of hazardous waste, or that contains an underground storage tank.</p> <p>Requirements: Requires the grantor in any deed or lessor in any lease of real property to disclose in those instruments the fact that the property was used for the storage, treatment, or disposal of hazardous waste or contains an underground storage tank if the grantor or lessor had actual knowledge or an interest in the property at the time it was used for this reason.</p>	W. Va. Code §§ 22-18-21(a), 22-17-19(a)	None.	N/A
	<p>Trigger: Transferring property that contains hazardous wastes that have been stored, treated, or disposed of.</p> <p>Requirements: Previous owner must notify the DEP.</p>	W. Va. Code State R. § 33-20-12.2		

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Wisconsin	None.	N/A	<p>Requirements to Provide Notice: Employers of 50 or more workers must give 60 days' advance written notice of a closing or mass layoff. Notice must be sent to any affected workers and their representatives, the state labor department, and the highest official of the town where the business is located. Notice to affected employees must include contact information for the local workforce development board serving the area in which the affected employment site is located. If the local workforce development board has prepared a list of resources available in the area that provide career planning, job search, job skills training, and other support services for affected employees, that list must also be included in the notice. Employers also are required to post a notice in the workplace informing workers of their rights under state law. (A business closing is defined as a permanent or temporary shutdown of an employment site <i>that affects 25 or more workers</i>, excluding new and part-time employees. A mass layoff is defined as a reduction of the workforce at an employment site or within a single municipality that does not result from a business closing and that affects at least <i>25 percent of the workforce, or 25 workers, whichever is greater</i>, or at least 500 workers, excluding new and part-time workers.) The law does not cover a closing or layoff caused by a strike or lockout. Employers must provide to the state labor department written information about their payroll, affected employees and their wages, and any remuneration due employees. In addition, employers may be required to submit a plan for making a final wage payment to employees. The labor department is required, in turn, to provide a copy of the advance notice to the Department of Employment.</p> <p>Penalty Provisions: Failure to post the necessary notice can result in a \$100 fine. Workers who are not notified as required may file suit to recover back pay</p>	Wis. Stat. § 109.07



FOLEY & LARDNER LLP

State	Environmental Requirements		Labor & Employment Requirements	
	Summary of Statute/Regulations	Citation	Summary of Statute/Regulations	Citation
Wyoming	None.	N/A	None.	N/A

Linda E. Benfield
Partner
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306
Phone: 414.297.5825
E-Mail: lbenfield@foley.com

David J.B. Froiland
Partner
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306
Phone: 414.297.5579
E-Mail: dfroiland@foley.com