



PEAT

Workers Environmental Education Project

MODULE 3

LEGAL RESPONSIBILITY



This program is a mitigation measure required by IBAMA during the federal environmental licensing process.



SUMMARY



1. Federal Constitution
2. Environmental Legislation
3. Principles of Environmental Law





BRAZILIAN FEDERAL CONSTITUTION



ARTICLE Nº 225 FROM THE FEDERAL CONSTITUTION

Federal Constitution 1988: for the first time there is an entire chapter of its text dedicated to the environment

“everyone is entitled an environment ecologically balanced, good of common use and essential to a healthy quality of life, imposing upon the Government and collectivity the duty to defend and preserve it for present and future generations”



ARTICLE Nº 225 FROM THE FEDERAL CONSTITUTION

(§3º) “ ***The conducts and activities that are harmful to the environment shall subject the offenders, whether individuals or legal entities, to penal and administrative sanctions, besides the obligation to repair the damage caused***”

(§1º, IV) ***The Government must “require, as provided by law, for installation of work or activity which may cause significant environmental degradation, a prior environmental impact study (EIA), which shall be made public”***



FEDERAL CONSTITUTION



(art. 5º, LXXIII) Popular Action

(art. 23, VII) Preservation of forest, fauna and flora





ENVIRONMENTAL LEGISLATION





Crimes against the environment may have very severe penalties and are even no bail.

Are environmental crimes:

- dispose of effluent or material that results in the death of species of aquatic fauna in rivers, lakes, ponds, bay or Brazilian water (art. 33);
- cause pollution of any nature, in levels that result or may result in damages to human health, animals and significant destruction of flora (art. 54).





(art.1º, I) **Environmental Licensing:** Procedure by which the environmental agency licenses the **location, installation, expansion and operation** of projects and activities which **use environmental resources** considered **effective or potentially pollutant** or those which, in any way, **can cause environmental degradation.**



CONAMA RESOLUTION N° 275/01 - COLORS STANDARD



BLUE: paper/cardboard;

RED: plastic;

GREEN: glass;

YELLOW: metal;

BLACK: wood;

ORANGE: dangerous waste;

WHITE: ambulatory waste and waste of health services;

PURPLE: radioactive waste

BROWN: organic waste;

GRAY: general non-recyclable waste.



CONAMA RESOLUTION N° 430/11 - STANDARDS FOR EFFLUENT DISCHARGE

Establishes standards for effluent discharge

An effluent can never be discharged in worse conditions than from when it was collected.



CONAMA RESOLUTION N° 398/08 - INDIVIDUAL EMERGENCY PLAN



Creates guidelines for port facilities, terminals, ducts, rigs and support vessels, refineries, shipyards and similar facilities **to respond to an emergency involving oil pollution in Brazilian waters.**



LAW N° 6.938 - NATIONAL ENVIRONMENTAL POLICY

- Actions for criminal and civil responsibility for damages
- caused to the environment.

- Environmental licensing.

- Stated that the environment is a public asset that should be secured and protected so it can be used collectively.



LAW N° 9.966 AND DECREE N° 4.136 - PREVENTION, CONTROL AND MONITORING OF POLLUTION AT SEA ("OIL LAW")



(art. 1º) Established the **basic principles to be followed in the handling of oil** and other noxious or dangerous substances in organized ports, port facilities, platforms and vessels in waters under national jurisdiction.



TECHNICAL NOTE CGPEG/DILIC/IBAMA N°01/11 - PROJECT FOR POLLUTION CONTROL

Provides guidelines for implementing the Pollution Control Project (PCP), required in the licensing process.



MARPOL 73/78 - INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION AT SEA



Deals with the prevention of oil pollution at sea

Limits the type of waste that can be discharged and indicates sites for proper disposal.

Establishes limits for oily effluent discharge and treated sewage





ENVIRONMENTAL PRINCIPLES



ENVIRONMENTAL PRINCIPLES



- 1. Principle of Supremacy in the Public Interest in Protecting the Environment in relation to Private Interests**
- 2. Principle of Unavailability of Public Interest in Protecting the Environment**
- 3. Principle of Mandatory State Intervention in Defense of Environment**
4. Principle of Public Participation in Environmental Protection
- 5. Principle of Ensuring Economic and Social Development Ecologically Sustainable**
6. Principle of Environmental and Social Function of Property
- 7. Principle of Appraisal of Environment Impacts of Activities of any Nature**
8. Principle of Prevention Measures and Environmental Degradation
9. Principle of Accountability of Conduct and Harmful Activities to the Environment
10. Principle of Respect for the Identity, Culture and Interests of Traditional Communities and Groups that form the Society
11. Principle of International Cooperation in Environmental Matters



ENVIRONMENTAL PRINCIPLES



1. Principle of Supremacy in the Public Interest in Protecting the Environment in relation to Private Interests

The interest of a company in a project can never prevail over the interests of a community that will be affected by the project.

2. Principle of Unavailability of Public Interest in Protecting the Environment

The environment must be preserved so that it is willing and able to meet the current and future generations.

3. Principle of Mandatory State Intervention in Defense of Environment

When it comes to protect the environment, the state is obliged to intervene

5. Principle of Ensuring Economic and Social Development Ecologically Sustainable SUSTAINABLE development

7. Principle of Appraisal of Environment Impacts of Activities of any Nature Planning Mechanism



ENVIRONMENT: COMMON GOOD OF ALL!



All citizens have equal responsibility to preserve the environment, but also have a right to enjoy it as long as in a sustainable way.

The law exists in order to protect and defend people and their rights. It is important to know and apply them in our lives.





THANK YOU!!!!

