

# ACCESS TO FACILITY-SPECIFIC ENVIRONMENTAL INFORMATION



## BRAZIL

As a signatory to the [Aarhus Convention](#) and several other international agreements, Brazil has adopted modern environmental information access rules.<sup>1</sup> The Law on National Environmental Policy, [Lei nº. 6,938 / 81](#), contained general principles on the public's right to know (prior to the Aarhus Convention): Article 4V provides for “the dissemination of environmental management and technologies, the dissemination of additional data and information and the formation of a public awareness of the need to preserve environmental quality and ecological balance.” But the principal relevant law is, the Law on Access to Environmental Information, [Lei No. 10,650 / 2003](#), which broadly “provides for public access to data and information existing in the bodies and entities that are part of Sisnama [the governmental units involved in the environment].”<sup>2</sup>

Article 2(II) is quite explicit as to environmental monitoring and pollution reports, setting out disclosure for:

*II - policies, plans and programs that may cause environmental impact; III - results of monitoring and auditing of pollution control systems and polluting activities as well as data referring to plans and actions related to recuperation of degraded areas IV - accidents, risk situations or environmental emergencies; V- gas and liquid emissions and solid waste generation; VI - toxic and hazardous substances; VII - biodiversity; VIII - genetic modified organisms. [emphasis added].*

A person seeking information need not describe what their interest is (Article 2, §1). Commercial secrets and propriety information is excluded as well as internal governmental deliberations (Article 2, §2).

---

<sup>1</sup> Brazil generally provided this rights through its Constitution: the Brazilian Constitution of 1988 provided in its article 5, item XXXIII, that: “Everyone has the right to receive information of public interest from public agencies private, or collective or general interest, which will be provided within the term of the law, penalty of liability, except for those whose secrecy is essential to the security of society and the state.”

<sup>2</sup> The [National Environment System](#) (SISNAMA) includes local state government environment agencies, the [National Environmental Council](#) (CONAMA) and the [Brazilian Institute of Environment and Renewable Natural Resources](#) (IBAMA)..

Not only does the Brazil statute omit any enforcement related exclusions, it expressly provides:

*Art. 4° The public entities of SISNAMA shall publish in the official gazette and make easily accessible to the public in areas within their premises, lists and reports containing the following information:*

*I - licensing requests, permits and requests for renewal of permits; II - requests and licenses for suppression of vegetation; III - fines and penalties; IV - agreements for the adjustment of environmental conduct; V - recurrence of environmental violations; VI - administrative appeals and their decisions; VII - filling of environmental impact assessments and results of their analysis.*

*The reports containing the data described in this article should be made public thirty days after being issued.*

So the Brazilian law is among the most expansive in the world. Unfortunately, the law does not require online access. For a general discussion and references, see Lanchotti and Says, [THE RIGHT OF ACCESS TO ENVIRONMENTAL INFORMATION: FROM THE FORMALITY TO THE EFFECTIVENESS OF THE RIGHTS OF ACCESS](#), Law and Sustainability (2016).

#### **CONTACT INFORMATION:**

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607-339012, [Europe@chwmeq.org](mailto:Europe@chwmeq.org).

**To report dead links in the above, provide feedback, or to notify CHWMEG that updates to this information are necessary**, click the link below to send an email to Randy Mott (type a brief note with your feedback before sending your email):

<mailto:europa@chwmeq.org?subject=-- BRAZIL -- Feedback/Dead Link/Update Required for Accessing Facility Regulatory Info>

REV 0: 10 April 2020