

## Michael P. Last

Counsel

T. 617.951.1192 | F. 617.542.7437 | E. [mlast@rackemann.com](mailto:mlast@rackemann.com)



### Practice Areas

Real Estate

### Education

**Harvard Law School**

JD, *cum laude*, 1971

**Lawrence University**

B.A., *magna cum laude*, 1968

### Admissions

Massachusetts

### Practice Focus

Michael Last is a leading environmental and land-use lawyer, representing business and institutional clients in regulatory matters involving air, water and hazardous materials and compliance with laws and regulations administered by U.S. Environmental Protection Agency and state and local government agencies. He draws on years of experience throughout the United States assisting clients facing a wide range of environmental and real estate-related issues, such as:

- Negotiating and implementing settlements and allocations of liability involving complex, multi-party hazardous waste site cleanups, including those involving de minimis settlements and the resolution of natural resource damage claims.
- Conducting due diligence in business acquisition transactions and structuring transactions so as to address environmental liability concerns.
- Obtaining environmental permits and approvals.
- Performing environmental impact review for major projects.
- Addressing governmental enforcement activities.
- Siting solid waste management facilities and addressing operational issues
- Undertaking Brownfields redevelopment initiatives, including the creative use of insurance products to control risk and facilitate redevelopment opportunities

Michael had advised businesses, colleges and universities and lending institutions with respect to managing environmental liability and performing environmental due diligence. He has also worked with colleges and universities with compliance auditing and environmental management systems.

His clients have included hospitals and healthcare systems nationwide, which Michael has helped with asbestos identification, management and abatement issues. He also has also been a leader in legal issues associated with mold. He has advised banks and other lenders with respect to managing potential environmental liability associated with loan origination and workouts.

Michael has mediated and facilitated the resolution of two-party and multi-party disputes involving environmental and real estate issues, as well as commercial disputes.

### Background

Michael began his collaboration with Rackemann in 1999 and has acted as co-counsel for specific matters and then as Counsel to the firm. Prior to that, he was with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., Boston, 1991-1999, where he was a Member and chair of the Environmental Law Section.

Michael was with Gaston & Snow, Boston from 1984-1991, where he was a Partner and served as chair of the Environmental Law Department. Immediately following law school, Michael was with Warner & Stackpole, Boston, 1972-1984, where he became a Partner and chaired the Real Estate/Environmental Law Department.

## Honors and Awards

- American College of Environmental Lawyers, Fellow
- "Who's Who in America," listed
- "Who's Who in American Law," listed
- "Who's Who Legal" (the International Who's Who of Business Lawyers), listed
- "Super Lawyer," listed
- "The Best Lawyers in America," 2017-2020

## Notable Experience

- Mediated complex environmental disputes, including the allocation of liability at Federal Superfund Sites.
- Participated in the Executive Committee and was a lead negotiator with U.S. EPA in settlements of liability at multiple Federal Superfund Sites
- Chaired Allocation Committees at large, multi-party Federal and state Superfund Sites
- Served as Common Counsel for potentially responsible parties at Federal Superfund Sites
- Represented colleges and universities in the design and negotiation with U.S. EPA of the College and University Laboratory Project XL (eXcellence and Leadership)
- Served as Executive Director of the Remedial Design/Remedial Action at the ReSolve, Inc. Superfund Site
- Coordinated the project permitting for large multi-use real estate developments, including obtaining Federal, state and local permits
- Coordinated the project permitting for solid waste management projects, including sanitary landfills and recycling facilities
- Through the Santa Fe Council for Environmental Excellence, organized and facilitated over 20 meetings of leaders from industry, government, environmental organizations and academia to foster common ground and coordinated action with respect to important environmental issues
- Represented multiple real estate clients with respect to commercial leasing transactions.

## Professional Activities

- Boston Bar Association;
  - Member of Council [Board of Directors] (1984-1987)
  - Environment Committee, Chairperson (1979-1981)
  - Urban Affairs Section, Chairperson (1983-1987)
  - Municipal Planning Process Committee, Co-chairperson (1983-1987)
- American Bar Association
  - Standing Committee on Environmental Law, Member (1987-1991)
  - Member: Natural Resources Section; Corporation, Banking and Business Law Section; and Real Property, Probate and Trust Law Section
- The Abstract Club, Member
- Environmental Business Council of New England, Board of Directors, Member (1997-present); Executive Committee, Member (2001-2014); Vice Chair (2001-2014).
- Santa Fe Council for Environmental Excellence, Founder and President; a non-profit corporation dedicated to bringing leaders from industry, government, environmental organizations and academia together to share information and develop innovative, common approaches to solving environmental problems (1991-present)
- Massachusetts Department of Environmental Management, Board of Environmental Management, Member, (1991-2003);

Chair (1994-1997, 2000-2003)

- Massachusetts Department of Environmental Protection, Chapter 21E Review Board, Member; the Board charged with reviewing and recommending changes to M.G.L. Chapter 21E, the Massachusetts Superfund Statute (1991-1992)

## Community Activities

- New England Aquarium, Board of Governors, Trustee, and Member (1995 – 2002); Overseer (2002 – 2013); Chair of David B. Stone Award Committee (1997- 2013); Chair, Green Building Task Force (1999 – 2002)
- Massachusetts Eye & Ear Infirmary, Trustee (1990 – 1998)
- Newton-Wellesley Hospital, Overseer (1994-2009)
- Newton-Wellesley Hospital, Trustee and Member of Board of Governors (1987 – 1994)
- Newton-Wellesley Hospital, Joint-Trustee Staff Committee, Chairman (1992 – 1994)
- Newton-Wellesley Hospital, Executive Committee of the Board of Trustees, Member (1993 – 1995)
- Newell Enterprises, Inc., Director (1983 – 1987)
- Newton-Wellesley Hospital, Honorary Trustee (1995-present).
- Partners Healthcare System, Inc., Member (Corporator) (1999-present).
- Mt. Keasarge Indian Museum, Trustee (1997 – 2002)

## Publications & Talks

- “Facilitating Brownfields Redevelopment Through the Strategic Use of Environmental Insurance” published in *New England’s Environment*, March/April, 2003.
- “Summary of Key Provisions of 1992 Amendments to Massachusetts General Laws Chapter 21E” published in “The Best of MCLE Journal”, May, 1993.
- The environmental law chapter of Massachusetts Continuing Legal Education’s Treatise entitled “Massachusetts Corporate Practice”, 1992.
- “Toxic Torts Put CEO’s at Risk” published in *Chief Executive Magazine*, No. 52 July/August, 1989.
- “Superfund Liability Traps Affecting Developers and Lenders” published in the ALI/ABA Course of Study materials for “Minimizing Liability for Hazardous Waste Management,” 1988 and also in “Environmental Audits and Risk Assessments” published by the American Bar Association’s Section of Real Property, Probate and Trust Law, 1988.
- “Environmental Enforcement Tools Affecting Real Estate Transfers” published in “Burdens of Environmental Regulation on Private Property Ownership and Business Transactions: Reasonable or Unreasonable?” by the American Bar Association’s Standing Committee on Environmental Law, 1987.
- “Right-To-Know: An Employers Perspective” (co-authored with Thomas Kanwit of Gaston & Snow) published in the handbook for the American Hospital Association’s video teleconference on “Confronting the Risk: Hazardous Materials and Hospital Liability”, 1987.
- “Summary Outline – Evaluation and Selecting Environmental Compliance and Cleanup Contractors” published in “Proceedings” of the Fifth Annual Hazardous Materials Conference, 1987.
- “Tort Law Implications of Hazardous Waste Facilities” published in the “National Resources Lawyer” Vol. XVII, November 3, 1984.
- Massachusetts Hazardous Waste “Super-Lien” Outline for Massachusetts continuing Legal Education Program, 1983.
- Massachusetts Wetlands Protection Law Outline for Massachusetts Continuing Legal Education Program, 1983.