

Environmental Law

Spring 2024

Professor Annie Brett

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Required Coursebook

Readings for this class will primarily be from Robin Craig, *Environmental Law in Context: Cases and Materials* (5th Ed., 2021). Supplemental readings will also be posted on Canvas.

Class Meetings

Monday, Wednesday: 1:15-2:40

Location: HH 382

Office Hours

Tuesday 10:15-12:00

Thursday: 12:00-2:00

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. Missing more than 4 classes may negatively impact your grade. The only excused absences are those taken for observance of religious holidays. If you are planning to miss class for that reason, please let me know. Otherwise, in the interests of privacy and efficiency 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. In-class participation will account for 10% of your final grade. Beyond this, I will assign problems and exercises throughout the semester that will primarily be completed in class but may require some out of class work as well. These exercises will account for 20% of your grade.

Evaluation

This class will have an open-book final examination that will account for 70% of your final grade. 20% of your grade will be based on completing assigned exercises, while 10% of your grade will be based on your active participation in class.

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: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>

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 two weeks of class are available here, remaining reading assignments for each week will be posted to Canvas.

Part I: Introduction to Environmental Law	
Week 1	Introduction - Wednesday: Introduction, History and Rights of Nature - o Read pp. 58-82 for class
Week 2	Sources of Environmental Law - Monday: Common Law - o Read pp. 4-18 and Common Law Supplemental Reading (on Canvas) - Wednesday: Constitutional Law - o Read pp. 18-58

Part II: Common Law Approaches	
Week 3	Common Law and RCRA
Week 4	CRCLA
Part III: Procedural Environmental Law	
Week 5	NEPA and APA
Week 6	NEPA
Part IV: Clean Air and Clean Water	
Week 7	Clean Air Act
Week 8	Clean Air Act
Week 9	Clean Air Act
Week 10	Clean Water Act
Week 11	Clean Water Act
Part V: Endangered Species Act	
Week 12	Endangered Species Act
Week 13	New Developments and Review

Online Course Evaluation Process

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.