

(*) Law No. 9.346 of 14 March 1996

(Bill No. 444/90, by Deputy Rubens Lara)

Establishes preventive measures to avoid the spilling of oil and its derivatives or other chemical products along the State's coast.

The Governor of the State of Sao Paulo.

Be it known that the Legislative Assembly hereby decrees, and I promulgate the following Law:

Article 1. Parties responsible for ports, terminals, shipping, facilities, equipment or systems operating along the coast of the State of Sao Paulo and which handle oil, its derivatives or other chemical products, must adopt the necessary preventive measures to prevent occurrences which cause or may cause risk or harm to health, the safety and wellbeing of individuals, the environment and goods of aesthetic, historic, touristic or landscape value.

Paragraph 1. In minimizing the effects of any of the occurrences mentioned in the main body of this article, correction equipment must be available in quantities and types compatible with the products and quantities handled, as well as sufficient personnel trained to operate it.

Paragraph 2. Implementation of the aforementioned prevention correction activities in the event of the occurrences mentioned in the main body of this article must be provided for in a separate safety plan, developed in cooperation with the other organizations involved in such matters.

Article 2. The state agencies responsible for environmental protection and civil defense, in addition to the Fire Department, in close cooperation with the federal and municipal agencies with jurisdiction, may also adopt measures or perform the necessary actions, both to prevent the occurrence of the events mentioned in the preceding article, as well as to reduce their effects.

Sole paragraph. The agencies to which this article refers may immediately call for the suspension of the handling of oil, its derivatives or other chemical products, until such time as sufficient measures are taken, whenever this activity is executed under conditions of risk or in violation of internationally accepted norms.

Article 3. Notwithstanding the penalties provided for under Federal, State and Municipal Law, violators of the provisions contained in this Law, as well as those that fail to satisfy the requirements of the state agencies with jurisdiction as a consequence thereof, shall be subject to the following penalties:

I -- warning; and

II -- fine of 1,000 to 100,000 times the UFESP value.

Paragraph 1. The fine shall be doubled in the event of a repeat violation.

Paragraph 2. The penalties shall be imposed by the agencies responsible for environmental protection.

Article 4. This Law shall enter into force on the date of its publication.

Mario Covas Governor of the State of Sao Paulo.

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