

Environmental Law

Fall 2025

Professor Annie Brett

brett@law.ufl.edu

Required Coursebook

Readings for this class will primarily be from Aagard, Owen, and Pidot, *Practicing Environmental Law* (2025). Supplemental readings will also be posted on Canvas.

Class Meetings

Monday, Wednesday: 1:15-2:40

Location: HH 360

Office Hours

Tuesday 3:00-5:00

Wednesday 3:00-5:00

Or by appointment

Location: HH 333

Course Description

The objective of this course is for you to develop an understanding of environmental law, with a focus on federal environmental statutes. Topics include: ecological, economic, and equity perspectives on environmental law; the Constitutional foundations and limitations of environmental law; the role of regulatory agencies and administrative law; common law remedies; the Clean Water Act; the Clean Air Act; the Resources Conservation and Recovery Act; and the Comprehensive Environmental Response, Compensation, and Liability Act.

Learning Outcomes

After completing this course, students should be able to:

1. Describe the historical context of environmental problems that led to existing federal environmental laws and regulatory programs;
2. Describe the major federal environmental statutes (including, the Clean Air Act, the Clean Water Act, wetlands law, and hazardous waste law) and apply them to new factual situations;
3. Describe fundamental legal principles that are critical to understanding and practicing environmental law (including, federalism, standing, key administrative law concepts, citizen's suits, and enforcement) and apply them to new factual situations;
4. Describe common law doctrines of environmental law and apply them to new factual situations;
5. Identify environmental law issues in new fact patterns;
6. Provide basic advice to future clients on the environmental laws covered in this course;
7. Describe important recent developments in environmental law, including the Clean Power Plan, the Paris Climate Agreement, EPA's "waters of the United States rule," and many other recent developments.

Attendance Policy

Per ABA requirements you are expected to attend all classes. More than 3 unexcused absences will result in a decrease of your final grade in the course. Acceptable reasons for absence from or failure to engage in class include illness; Title IX-related situations; serious accidents or emergencies affecting the student, their roommates, or their family; special curricular requirements; military obligation; severe weather conditions that prevent class participation; religious holidays; participation in official university activities; and court-imposed legal obligation. Other reasons (e.g., a job interview or club activity) may be deemed acceptable if approved by me in advance.

If you are planning to miss class for any excused reason, please let me know and provide appropriate documentation as you are able. Otherwise, in the interests of privacy and efficiency it is not necessary to tell me why you are absent and telling me does not excuse the absence.

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

Class Participation

Active participation is an essential component of this class. I ask that each of you arrive to class having done the readings and prepared to meaningfully engage in discussion. Unlike many law school classes that focus on the traditional case method, this course takes a problem-based approach. As a result, this class is particularly interactive and in-class participation will account for 15% of your final grade.

Several of our classes during the semester will be held asynchronously, the dates of which will be announced later in the semester. You will be responsible for watching asynchronous lectures and completing any associated activities.

Evaluation

This class will have an open-book final examination that will account for 65% of your final grade. 20% of your grade will be based on completing assigned exercises, while 15% of your grade will be based on your active participation in class.

The final exam will be a three-hour, in-class, open-book exam.

I will assign four sets of problems and exercises during the semester that will account for 20% of your grade. Unless otherwise indicated, the use of any AI tools in this class is prohibited and will be considered an Honor Code violation.

Recording

This class will not be recorded by the Law School. Students are individually allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without my written consent. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media

platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.

UF Levin College of Law Standard Syllabus Policies

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](#).

Reading Assignments

Per ABA Standard 310, it is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

Readings for the first several weeks of class are below, I will announce any changes and post these on Canvas. You are responsible for ensuring that you check Canvas before each class to ensure you are abreast of any changes.

Class	Date	Unit	Topic	Casebook	Additional Readings
1	18-Aug	Introduction		p.2-25	Public and Private Goods, https://www.e-education.psu.edu/geog432/node/277 , The Miracle of the Commons, https://aeon.co/essays/the-tragedy-of-the-commons-is-a-false-and-dangerous-myth
2	20-Aug		History, Science and EJ	p. 25-43	
3	25-Aug	Sources of Envi Law	Common Law	p. 45-72	
4	27-Aug		Constitutional Law	p. 105-129	
	1-Sep		LABOR DAY		
5	3-Sep		Statutes	p. 72-81	Babbitt, Secretary of the Interior v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687 (1995).
6	8-Sep		Administrative Law	p. 81-105	