1. Political situation

The environmental dismantling promoted and led by the Bolsonaro Government finds in the National Congress the perfect space to advance the deregulation and weakening of environmental legislation. After two years focused on infra-legal changes and reducing the operational and technical capacity of environmental agencies, in 2021, with the new presidencies of the Legislative Houses and with the restrictions of debate and obstructions caused by the remote operation in Congress, the government and the ruralist caucus have the ideal conditions for putting to a vote projects that are against the interests of society and have low popular adherence.

There is no room for legitimate participation in the midst of the pandemic. Debate and advocacy capacity are severely impaired in parliament, as well as the dispute over narratives and spaces in public opinion. In the current situation, there is no correlation of forces or instruments capable of guaranteeing the “lesser evil” principle in the content of the articles. The ruralistas and government allies have a large majority of votes in favor of these bills, so if these bills are put to vote, they will certainly be approved.

The voting of PL 3729/2004, of the General Environmental Licensing Law, and of PL 2633/2020, the Land grabbing bill on an urgent basis and without public debate, are clear evidence that the “gate” for the passage of laws is opened. The mobilization of society and the technical and political positioning of different sectors of society will be crucial for us to be able to stop the progress of the weakening of our legislation, which will cause irreversible damage to our heritage and collective well-being.

2. Main threats in the Chamber of Deputies and the Federal Senate

- Environmental Licensing (PL 3729/2004 - approved at CD, under consideration at FS)
- Land grabbing (PL 2633/2020 - approved at CD, under consideration at FS and PL510/2021 -FS)
- Pesticides (PL 6299/2002 - Approved in the FS, processed in the CD)
Environmental licensing can be considered the main instrument for prior control of pollution and environmental degradation resulting from human activities. Currently, the rules on environmental licenses are contained in Art. 10 of the National Environmental Policy (Law No. 6.938/1981) and in 40 other resolutions of the National Environment Council (CONAMA). The so-called General Environmental Licensing Law (PL3729/2004 in the Chamber of Deputies, now in the Senate as PL 2159/2021) has been debated in the National Congress for 17 years. There is a consensus between environmentalists and ruralists on the need for a specific law on this issue and also for simplified licensing processes for low-impact and low-risk projects.

However, the latest texts that were presented mischaracterize environmental licensing and make it an exception, not a rule. The version voted on in the plenary, presented by the rapporteur Neri Geller (PP-MT) is considered the worst version ever presented over the 17 years and its final approval would represent one of the main setbacks in Brazilian legislation in recent decades. The justification for defending the project - the unlocking of the economy - is fallacious, since only 1% of the works are stopped for environmental reasons, according to the Court Union Accounts (TCU).

**Processing**

The PL had an approved urgent requirement, which allowed the PL 3729/2004 to be directly ruled in the Plenary of the Chamber of Deputies. The report by Neri Geller (PP-MT), which had not even been presented to society and was delivered to the other deputies just a few days before the vote, was approved in the plenary of the Chamber of Deputies in the early hours of May 13, 2021, by **300 votes in favor against 122 votes against**. The matter is now going to be considered by the Federal Senate. If approved without changes, it goes to presidential approval. If there are substantial changes to the text, it returns to the Chamber of Deputies to vote for approval or rejection of one of the two texts.

**Main problems of the proposal and impacts**

Considering its extreme and unbalanced content, the new replacement for Bill No. 3.729/2004, of 05.05.2021, if approved, could result in the proliferation of tragedies such as those that occurred in Mariana and Brumadinho (MG), the total lack of control all forms of pollution, with serious damage to society's health and quality of life and the collapse of water and the destruction of the Amazon and other biomes.

If, with the legislation currently in force, all projects with potential socio-environmental impact need to guarantee the sustainability of their installation and operation, the project in question can be classified as the “Non-License and Self-Licensing Law”.
The approved substitute opens a series of exceptions to the licensing of numerous economic activities and the application of fundamental instruments for licensing in order to practically create a general regime of exception to licensing, with a strong emphasis on self-licensing, a novelty so far not even discussed with the society.

The main problems of the text approved by the Chamber of Deputies are:

1. Exemption from licensing for agriculture, livestock (except intensive medium and large scale) and forestry, in addition to 13 types of activities with impacts on the environment, such as construction of energy networks, dredging and sewage maintenance works.

2. Gap for “anti-environmental war” between states and municipalities, which may establish licensing rules less strict than those of other states to attract companies and investors, including licensing waivers.

3. Self-declaratory license (LAC), issued automatically without prior analysis by an environmental agency, becomes the rule. In practice, it makes licensing an exception rather than a rule. Mining activities, expansion or paving of roads and polluting industries with low and medium environmental impact may be self-licensed.

4. Restrictions on environmental conditions, such as the non-obligation of compensation for impacts on public services, such as public health, and deforestation.

6. Threat to Conservation Units, Indigenous Lands not fully demarcated (41% of the total) and quilombola territories not titled (87% of the total), because the analysis of the impacts of the projects on these areas will no longer be mandatory.

7. Restriction on participation in the licensing of bodies such as the Chico Mendes Institute for Biodiversity Conservation (ICMBio), Funai, National Historical and Artistic Heritage Institute (Iphan), Ministry of Agriculture and Ministry of Health.

8. Banks and other institutions that finance the projects will no longer have any socio-environmental responsibility, except to ask the entrepreneur for the license, that is, they no longer need to verify the regularity of the licensed activity and, in case there is damage to the environment or tragedies, such as Brumadinho, they will be able to get rid of the repair costs.

9. The PL does not address any issue related to climate change.

Source: Instituto Socioambiental (ISA), 2021.
Public Manifestations against the Licensing Bill (PL 3729/2004) - Only in PT

Deputy Neri Geller did not make the text available in advance, nor did he discuss it with civil society. When it was released, a few days before its vote, several technical notes, expressions of concern and rejection of the proposal's vote were made public, namely:

1 - Former Ministers of the Environment: https://act.gp/2SHTvqK
2 - Brazilian Association of Members of the Public Ministry for the Environment (ABRAMPA): https://act.gp/3eAMDnA
3 - National Association of Servants of the Brazilian Institute of the Environment (Ascema Nacional): O Tiro de Misericórdia no Licenciamento Ambiental
4 - Brazilian Society for the Advancement of Science (SBPC): https://act.gp/2RfwNWm
5 - National Indigenous Mobilization (MNI): https://act.gp/33xEcDf
6 - Brazilian Association of Anthropology (ABA): https://act.gp/3hl9KV0
7 - Environmental Entities (Observatório do Clima, SOS Mata Atlântica, Greenpeace Brasil, ISA, IDS, ISPN, Inesc e WWF Brasil): https://act.gp/2R9Rlj2; in english here.
8 - Land movements (Brazilian Semi-Arid Articulation (ASA), Brazilian Association for Agrarian Reform - ABRA, Movement of People Affected by Dams (MAB) and Movement of Landless Rural Workers (MST): https://act.gp/3uFVHgx
9 - National Association of Municipalities and Environment (ANAMMA): https://act.gp/33zSCCD
10 - Brazilian Association of State Environmental Entities (Abema): https://act.gp/3tzqBWB
11 - Brazilian Archeology Society (@ArqueologiaSAB): https://act.gp/3fa4EZ1
12 - Environmentalist Parliamentary Front (@AmbientalFrente): https://act.gp/3blwd09
LAND GRABBING

Land grabbing is any action aimed at illegally possessing or owning land, for example, clearing public forest for occupation and agricultural use. The main stimulus to illegal occupation of public lands in the Amazon is land speculation and this process involves criminal gangs with a high initial investment to deforest large areas of forest. Land grabbers who invest in illegal occupation of land profit in three ways: from free occupation (that is, from the illegal appropriation of public land), from the illegal sale of wood, and from agricultural production before or with the sale of that land to third parties.

Land grabbing is central to the formation of Brazilian territory and, in addition to real estate speculation, the regularization of land grabbing through laws that extend the period of regularization of illegal occupation of public lands fuels the expectation that the illegal action will be regularized, stimulating new cycles of land grabbing. In Brazil, Law No. 11,952/2009 was conceived to promote land tenure regularization in small areas characteristic of family-based agriculture, expanding the regularization timeframe for 2011.

However, since then, this law has been the target of new attempts to expand the time frame. In 2019, the Bolsonaro government tried, through Provisional Measure MP 910, known as MP da Grilagem, to institute a new time frame and expand the size of the areas that could be regularized. MP 910 missed the deadline for consideration and expired, but two bills that are being processed in the Congress were derived from it: the PL 2633/2020, originated from Chambers of Deputies, and PL 510/2021, from the Federal Senate.

Processing

Both the bill (PL 2633/2020) that was recently approved at the Chamber of Deputies, as well as the PL 510/2021 that is being processed in the Senate, and the original MP 910 serve the same purposes of legalizing land grabbing and are absolutely unnecessary to promote social justice in the countryside. Both bills had requests for urgent processing presented, in an attempt to speed up the approval of these matters, which removes the need to go through the technical committees and can be discussed directly in the plenary of the houses. The Federal Senate even inserted PL 510/2021 for voting in the House's plenary on April 28, 2021, but after strong pressure from various sectors of society, including the productive sector, it was removed from the agenda. In the Chamber of Deputies, PL 2633/2020 had its urgent request approved on July 13, 2021 and was inserted in the plenary on the following day. With a strong rejection by the population of the matter and with disagreements among ruralists about the text, the PL ended up not being appreciated at the end of the legislative semester. However, in the first plenary session, on August 3rd, the PL was quickly approved. The speed and lack of transparency is such that the approved text was changed after the vote, a procedural violation. The PL now goes to the Federal Senate, where it is possible that the text will become even worse, where PL510 can easily be merged with PL2633.
Main problems of the proposal and impacts

The bill approved by the Chamber, PL 2633/2020, encourages land grabbing and deforestation by expanding the possibility of land title regularization on the Union’s lands through self-declaration, in addition to providing amnesty for land grabbers and environmental criminals. The bill that is being processed in the Senate expands the size of areas subject to regularization, covering large areas (up to 2,500 hectares), and intends to change once again the deadline for invasions of public lands to be legalized, passing the deadline from 2011 to 2014.

Although the government and the ruralist caucus try to argue that the projects will be beneficial to small producers, this assertion does not hold up, as current legislation already guarantees the rights of these family farmers. Both bills do nothing to combat land grabbing and deforestation, increase the risk of regularizing areas in conflict and encourage continued invasion of public lands.

Main risk of the land grabbing bills are:

1. Extend to medium and large properties the waiver of inspection prior to titling, increasing the risk of legalizing areas in conflict;

2. Look for amnesty for the crime of invasion of public land, expanding the time frame of Law 11,952/2009;

3. Allow title to illegally deforested areas, and does not require the signing of terms of commitment to regularize environmental liabilities in cases where there was no environmental assessment before the title;

4. Encourage the recurrence of invasion of public land by changing the deadline for regularization again, indicating that the same may happen again in the future

5. It does not innovate in the fight against land grabbing and does not bring elements that increase the transparency of land title regularization, only reaffirming provisions that already exist in current laws;

6. Expand the benefits currently already granted to small, medium and large properties, as it reduces amounts charged in the title of those who already have another property; waiver of costs and fees at the notary’s office and at INCRA; and extends rural credit renegotiation term until the end of 2021;
7. Open the way for public forests to become suitable for privatization if Funai, SFB and ICMBio do not show interest in the area, a provision that conflicts with the Public Forest Management Law.

Public Manifestations against the Land Grabbing Bills - PT only

When the bill was placed on the Senate plenary agenda, several public statements and technical notes were released:

1. Environmental entities: [note here]
2. Letter from the Bishops of the Pan-Amazonian Ecclesial Network: [note here]
3. Letter from 40 companies, banks and funds in Europe: [note here - english]
4. Letter of the Brazil, Climate, Forests and Agriculture Coalition: [note here]
5. National Association of Attorneys of the Republic: [note here]
7. Campaign Against Land Grabbing in Brazil: [note here]
8. National Confederation of Rural Workers Farmers and Family Farmers – CONTAG: [notes here] and [here]

Technical notes against MP910/2019 - Only in PT:

1. Imazon (Amazon Institute of Man and Environment): [Technical note about MP 910]
2. Federal Public Ministry: Nota técnica conjunta da 2ª, 4ª, 5ª e 6ª Cámaras
4. Climate Policy Initiative: [Nota técnica sobre a MP 910]
5. University of Sao Paulo and University of Minas Gerais: [Analysis about the effect of the rapporteur text, Senator Irajá de Abreu, on the land regulation on the Amazon]
7. Democracy and Sustainability Institute: [Technical note about MP 910]

Other positions contrary to MP 910/2019

1. National Conference of Brazilian Bishops (CNBB): [here]
2. 100 entities and land leaderships: [here]
3. Environmentalist Parliamentary Front. Subscribed by six former ministers of the Environment, four former ministers of Agrarian Development and 137 organizations and networks in society, including SBPC, Brazilian Association of Archeology, National Council of Christian Churches, Contag (National Confederation of Rural Workers in Agriculture) and General Union of Workers
4. Brazil, Climate, Forests and Agriculture Coalition, representing 200 companies and entities from agribusiness, academia and the environmental sector
5. Party leaders: Psol, PV, PT, Rede, PDT, PSB, PCdoB e PCB
6. ISPN
7. WWF
EXPLORATION AND DEMARCATION OF INDIGENOUS LANDS

The main proposal for the exploration of economic activities within Indigenous Lands consists of a bill proposed by the Executive in early 2020, PL 191/2020, which intends to amend two articles of the Brazilian Federal Constitution, in order to establish conditions for the carrying out industrial mining and hydroelectric generation, opens up the possibility of oil and gas exploration, mining and the planting of transgenics in the ILs. If approved, the project, which transforms into a rule what the 1988 Constitution thought of as an exception, will lead to an increase in deforestation, invasions of indigenous lands and violence against these peoples. The oldest, and extremely harmful, is PL 490/2007, which if approved will make demarcation of indigenous lands unfeasible, threaten the homologated territories and deprive constitutional rights, erected to the permanent clause in the Constitution of the Federative Republic of Brazil (CRFB), configuring one of the most serious threats to indigenous peoples in Brazil today.

Processing

The bill (PL 191/2020) was introduced in early 2020 by the Bolsonaro Government. The Chamber of Deputies, instead of rejecting it for unconstitutionality, received the proposal, but did not formally initiate its processing. However, this project is considered a priority on the Bolsonaro government's agenda and is on the table of President Arthur Lira awaiting the creation of a Special Committee or allocation to the Plenary, through urgent approval.

PL 490/2007, authored by Rep. Homero Pereira (PR-MT), now deceased, changes the Indigenous Statute (Law 6.001/1973) and updates the text of PEC 215, one of the greatest threats to indigenous rights that has already been processed in Congress. The project has already gone through the Agriculture commissions, where it was approved, and the Human Rights commission, where it received a contrary opinion. It had been stopped since 2019, but in May the rapporteur Arthur Maia (DEM-BA) presented his report, with a favorable opinion for the approval of the replacement text, and the PL was included in the CCJ meeting on 05/26/2021. After popular pressure and agreements, it was removed from the agenda, with the promise that it should return to the agenda soon. If it is approved by the CCJ, it goes to the plenary and, if it is also approved, it goes to the Senate.

Main problems of the proposal and impacts - PL 191/2020

Several experts and entities criticized the legislative proposal. The Articulação dos Povos Indígenas do Brasil (APIB), in a statement, repudiated the presentation of the PL and stated that the proposal will have irreversible impacts on indigenous territories, particularly on isolated indigenous peoples and those with recent contact.
The main problems of PL 191/2020 are:

1. It is unconstitutional for violating territorial rights guaranteed by the Constitution and the right to prior consultation with indigenous peoples affected by possible land changes, guaranteed by Convention 169 of the International Labor Organization (ILO);

2. Disrespects national and international legislation that ensures fundamental rights, the original right, congenital right, traditional occupation of lands and territories, the right of possession and exclusive usufruct, and the right to consultation, to free, prior and informed consent to any administrative and legislative measures affecting indigenous peoples;

3. It places indigenous populations, especially those isolated or in recent contact, at risk for conflicts and health issues;

4. It reveals the government’s decision to distance Brazil from the global effort to bring about a climate emergency and guarantee human rights;

5. It favors a predatory economy of the territory, without valuing the ways of life and culture of the indigenous peoples who keep the forest standing;

6. Silences indigenous peoples, withdrawing their veto power provided for by ILO Convention 169;

7. It leads to increased deforestation, potentially increasing the risk of contamination of water resources, putting the livelihood resources of indigenous populations at risk.

Main problems of the proposal and impacts - PL 490/2007

The bill, considered unconstitutional, for trying to modify the Federal Constitution through a bill, is considered by experts and indigenous movements as one of the main threats against indigenous rights today.
Main problems of PL 490/2021 of the bills are:

1. It allows the resumption of reserves and areas under indigenous domain by the Union based on subjective criteria, putting at risk at least 66 territories, inhabited by more than 70,000 people and with a total area of 440,000 hectares

2. It applies the "time frame" to all demarcations of Indigenous Lands, practically making an already complex and time-consuming process unfeasible

3. It establishes that the demarcation may be challenged at all stages of the process, forcing the manifestation of representatives of States and municipalities and allowing the manifestation of associations of farmers, also making the procedure unfeasible

4. It allows the implementation of hydroelectric power plants, mining, roads, leases and large agricultural projects in the TIs, among others, without free prior and informed consultation to the affected communities, as determined by the Constitution and international legislation

5. Enables the automatic legalization of illegal mines in TIs. Today, the activity is one of the main factors responsible for conflicts, the spread of diseases, the destruction of springs and rivers and the explosion of deforestation

6. It opens a gap for the end of the policy of “no contact” with isolated indigenous peoples. According to the PL, contact could be made for the purpose of “public interest”, by public or private companies, including missionary associations.

Source: ISA, 2021. Available aqui. Also reach nota técnica, with executive summary, produced by ISA.

Public Demonstrations against the Exploitation of Indigenous Lands - Only in PT

1. Note from the Articulation of Indigenous Peoples of Brazil (APIB), indigenous organizations, indigenists and environmentalists: here;
3. Note from the Climate Observatory - OC: here;
4. Federal Public Ministry - Chamber of Indigenous Populations and Traditional Communities (6CCR/MPF): here;
5. Indigenous Lawyers Network: here
There are a number of projects in progress that try to make the release of the manufacture and use of pesticides more flexible and easier. But PL 6299/2002, known as the “Poison Package” is now considered the main one, with the greatest possibility of advancement. The approved text, which can be voted on in the Chamber’s Plenary, provides for radical and potentially harmful changes to the environment and the health of workers and the population in general. Since the beginning of Bolsonaro’s term, the government has been releasing a record number of pesticides, most of them being highly or extremely toxic or pesticides not allowed in the European Union.

However, although it is managing to advance this agenda through infra-legal acts that allow for the accelerated approval of pesticides by National Health Surveillance Agency (ANVISA), Environmental Inspection Agency (IBAMA) and Ministry of Agriculture and Livestock (MAPA), the government and the ruralist caucus still have great interest in the approval of this project. There is a great possibility for discussions to resume in the Chamber, with the possibility of accelerated voting in the Plenary.

Processing

PL 6299/2002 is originally a project authored by Senator Blairo Maggi (PLS 526/99). It was approved in 2002 by the Federal Senate and is being processed in the Chamber of Deputies. In this house, he was approved by the Special Committee in 2018, under the rapporteurship of Dep. Luiz Nishimori, and chairmanship of the Committee by Dep. Tereza Cristina, current Minister of Agriculture. The bill, which revokes the current law on pesticides (7.802/89), proposing flexibility in the registration of new substances, can be voted on in the Plenary at any time.

Main problems of the proposal and impacts

Brazil is the leader in the world ranking of pesticide consumption, in volume. But the companies that produce pesticides, in collusion with large producers of agricultural commodities and the Ruralista caucus, want more. They seek to complete the legislative process for a new regulation for pesticides, amending the Pesticides Law (7.802/89) to make it easier to release pesticide varieties, including some that have already been banned elsewhere in the world, representing a significant setback for the population as a whole and for the environment.

The main problems of the “Poison Package” bill are:

1. Transfers all DECISION power to approve a new pesticide to the Ministry of Agriculture, Livestock and Supply, making practically consultative key parts of the evaluation and approval
process, such as the Ministry of the Environment and Anvisa, bodies responsible for the most important points at stake: health and environment;

2. Ensures the registration of proven carcinogenic substances. Currently, active ingredients that cause serious harm to health (teratogenic, carcinogenic, mutagenic) are totally prohibited if they already have some evidence or if they demonstrate in new studies such properties considered to be prohibitive. The poison package excludes this text and in exchange says that any ingredient can be released as long as they do not present “acceptable risk”, without wanting to define acceptable. Important question: acceptable to whom?

3. Changes the term "pesticides" to "pesticides" masking the harmfulness of these substances and not meeting the Brazilian reality of low education in the countryside. The term pesticide is widely known by those who deal with these substances on a daily basis and was not occasionally adopted in the construction of Law 7802/1989, but rather to highlight the toxicity of these substances, representing loss of right to correct information. Calling pesticides pesticides is like calling COVID a flu.

4. The PL also includes providing temporary registration without evaluation for those pesticides that are not analyzed within the period established by the new law. and the environment? Then approve and then see what happens!".

Source: Greenpeace
16. Servants of the National Health Surveillance System (SNVS): [here](#);
OTHER RECENT MANIFESTATIONS AGAINST THE ENVIRONMENTAL POLICY OF THE BOLSONARO GOVERNMENT AND LEGISLATIVE SETBACKS

1. International Letters:
   a. letter from Danish Parliamentarians: “An Open Letter to the President of the Chamber of Deputies and Senate” - 23/Abr/21 - disponível aqui
   b. letter from German Parliamentarians: “An Open Letter to the President of the Chamber of Deputies and Senate” - 21/Abr/21 - disponível aqui
   c. Letter from 15 NGOs from Denmark: ao Primeiro Ministro Mette Frederiksen e Ministro de Relações Exteriores Jeppe Kofod - 15/Abr/21 - disponível aqui
   d. Letter from 40 companies from UK and Europe: “An open letter on the protection of the Amazon” - 05/Mai/21 - disponível aqui

2. Letters from the Bishops of the Amazon and Catholic organizations:
   a. Letter from the Meeting of the Bishops of the Amazon: “Open Letter from the Meeting of the Bishops of the Legal Amazon to the Brazilian People” - 19/May/2021 - REPAM - here
   b. Letter from the Bishops of the Amazon: “Letter from the Bishops of the Amazon for the Withdrawal of PL 510/2021” - 04/May/21 - here
   c. Letter from Catholic Organizations to the National Congress - 25/May/21 - here

3. Civil Society Letters:
   a. NGOs part of the Climate Observatory: “The Plan “Beat a retreat from” Amazon 21/22 and Bolsonaro illusionist discourse” - 22/Apr/2021 - aqui
   b. Note Legislative Trampling "No to trampling the legislative process and democratic debate" - here

4. Letter from Parliamentarians and Civil Society: "Letter from Parliamentarians and Civil Society from Brazil to the United States of America, in defense of the Amazon" - 15/Apr/2021 - here
   english version