

Law No. 8.943 of 29 September 1994

Alters the text of Articles 7, 8 and 9 and revokes Article 12 of Law No. 997, of 31 May 1976 that regulates environmental pollution control.

The Governor of the State of São Paulo:

Let it be known that the State Legislature decrees and I enact the following law:

Article 1. Articles 7 and 8 which were altered by Law No. 1.874 of 8 December 1978, and Article 9 all of Law No. 997 of 31 May 1976 shall enter into force as follows:

"Article 7. Infringement of the provisions of this law, the regulation thereof, as well as the norms, standards and technical specifications resulting from it will be, at the discretion of the competent authority, classified as minor, serious and very serious, considering:

- I. The intensity of the effective or potential damage;
- II. The attenuating or aggravating circumstances; and
- III. The previous records of the offender.

Sole paragraph: Any person who, in any manner, commits or cooperates in the act or who benefits therefrom, shall be held accountable for the violation.

Article 8. The violations specified in the previous Article shall be punished with the following penalties:

- I. warning;
- II. penalty of 10 to 10,000 the amount of the Ufesp (Fiscal Unit of the State of Sao Paulo);
- III. temporary or permanent prohibition;
- IV. seizure;
- V. demolition;
- VI. suspension of financing and fiscal benefits; and
- VII. apprehension or collection, temporary or permanent.
  1. A penalty fine shall be imposed taking into

consideration the following limits:

1. from 10 to 1,000 times the amount of the Ufesp, for minor infractions;
  2. from 1,001 to 5,000 the same amount for serious infractions; and
  3. from 5,001 to 10,000 the same amount for very serious infractions.
2. The fine will be collected with basis on the amount of the Ufesp of the day of its actual payment.
  3. In the event the Ufesp is extinct the financial index replacing it shall be adopted for the effects of this law.
  4. In the event of repeated offenses demonstrated by the performance of a new infraction of the same nature and severity, the fine shall correspond to double the amount previously imposed.
  5. In the event of continuous infractions, a daily penalty of 1 to 1,000 times the amount of the Ufesp can be imposed at the discretion of the competent authority.
  6. A permanent or temporary prohibition penalty shall be imposed in instances when the public health is being threatened, and they may also be applied, at the discretion of the competent authority, in the event of continuous infractions or from the third instance on.
  7. Embargo and demolition penalties shall be enforced when buildings or constructions are built without a license or are not complying with them.
  8. Temporary or permanent collection penalty, shall be applied in the event of threat to public health or, at the competent authority's discretion, in cases of continued infraction or after the third reoccurrence.
  9. Suspension of financing and fiscal benefits penalty shall be imposed in the event of occurrences and conditions defined in the regulations.
  10. Penalties stated in clauses III, IV, V, VI and VII of this Article may be imposed cumulatively with those foreseen in its clauses I and II.

11. The motor vehicle license of vehicles whose owners have not paid fines resulting from infraction of this law or any of its regulations and norms shall not be renewed.

Article 9. The enforcement of fines may be suspended when, under the terms and conditions approved by the competent authority, the infractor obligates himself to adopt specific measures to stop and remedy environmental degradation.

1. When all of the obligations by the infractor are met, the fine can be reduced in up to 90% (ninety percent) of its amount.

2. The infractor shall not benefit from the reduction of the fine as stated in this Article if he fails to comply totally or in part with any of the specified measures in the established terms."

Article 2. Article 12 of Law No. 997 of 31 May 1976 is therefore revoked.

Article 3. In matters regarding administrative procedures for the application of the penalties stated herein, this law shall be regulated in 90 (ninety) days.

Sole paragraph: Until this law is regulated, the penalties established herein shall be imposed according to the provisions of the regulations approved by Decree 8.468 of 8 September 1976.

Article 4. This law shall enter into effect on the date of its publication.

Bandeirantes Palace, 29 September 1994

Luiz Antonio Fleury Filho

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Secretary of the Environment

Sergio Joao Franca  
Interim Officer for the Government Secretariat

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