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## Climate Change

**State of São Paulo.** On March 15, 2010 the **Green Economy Financing Line** has been launched. The Financing Line has been created as an instrument of the State Policy on Climate Change (State Law No. 13,798/2009) and aims to finance projects that reduce the emissions of greenhouse gases (GHG), such as the substitution of energy sources and fuels, purchase and installation of equipment for renewable energy, energy efficiency promotion, implementation of projects in the context of the Clean Development Mechanism (CDM) and the recovery of forests, in addition to the treatment and recovery of waste. The financial agent will be *Nossa Caixa Desenvolvimento*, the development agency of the State of São Paulo, which is subordinated to the Secretariat of Treasury. ■

## State of Rio Grande do Sul.

On March 30, 2010 the Government of the State of Rio Grande do Sul sent to the Legislative Assembly Bill No. 81/2010, which creates the **State Policy on Climate Change**. Such State Policy, following the spirit of the National Policy and other state policies on the same matter, aims to ensure the compatibility of economic and social development with the protection of the climate system. Thus, it provides for the adoption of certain instruments, such as the public emissions registry, binding targets for the reduction of GHGs, the assessment of the territory vulnerability, sustainable public bids and deforestation reduction, as well as the definition of performance standards for GHG emissions from products sold inside the territory of the State. ■

## Biodiversity

From March 22 to 28, 2010 Cali, Colombia, hosted the Ninth Meeting of the *Ad Hoc* Working Group on Access and Benefit Sharing (WGABS9), which culminated in the discussion and adoption of a draft text of the **Protocol on Access to Genetic Resources and the Fair and**



**Equitable Sharing of Benefits Arising From Their Utilization to the Convention on Biological Diversity (CBD).** Among others, the draft text establishes that all benefits arising from the use of biodiversity shall be shared with its provider by means of mutual ↓

## Environmental Licensing

➔ agreement. The Protocol will also be applied to the utilization of traditional knowledge associated to genetic resources. The draft in question will serve as the basis for the negotiations around the Protocol, which final version shall be subjected to definitive approval at the Conference of the Parties (COP10) to the CBD, to be held this year in November, in Nagoya, Japan. ■

**State of São Paulo.** State Decree No. 55,660, published on March 31, 2010 has created the **Integrated Licensing System** (or “SIL” in Portuguese), which provides for a single entrance for licensing requests for activities before the entities that are responsible for controlling the environment, health and fire safety. **Activities classified as low risk** due to its hazardous potential will be subject to a **faster procedure**, including, for example, the replacing of the previous evidence of compliance by a mere declaration issued by the responsible individual. ■

**Federal highways.** On March 26, 2010, the Brazilian Institute for the Environment and Renewable Natural Resources (the *Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis*, or “IBAMA”) has published its Normative Instruction No. 2, which establishes procedures for environmental regularization of federal highways through a **corrective environmental licensing procedure**. The Instruction applies to federal highways which installation (including paving) has occurred before the current environmental legislation has entered into force. ■

**State of Paraná.** Pursuant to Resolution No. 9 of the State Se-

**State of São Paulo - Farming.** According to the Resolution No. 26 of the São Paulo State Secretariat of the Environment (the *Secretaria de Estado do Meio Ambiente*, or “SMA”), published on March 31, 2010, the activities of **poultry, suineculture, shrimp farming and aquaculture** must be registered with the São Paulo State Environmental Company (the *Companhia Ambiental do Estado de São Paulo*, or “CETESB”) **prior to requesting the environmental licensing**.

The other agricultural and livestock activities may obtain the

cretariat of Environment and Water Resources of Paraná, of March 17, 2010 the environmental licensing of **Small Hydropower Plants** (“PCH”, in Portuguese) and **Hydroelectric Plants** (“UHE”, in Portuguese) will depend on the performance of **strategic environmental assessments concerning** the respective river basins and on the observance of the Ecological-Economic Zoning. The procedures for the renewal of Operating Licenses and for the environmental regularization of undertakings with turbines already installed, as well as Small Hydropower Plants which proponents are publicly held or mixed capital companies. ■

Environmental License Exemption certificate if the property where it will be developed has registered the **Legal Reserve**, if there is no unauthorized occupation of **permanent preservation area**, if it is not subject of any Environmental Infraction Record and others. The Resolution enters into force 60 days after its publication. ■

## Solid Waste

On March 10, 2010 the Chamber of Deputies has approved the National Policy of Solid Waste (Senate Bill No. 354/1989) in the form of the substitute bill presented by Federal Deputy Dr. Nechar. According to the final draft that has been approved, attention shall be drawn to the **shared responsibility for the lifecycle of products** covering manufacturers, importers, distributors, traders and consumers, as well as the mandatory implementation of **reverse logistics** for manufacturers, importers, distributors and traders of pesticides, batteries, tires, lubricating oil, fluorescent lamps, electronic products and compo-

**Batteries.** Pursuant IBAMA Normative Instruction No. 3, published on March 30, 2010 **new procedures** have been established to comply with CONAMA Resolution No. 401/2008, which determined the adequate environmental management of batteries, lead-acid batteries, automotive and industrial batteries and electrochemical systems of nickel-cadmium and mercury oxide, when **used or useless**. The Instruction defines the information that must be declared in the Federal Technical Registry of Potentially Polluting Activities or Activities that Use Environmental Resources, in the act of filling the Annual Report of Activities. The Instruction also rules the necessary content for the preparation

of the Batteries Management Plan (mandatory for domestic manufacturers and importers of the previously described batteries). ■ Moreover, the approved substitute bill prohibits the destination or final disposal of solid waste or tailings on beaches, sea and water bodies, the launching *in natura* in open-air spaces, the burning at unlicensed incinerators, as well as the destination or final disposal at landfills located inside conservation areas (except in the case of Environmental Protection Areas, when compatible with its Management Plan and authorized by the environmental agency), areas of permanent preservation or areas that are protective to water sources. The Bill, which had already been approved by the Senate in 1990, now goes back to this house in

order to be reviewed under the substitute text that was approved by the Chamber of Deputies. ■

**Post-consumption liability.** Pursuant to Resolution No. 24 of March 30, 2010 the São Paulo State Secretariat of the Environment has established a list of **products that generate waste with significant environmental impact**. Pursuant to the provisions of the State Policy of Solid Waste (State Law No. 12,300/2006) and its regulatory Decree (State Decree No. 54,645/2009), Resolution No. 24 listed the products that are subject to post-consumption liability, as follows: (i) filters and con-

tainers of motor oil; (ii) fluorescent lamps; (iii) automotive batteries; (iv) tires; (v) electronic products; and (vi) primary, secondary and tertiary packaging of food and drinks, personal hygiene, cleaning and durable consumption goods.

**Tires.** Pursuant to IBAMA Normative Instruction No. 1, published on March 19, 2010 **new procedures have been established for the collection and disposal** of scrap tires by manufacturers and importers of new tires. The Instruction regulates obligations that were already established by Resolution No. 416/2009 of the Brazilian Council for the Environment (the *Conselho Nacional do Meio Ambiente*, or “CONAMA”). ■

According to the Resolution, **manufacturers, importers or distributors of these products are required to maintain voluntary collection points**, to meet collection targets, to declare to the Solid Waste Annual Declaratory System the quantity of products manufactured (of those listed above) and collected, as well as its respective destination. The **collecting goals shall be established until** ⬇

■

## Specially Protected Areas

➤ **December 31, 2010** and will consider, among others, the implementation of selective collection in municipalities and the nominal capacity for beneficiation and processing of recyclable waste. ■

**State of Pernambuco.** The State Policy on Solid Waste of Pernambuco (State Law No. 12,008/2001) is under review. Among others, the draft of the respective Bill imposes against municipalities the obligation to elaborate a Solid Waste Integrated Management Plan (“PGIRS”, in Portuguese) and the compulsory adoption, by manufacturers and importers, of **reverse logistics for products that are turned into special waste after its use**. The draft is available for consultation in the following webpage: [www.sectma.pe.gov.br](http://www.sectma.pe.gov.br). ■

**State of Pará.** State Decree No. 47,137, of March 30, 2010, establishes the **State Program for the Recovery of Permanent Preservation Areas and Legal Reserve**. The adherence to the Program will be formalized through with the signature of a Commitment and Adhesion Instrument, with establishes an obligation of gradual recovery of permanent preservation areas (or “APP”, in Portuguese), recognizing along this period, the consolidated use, allowing, until the complete recovery of the area, the activities carried out so far. In addition, the adherence to

**Legal Reserve.** Federal Decree No. 7,130, published on March 12, 2010 adopted the CONAMA Recommendation No. 10, of June 26, 2009 which authorized the **reduction of the recovery of the legal reserve up to 50% of the property located in productive areas**, considered so in accordance with the Ecological-Economic Zoning (“ZEE”, in Portuguese)(State Law No. 7,243/2009 of State of Pará) from the influence of highways BR-163 (Cuiabá to Santarém) and BR-230 (the Transamazonic Highway). The possibility of the aforementioned reduction is contemplated by the Brazilian Forestry Code (Federal Law No. 4,771/1965), which allows the Executive Branch to reduce to 50% the area of the legal reserve in the Legal Amazon when indicated by the ZEE and for purposes of restoration. ■

the Program suspends the liability for the degradation of permanent preservation areas and the legal reserve registration. Any owner or rural possessor in whose property the APP has been degraded until August 24, 2010 may join the Program. ■

**High Altitude Grassland.** On March 17, 2010 the Brazilian Council for the Environment (the *Conselho Nacional do Meio Ambiente*, or “CONAMA”) approved Resolution No. 423, which establishes the **parameters for defining the primary vegetation and successional**

**Studies of potential.** Federal Decree No. 7.154, published on April 12, 2010 established procedures for the elaboration of technical studies on **hydropower potentials and on electric power distribution and transmission systems inside conservation areas of federal domain**. According to the Decree, the Chico Mendes Institute for the Conservation of Biodiversity (the *Instituto Chico Mendes de Conservação da Biodiversidade*, or “ICMBio”) will be responsible for authorizing the studies in question, which must not mischaracterize the attributes of the area. Studies in Environmental Protection Areas (“APA”, in Portuguese) and in Natural Heritage Private Reserves (“RPPN”, in Portuguese) do not require such authorization from ICMBio. ■

**stages** in high altitude grasslands, an ecosystem associated to the Atlantic Forest Biome. Such parameters include the historical use, the living coverage of the soil, the diversity and dominance of species, the indicative vegetable species and the presence of characteristic phytophysionomies. The Resolution also indicates the occurrence of species according to the region of the country and the stages of its regeneration. The identification of vegetation and its stage of regeneration will influence the activities that can be developed in the region. ■

**State of São Paulo.** According to Resolution No. 29 of the State Secretariat of the Environment, published on March 31, 2010, the **changes of boundaries of conservation areas** as well as changes in its management categories must be subsidized by a minimum content of studies and determined procedures, which shall include aspects such as the identification of human pressure vectors on protected areas, strategies for formation of connectors between the remaining forests, diagnoses of land regularization and land use conflict resolution, among others. The Resolution also establishes that in the absence of the Management Plan, the activities performed in a conservation area of full protection must be limited to those aimed to ensure the integrity of the resources that the area intends to protect. ■

## Forestry Resources

**State of São Paulo.** The São Paulo State Secretariat of the Environment (“SMA”, in Portuguese) established **procedures for the removal of vegetation that has already been authorized.** In accordance with SMA Resolution No. 22, published on March 31, 2010 the São Paulo State Environmental Company (the *Companhia Ambiental do Estado de São Paulo*, or “CETESB”) shall require appropriate methods for implementing the suppression of vegetation as a licensing requirement in new environmental licensing procedures that require forestry removal. As for example, such methods shall seek the minimization of damages to springs, water bodies, fauna, flora and soil. In addition, the Resolution rules that whenever the suppression of native vegetation in the

medium or advanced stage of regeneration is concerned in an area larger than 1 ha, certain measures must be adopted to minimize the impact on wildlife. ■

**State of Pará.** Pursuant to State Law No. 7,381, of March 16, 2010 the owners of areas located along rivers and other waterways, around ponds, lakes or natural or artificial reservoirs and springs, are subject to **mandatory recovery of forests** in such areas, according to the extension set by the State Law. The reforestation project must be approved by the public administration and shall contain technical specification details. As determined by the State Law, the implementation of forestry recovery in such areas must not last longer than 5 years. ■

## Water Resources

**State of São Paulo.** On March 22, 2010 (World Water Day), the São Paulo State Secretariat of the Environment has launched the project “**Adopt a Spring**”. With such Project, the Secretariat aims to approximate those who want to provide a spring inside their property for environmental recovery to those interested in financing such recovery. Any person or entity can adopt a spring and the procedure for the registration of areas to be recovered and the search for those available for “adoption” are very sim-

ple. Any spring can become available for adoption and the monthly cost for its preservation or recovery varies according to its state of conservation and use of its surroundings. The program can be accessed through the following webpage in the Internet: [www.ambiente.sp.gov.br/adoteumanascente](http://www.ambiente.sp.gov.br/adoteumanascente). ■

**State of Bahia.** The Normative Instruction No. 15, of March 18, 2010 enacted by the Water Management and Climate Institute of the State of Bahia – (“INGA”, in

Portuguese) established administrative procedures and technical criteria for **well drilling for groundwater exploitation** in the aquifer Urucuia. Among others, the Instruction sets the minimum distance between wells and between them and surface water bodies, and the limits of pumping (flow and maximum pumping period). ■

## Mining

**State of Minas Gerais.** By September 30, 2009, the entities responsible for mining undertakings in the State of Minas Gerais and the holders of an Operating Environmental Authorization must submit to the State Environmental Foundation (the *Fundação Estadual do Meio Ambiente*, or “FEAM”) a Registration Form of Areas Impacted by Mining Activities, pursuant to Rule No. 144/2009 of the State Council for Environmental Policy – COPAM. The non-compliance with such obligation may result in the revocation of the existing Authorizations. In the case of abandoned mining areas, the registration can be made at any time during the year (COPAM Rule No. 145/2009). ■

**State of São Paulo.** Resolution No. 28 of the State Secretariat of the Environment (“SMA”, in Portuguese), published on March 31, 2010 established the **Information System for the Recovery of Mined Areas** (the *Sistema de Informações de Recuperação de Áreas Mineradas*, or “SIRAM”), which aims to establish a representative database of the situation of environmental rehabilitation of mined areas in the State of São Paulo. In turn, the database will be used for environmental enterprise classification as non-default, in default by environmental pending and in default by the abandonment of the area. The emission of a prelimi-

nary, installation, and operating license, as well as the renewal or extension of a license will be preceded by prior consultation to SIRAM.

The Resolution in question also states that for new procedures of environmental licensing and extensions of mining activities, the licensing agency will expand the requirements for revegetation of the impacts caused by the activity. In addition, it requires that the issuance of the prior and installation licenses of new undertakings and expanding existing ones depend on the revegetation of a corresponding area to that requested in the license. ■

## Fauna

**State of São Paulo.** Resolution No. 22 of the São Paulo State Secretariat of the Environment, published on March 31, 2010 established **procedures for the use and management of wild fauna**. Among others, the Resolution addresses the registration of activities and enterprises that use wild animals, the submission of annual report and the obtaining of permission to transport, use and manage its products and by-products *in situ* and *ex situ*. ■

## Environmental Governance

On April 27, 2010, the consulting firm *Finanças Sustentáveis* will promote the course “**Legal Aspects of Sustainability in the Environmental Field**”, which will feature special participation, as invited speakers, of Fernando Tabet and Lucas Baruzzi, from the firm Tabet Advogados.

The course aims to provide the participants with an overview, in the environmental field, of the inclusion of the concept of sustainability in the corporate routine, from the analysis of the basic premises (legislation) and reflexes (liabilities) of sustainabil-

ity management in the legal sphere. More information and registration form can be obtained through the following webpage in the Internet: [www.financassustentaveis.com.br](http://www.financassustentaveis.com.br). ■

## Global Links



**Mexico.** On March 22, 2010, the Secretariat of Environment of the Federal District (Mexico City) enacted the Emergency Environmental Standard for the Federal District NAEDF-002-2009, which establishes the obligation, for water fixed sources (industrial, commercial and service providing establishments, as well as public shows that release pollutants to the environment) located within the Federal District, to file **water saving emergency programs**.

NAEDF-002-2009 standard is applicable to those fixed sources whose drinkable water consumption was above 16,000 m<sup>3</sup> in

2009 (large water consumers) and aims to reduce consumption of water in at least 20% within the six months following the approval of the corresponding saving program.

The saving program may propose the combination of two or more of the following measures: (i) redesign of processes or technological improvements; (ii) replacement of productive equipments; (iii) implementation of dry or semi-dry cleaning processes; (iv) installation and operation of waste water reuse systems; (v) installation and operation of storm water use systems; (vi) use of treated water; (vii) wastewaters treatment; (viii) im-

provement of irrigation systems; (ix) reuse of remaining water from pools; (x) water saving equipment for replacing standard equipment; and (xi) adoption of best use practices.

Those parties that are subject to the standard in question must file their corresponding saving program within the ninety calendar days following March 23, 2010. ■

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