

The Environmental Management as Effective Principles of Environmental Law: A Study in Industry of Mattress and Furniture of Teresina - PI

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Abstract: This paper aims to demonstrate the importance of environmental management and enforcement of environmental law principles in business. The work begins with a brief review of concepts and principles of environmental law, emphasizing sustainable development and the duty of organizations to meet the standards set by law. The exploratory study follows with a qualitative research design, considering the relationship between the practices adopted by an industry of mattresses and furniture localized in Teresina (PI) and the principles governing the Environmental Law. In addition to the literature for data collection was used in-depth interview and non-participant observation. After data analysis, we found that the company under study adopted some environmental management practices, coupled with some of the principles of environmental law.

Keywords: Sustainable Development, Environmental Management, Environmental Law.

INTRODUCTION

Until the late 70s, the development of enterprises in Brazil was restricted primarily to economic development, which is the main business goal. Such thinking began to change when economic growth began to generate a negative impact on the environment, causing the destruction of natural resources.

Through the preparation of environmental impact studies and the constraints imposed by environmental legislation, companies began to think of a way to integrate economic growth with conservation of the environment, thus resulting in a philosophy called *sustainable development*.

Currently, the industrial enterprises (mainly the responsible for global warming), seeking to develop their business based on a managed dedicated to the preservation of the environment. The implementation of an Environmental Management System (EMS) gives companies the opportunity to grow and develop from the rationalization of production processes, avoiding waste and generating cost savings on their products, and provide a competitive edge by adding quality to products and contribute to minimizing environmental impacts.

LITERATURE REVIEW

Relationship between Environmental Law and Environmental Management

Environmental management is governed and guided by principles of environmental law.

Environmental Law is the branch of legal scholarship that examines the intentions of man with nature and the legal mechanisms for protecting the environment [1]. The Environmental Law is still a body of law widely disseminated. Their standards are implemented through the Municipal Bodies, State and Federal. One of the most important organs of environmental protection is the IBAMA (Brazilian Institute of Environment and Renewable Natural Resources), which monitors reports of deforestation, fires, operation of potentially polluting enterprises without an environmental permit, among other events.

The Environmental Management

For some decades several industries produce their products without worrying about the impact that the production process would cause to the environment. With the global warming effect (ever present), there was a need to create ways to control the increase in global temperature, reducing the burning of fossil fuels, it became bigger and bigger. The changes in the attitude of developed countries and also of emerging countries are beginning to emerge. The environmental legislation has helped in the process of preserving the environment through a quality environmental management, planning the future generations.

Environmental management is "a set of measures and procedures designed and properly implemented, which aim to reduce and control the impacts introduced by a new development on the environment"[2]. That is, are the actions that a company

(or in any field of activity) adopts to lessen the damage caused by the production of their goods, and reduce waste in the production chain. Companies that do not use sustainable production cycle of your product may be considered deficient production companies, because in some cases these companies pay additional costs because of the lack of awareness and of training of their officials.

The environmental management requires a basic premise: the commitment of senior management of the company with its shareholders with an environmental management policy clear for all the company may be within such intentions [2]. Previous studies have reported that the industrial pollution is a form of waste and a sign of inefficiencies in production processes used so far. The industrial wastes are the main causes of losses of raw materials, inputs and degradation of the environment. For this reason, there has been a perceived change in industry in relation to the environment. Then created the Environmental Management System (EMS).

With the Environmental Management System the entrepreneurs began to see that an environmentally friendly approach in managing their processes directly reflected in productivity, quality and, consequently, better financial results [3]. In addition, environmental management is divided into four processes: Environmental Auditing, Environmental Control Plan, Environmental Licensing and environmental feasibility study. All these processes are controlled and monitored by specialty agencies and entities that serve to protect to our environment. The companies must not only explore the environment but must create sustainable ideas and thoughts with the objective of protect the environment.

Principles of Environmental Law

Like all branches of law, environmental law is governed by principles. The principle offers the ground rules established, and as such has the trait of normativity [1]. The principles can be implicit or explicit and are endowed with positivity and therefore must be taken into account by the law enforcer, both within the judiciary, as part of the Executive or legislature [1]. Considering the various principles that govern and guide the environmental law, presents here the most important:

Principle of Sustainable Development

The Principle of Sustainable Development holds a position of dominance, because emphasizes equalize the performance of the economy with the preservation of ecological balance. From this perspective, the world commission on environment defines sustainable development as one "that meets present needs without compromising the ability of future generations to meet their own needs".

The article 225 of the Constitution describes that everyone has the right to an ecologically balanced

environment, and even the common use and essential to a healthy quality of life, imposing on the government and the community the duty to defend it and preserve it for present and future generations.

So there must be a commitment of companies to the environment. The environmental management is extremely important, brings since the economic benefits for businesses. A efficient environmental management prevents that companies disobey laws protecting the environment. The environmental permit is a legal requirement prior to installation of any project or activity potentially polluting or that degrades the environment and has as one of its most significant the features social participation in decision making, by holding public hearings as part of the process.

However, sustainable development seeks economic growth, social development and, in parallel, the defense and protection of ecologically balanced environment.

Precautionary Principle

The precautionary principle, is now undoubtedly one of the most promising principles of environmental law. In this case, it aims to search for an act anticipated the occurrence of damage to the environment. This principle guides the humans to develop prevention policies can be developed and implemented projects to raise awareness of the importance of environmental balance and the healthy and harmonious coexistence between man and the environment.

The fundamental importance of environmental impact studies lies in the fact that, for its correct performance, it is possible to anticipate positive and negative consequences and the alternatives presented to measure with a view to an option the be decided by society [1]. The environment meets a need for protection and just need to be compatible with the constitutional principles governing the democratic legal order.

Principle of Prevention

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protection and just need to be compatible with the constitutional principles governing the democratic legal order. The prevention principle is the analysis of previous projects, enterprises, aiming to predict possible environmental impacts. Performing this analysis is possible to adopt measures to offset or even change projects, ensuring the economic benefits, but without harming the environment.

The prevention is to prevent the occurrence of damage to the environment through appropriate measures, preventive said, before implementing the plan or execution of a work or activity [4]. In other words, act preventively is to perform actions in a strategic manner in order to prevent unwanted or unplanned consequences.

In the Brazilian legal field is used PSEI (Preliminary Study of Environmental Impact), which is set in n^o Law 6.938/81. Its main importance is to enable advance the positive and negative, in other words, ensure the development, predicting future damage.

The polluter-pays principle

The origin of the polluter-pays principle took the recommendation of the Organization for Economic Cooperation and Development (OECD) where the polluter should bear the costs of prevention and combating pollution. Since the cost of preventive measures should be allocated in the price of final goods and services. An important observation is that in any situation the polluter pays principle means paying to pollute.

The Second United Nations Conference on Environment and Human Development (ECO 92) held in Rio de Janeiro in 1992, provides, as Silva [5] that:

“Considering that the polluter pays principle should, in principle, bear the cost of pollution, national authorities should seek to promote the internalization of environmental costs and the use of economic instruments, taking into due account the public interest”.

This principle raises two issues, which are: 1) actions to prevent the damage, which is the responsibility of the entrepreneur, and 2) administrative responsibility (criminal and civil) in any instances of damage to the environment.

METHODOLOGY

The study on the objectives can be classified as exploratory and qualitative approach. As Godoy [6]:

“Qualitative research has the natural environment as a direct source of data and the researcher as an essential tool. In this approach, values are the direct and prolonged contact with the researcher’s environment and situation that is being studied as a phenomenon

can be better observed and understood in the context in which it occurs”.

The data for the survey were obtained through an in-depth interview with the environmental manager of the company where the work was performed. The interview was recorded and filmed with the authorization of the interviewee. Besides the interview we used the technique of non-participant observation conducted in the company. This procedure facilitated data analysis. Later the information obtained in interview with the manager of the company were compared with some schools of thought on the subject of research.

The discussion of this comparison between the theory and the case study is described in the next chapter.

THE IMPLEMENTATION OF AN EFFECTIVE ENVIRONMENTAL MANAGEMENT IN A MANUFACTURING COMPANY OF MATTRESSES AND FURNITURE

Comparing the theory described in the literature review with the data obtained from in-depth interviews and non-participant observation is noted that the company uses the principles and concepts that guide environmental law. It was determined that the company performs some environmental management practices that are used in the production process. The company studied is recognized by the rigor with which its products are manufactured and successive investments in modernization. Produced with European technology, the mattress is their main product is reference throughout Brazil for its comfort and quality.

The company has incorporated in its production processes the approach zero emission of waste, in other words, the residuals of production become inputs for other production processes.

One example of the waste recycling system is in firm compression of the powder of the wood used as raw material. Using large pipes, the dust is sucked and compressed on another machine called of “briquetter” that turning the dust into small cubes called “briquettes”. This “briquettes” replaces coal as fuel to feed the machines.

The company receives per month about 12 tons of material to recycle that are collected on the streets or donated by the public. These material are used in the manufacturing of sofas and other furniture.

These strategies adopted by the company are examples practical application of some of the principles mentioned above such as, for example, the principle of prevention. By adopting these measures the company has just preventing environmental damage, such as the

release of greenhouse gases directly into the atmosphere and consequent increase in temperature.

The principle of sustainable development can be seen in one of the strategies used by the company when it encourages sustainable ideas that come from your own employees who work directly in the production process, offering them cash prizes.

One of these ideas has already been deployed. A employee has created a machine that saves 90% in the use of oil for the lubrication of springs. This result was obtained by the stimulus offered by the company. This way there are environmental awareness in every employee and at the same time, prevents waste throughout the supply chain, reducing production costs.

All water used in industry is obtained from station treatment the company itself, allowing purification of water used in the production process. The company is an example of how managers of organizations must worry about preserving the environment as waste generation impacts directly in both the operational performance of the factory as in the finance department. In this industry all water used in the production process is treated and cleaned for reuse.

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CONCLUDING REMARKS

The Environmental Law, by applying the various principles described above, serve to guide the industries towards putting in place strategies to encourage compliance with the laws regarding environmental management (as is the analyzed case this article).

The implementation by the industries of economic development linked to the preservation of the environment, aiming to achieve goals set by management are very important to carry out an efficient environmental management for sustainable development.

These principles should also be followed by individuals, because each one has its share of collaboration with the destruction of forests, water pollution, waste production, environmental imbalance, and so must seek improvements to minimize the impacts.

Business leaders (mainly industries) should follow the vision of sustainable development and not as a imposition at law but as something profitable, that will bring economic benefits and recognition in a market.

The implementing an effective environmental management generates competitive advantage and improves the productive process reducing waste and increasing preservation of the environment for future generations.

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