



International POPs Elimination Project
*Promotion of Active and Efficient Civil Society Participation in
Preparation for Implementation of the Stockholm Convention*

Mobilizing Brazilian Civil Society for Stockholm Convention Implementation

Associação de Combate aos POP's (ACPO)

**Brazil
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About the International POPs Elimination Project

On May 1st 2004, the International POPs Elimination Network (IPEN <http://www.ipen.org>) launched a global NGO project called International POPs Elimination Project (IPEP) in partnership with the United Nations Industrial Development Organization (UNIDO) and the United Nations Environment Program (UNEP). The Global Environment Facility (GEF) provided core funding for the project IPEP, which has three main goals:

- Encourage and enable NGOs in 40 developing and transitional countries to engage in activities that provide concrete and immediate contributions to country efforts in preparing for the implementation of the Stockholm Convention;
- Enhance the skills and knowledge of NGOs to help build their capacity as effective stakeholders in the Convention implementation process;
- Help establish regional and national NGO coordination and capacity in all regions of the world in support of longer term efforts to achieve chemical safety.

IPEP will support preparation of reports on local situations, hotspots and regional policy activities briefs. Three main types of activities are supported by IPEP: participation in the National Implementation Plan, awareness training and seminars, and public awareness and information campaigns.

For more information, please see <http://www.ipen.org>

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The views expressed in this report are those of the authors and not necessarily the views of the institutions that provided management and/or financial support.

This report is available in the following languages: Portuguese and English.

Mobilizing Brazilian Civil Society for the Implementation of the Stockholm Convention

National Legislation

In 1997, through the Resolution no. 19/13C, the United Nations Environment Program (UNEP) suggested the creation of an Intergovernmental Negotiating Committee (INC) to discuss the global issue represented by the Persistent Organic Pollutants (POPs).

The Negotiating Committee worked from 1998 to 2000, and issued an international legal instrument aiming to reduce and eliminate the use and emissions of 12 persistent organic pollutants and identify and add new substances having the same characteristics of the POPs in the list.

In May 2001, during the Diplomatic Conference of Plenipotentiaries (DIPCON) in Sweden, the parties decided to adopt this legally binding instrument named as Stockholm Convention on Persistent Organic Pollutants. During DIPCON, 91 countries including Brazil signed the Convention.

In February 28th 2003, Ministry of the Foreign Affairs and the Ministry of Environment, through a Joint Communication no. 71/MRE/MMA, addressed to the President of the Federative Republic of Brazil the text of the Stockholm Convention on Persistent Organic Pollutants (POPs) translated into Portuguese Language.

On May 16th 2003, the Presidency addressed to the Brazilian National Congress the message no. 190 followed by the text of the Stockholm Convention to be ratified by the House of Representatives and the Federal Senate.

On November 7th 2003, the text of the Stockholm Convention on POPs ratified by the Brazilian House of Representatives as the Legislative Project no. 818/2003 was sent to the Federal Senate on November 12th 2003, through Letter PS-GSE/1037/03.

On May 7th 2004, the Federal Senate approved the text of the Stockholm Convention on POPs (Legislative Decree Project n.º 894/2003) that passed to be the Legislative Decree n.º 204/04.

On July 20th 2005, the President of the Federative Republic of Brazil, through the Decree no. 5.472, enacted the text of the Stockholm Convention, establishing the development of the National Implementation Plan (NIP-POPs), with participation of the Civil Society and NGOs.

Seminar: Mobilizing Brazilian Civil Society for the Implementation of the Stockholm Convention on Persistent Organic Pollutants - POPs

Introduction

On January 22nd 2006, representatives of 25 different non-governmental organizations met in Salvador, State of Bahia, Brazil, to discuss on the contribution of the civil society for the National Implementation Plan of the Stockholm Convention (NIP-POPs). Nowadays the Brazilian Government is surveying the national needs to elaborate the final proposal of implementation (PDF-B).

The Seminar was sponsored by IPEN - International POPs Elimination Network – through the International POPs Elimination Project (IPEP) and by the Brazilian Government through the Environment Quality Department of the Ministry of Environment and the General Coordination of the Environmental Sanitation Surveillance of the Ministry of Health.

The Seminar was divided into two meetings, the first day to introductions of the participants, general discussions on issues related to the chemicals in the national agenda (Brown Agenda) and the formal creation of a Work Group on Chemicals (**GT_QUÍMICOS**), a fusion between FBOMS's Chemical Safety Workgroup and Brazilian Environmental Justice Network's BAN Workgroup. The fusion works began in October 2003, were organized in 2005 and formalized in 2006.

The second day was dedicated to POPs: their impacts on health and environment, the background of the Stockholm Convention, the role of the civil society, and the national implementation program of the Convention on POPs (NIP-POPs). The debate began after presentation by the Ministry of Environment's representative who exposed the planned actions that are being executed by the Federal Government.

In the morning of the third day the participants formed three groups to discuss about the challenges, difficulties, actions and strategies pertinent to the mobilization and participation of the civil society for the implementation process of the de Stockholm Convention on POPs. In the afternoon, the plenary session was held where the results of the groups were presented, followed by discussions, suggestions and the necessary adjustments to be addressed to the Ministry of Environment, Ministry of Health and National Committee of Chemical Safety (CONASQ).

The seminar's participants established as an important measure the creation of a Strategic Group to stipulate key actions for mobilization and participation of the civil society in this process. The strategies and actions were divided into 3 groups: pesticides, urban issues and industrial issues, and crossed with areas

such as education, public right to know, inventory of POPs, impacts to community health, including workers, involvement of the Judiciary Power, Public Prosecutors, universities and politicians. Besides, they recognized the importance of the meeting as the first opportunity for a group of NGOs to know each other in person and build together an institutional relationship that shall be very useful in the national and regional implementation process.

The purpose of this report is to describe the Brazilian scenario, explore the activities of the Seminar **Mobilizing Brazilian Civil Society for Stockholm Convention Implementation** and its conclusions, present the list of participants, give a general description about the financial support by the several sponsorships, and, at last, as the Annex A, present the resume of the Civil Society participation in the preparatory Seminars aiming at the National Implementation Plan (NIP) related to the PDF-B Project supported by the Global Environment Facility (GEF) and executed by the Brazilian Government.

Brazilian Scenario

With a population estimated in 186 million of inhabitants, mainly concentrated in the urban areas (approximately 80%), Brazil has a vast territory of 8,511,965 Km², an Atlantic coast with 9,198 km of extension and four great water basins: Amazon Basin with 3,984,467 km² - Tocantins-Araguaia Basin with 803,250 Km² – San Francisco Basin - Platina Basin formed by Rio Paraná basins.

According to ABIQUIM (Brazilian Chemical Industry Association), the country occupies the seventh position in the world chemical industry production capacity and size, with an income of US\$59,4 billion in 2004. In 2003 such sector represented 3.7% of the Gross Internal Product, which reveals the importance of the sector for the country economy. However, such sector is also responsible for a great quantity of atmospheric pollution, environmental contamination and human intoxication, which control is still very incipient.

In relation to the steel sector, 24% of the production was recycled, equivalent to 8,000,000 ton. of scrap iron. The national steel industry occupies the 8th place of the world companies ranking, including Gerdau Group, one of the greatest companies of the American continent. However, practically no measures were taken to control non-intentional generation of POPs by this sector. In 2001, after being accused of polluting with PCB and mercury, Gerdau Group preferred to declare to the public that the environmentalists and workers were causing disorder, instead of acknowledging its responsibility for the contamination. At the same time, inexplicably, Gerdau was voluntarily developing tests of dioxins and PCBs emissions in Canada to contribute to the Inventory of Dioxins there.

Such fact illustrates the double standard adopted by the same companies in developed and under development countries. The great difficulties to implement

the Stockholm Convention in Brazil were formally recognized by GEF when it granted to this country the approval for a preliminary assessment in order to identify possible demands and evaluate appropriate mechanisms to make possible to develop the National Implementation Plan (NIP). So, the Brazilian initial proposal (GEF ID 2096 Project – Status PDF-B) was to realize five regional seminars to collect information through the mobilization of different national stakeholders. It was the reason the Brazilian civil society proposed this project to IPEP.

Project and Activities of the Seminar

The IPEP project was proposed in September 2005 by ACPO, a member of IPEN since 1998, and consisted basically in the organization of a first national meeting focused on the civil society participation under the implementation plan of the Stockholm Convention on POPs. The IPEP project covered part of the organization costs, and the other part was supported by the Ministry of Environment and Ministry of Health. FUNDACENTRO, a research institution associated with the Ministry of Labor offered its facilities with auditorium and rooms for the seminar plenary sessions and workgroups activities.

The seminar, that was initially planned to be held in October 2005, due to some changes in the Ministries schedules pertinent to the financial support, was held in January 2006 in Salvador, Bahia, Northeast of Brazil.

The proposed agenda was discussed by the Event Coordination within the scope of the GT_Quimicos, which included the representatives of ACPO, RBJA and APROMAC, resulting in the following final schedule.

<i>January 22nd</i>	<i>January 23rd</i>	<i>January 24th</i>
<i>General Chemicals</i>	<i>Stockholm Convention View of Government and Civil Society</i>	<i>Group Discussion - Strategies and Actions</i>
Introduction of the Participants	What is and how the Stockholm Convention on POPs was conceived. <i>Fernando Berjarano - IPEN</i>	Group discussion Division into 3 workgroups to discuss the following themes:
Case of chemical contamination: <i>Mr. Daniel Barbosa, on behalf of Osiris Barbosa</i>	Main Problems of the Brazilian Civil Society in relation to Stockholm Convention <i>Jeffer Castelo Branco - ACPO</i>	1- What is the present situation? 2- What do we want? 3- Strategies and Actions. Main areas: urban, industrial and pesticides
General View of the Chemical Products in a Globalized World <i>Fernando Berjarano – IPEN (*)</i>	Strategies of Actions and of the Ministry of Health towards the implementation of the Stockholm Convention <i>Gilson Spanemberg- Ministry of Health (*)</i>	Reports of the groups

<i>January 22nd</i>	<i>January 23rd</i>	<i>January 24th</i>
Chemicals Discussion International Forums <i>Karen Suassuna – ACPO (*)</i>	National Implementation Plan for the Stockholm Convention on POPs. <i>Sergia Oliveira – Ministry of Environment</i>	Debate
GT Quimicos Platform – reading, discussion and approval (*): Discussion: structure and strategy of the GT Químicos	Debate	Approval of strategies and actions
(*) Activities not developed.		

Unfortunately, due to some problems caused by a failure in the electric energy system of the FUNDACENTRO building, and the consequent delays, it was not possible to realize all the activities. Furthermore, the representative of the Ministry of Health could not attend the meeting for personal reasons.

Summary of the Panels

The panels and discussions during the Seminar were much diversified. It follows a brief description of the matters and main questions approached in each panel.

January 22nd 2006

- *Introduction of the participants*: each participant exposed during 5 minutes a resume of the work he/she develops as well as the organization he/she represents.
- *Case of chemical contamination – Oires Barbosa case*: – Mr. Barbosa was not present because he was hospitalized, but he sent an open letter that was read by his son explaining how he was victimized by VEDACIT, a company producer of civil building waterproof materials. Mr. Barbosa developed several grave diseases, among them some types of cancer due to his exposure to many chemicals during the time he worked at the Vedacit, and even having specialized medical opinions to confirm the causes of his health condition, the company refuses to accept his case as a severe occupational contamination. (See the letter resume in Annex B).
- *General View of Chemicals in a Globalized World, by Fernando Bejarano (IPEN)*: such panel was presented together with the panel “What is and how the Stockholm Convention on POPs was conceived”.
- *International Forums of Discussion on Chemicals by Karen Suassuna – ACPO*: due to a significant delay of time as mentioned above, this panel was not presented.

- *Platform of GT_Químicos*: – text reading, discussions and approval – a document named as PLATAFORMA REDE BAN (BAN NETWORK PLATFORM), until then used as the GT-BAN action platform of the Brazilian Environmental Justice Network, was read by the participants and discussed during 2 hours, amended and approved. It was the symbolic creation of the **GT_Químicos**, a workgroup which comprises many entities of the Brazilian Environmental Justice Network and the Brazilian Forum of Social Movements for the Development. The document synthesized the main concerning topics that are: chemical contamination ban, chemical risks concepts (right to refuse the imposed chemical risk), precautionary principle to avoid damages to the environment and health. The platform also contains proposals for action, such as to promote the right to know, experience exchanges, civil society articulation in national and international forums, community knowledge building, legal system integration, to make efforts to eliminate risks arisen out the use of highly toxic chemicals, and, in the case of pesticides, to search for the promotion of agroecology management practices, the public awareness on bad technologies transfer, highlighting the companies’ double standards and open discussions on industry responsibility and liability. .

- *Group Discussion– structure and strategy of GT-Químicos*: it was decided to make such discussions in the next meeting of GT-Químicos.

January 23rd 2006

- *What is and how the Stockholm Convention on POPs was conceived, by Fernando Bejarano – IPEN*: – this panel was presented together with the panel “General View of the Chemicals in a Globalized World”. Mr. Bejarano presented a general view and historical perspective, reminded the major environmentalist leaders such as the North-American biologist Rachel Carson, the commercial groups involved in the Stockholm Convention discussions, such as the World Chlorine Council, the Sustainable Cement Initiative and the international negotiation forums. Mr. Bejarano also approached, among other topics, the main impacts of the POPs on the live beings’ health and on the environment, and commented about the importance of the precautionary principle for the Stockholm Convention on POPs and its implementation. He emphasized the article 10 of the Convention, which requires the Public Information, Awareness and Education as an important asset for the civil society along the implementation stages. The substitution principle and a strategic agreement among the sectors of society (NGOs, industry and government) were also pointed, as well as the technology development initiatives aiming at the adoption of the BAT-BEP principles (*Best Available Technologies and Best Environmental Practices*). The lecturer concluded with a brief discussion on the financial mechanisms available to the Stockholm Convention on POPs’ implementation.

• *Main concerns of the Brazilian Civil Society in relation to the Stockholm Convention on POPs, by Jeffer Castelo Branco – ACPO:* the topics approached by the ACPO representative were: the importance of the civil society involvement in the chemicals management in general, especially under the Stockholm Convention on POPs, the strong participation in the regular governmental consultations about the environment and health impacts, searching for discussing the Endocrine Disruptors, chemicals which affect the human hormonal system and are characteristics of some POPs. He reminded the necessity of Brazil to make studies on new other POPs. Mr. Branco also considered the necessity to observe some attitudes of the public authorities in the compliance of the Brazilian legislation to assure that they be aiming at the protection of the public health, workplaces and environment under the Stockholm Convention, the necessity to discuss development and application of the best practices and techniques, transfer of waste between states, and the additional obligation to evaluate environmental health in the Environmental Impact assessment process.

• *Strategies of the Ministry of Health for implementing the Stockholm Convention on POPs, by Mr. Gilson Spanemberg:* as mentioned above, the representative of the Ministry of Health could not attend the meeting for personal reasons.

• *National Implementation Plan of the Stockholm Convention on POPs by S rgia Oliveira:* representative of the Ministry of Environment, Ms. Oliveira reported that in the first stage of this plan, the government developed a project financed by GEP in the amount of US\$350,000.00, that had as its main priorities to diagnose and evaluate the national needs for the implementation of the Stockholm Convention on POPs. She said that up to that moment a first seminar on pesticides and contaminated areas had been realized. A second seminar was being planned to be realized by February 2006, to treat dioxins & furans, and PCBs. She also said that a further national seminar was being planned to present the project results. The website <http://www.mma.gov.br/port/sqa/prorisc/index.cfm?submenu=9> contains the information of the Ministry of Environment on the NIP-POPs. Brazil has a two-year term to present its national implementation plan (NIP) after ratification of the Convention, and this period shall end in September 2006. Ms. Oliveira also discussed with the participants about incineration in Brazil, its connections to the implementation of the Stockholm Convention and the existing legislation in the scope of the National Environment Council (CONAMA). Such legislation was considered by the NGOs out of date, inappropriate and excessively oriented to attend the industry interests. Afterwards, the representative of the federal government addressed an important question related to the OMC panel that will judge the claims of the European Union against Brazil on the retreaded tires import. She said that about 80 million of units/year of used tires is disposed in the European Union, and a considerable part of that may come to Brazil for “recycling” or being incinerated in cement kilns, as a consequence of such claim. This would increase the emissions of the POPs by cement sector and in general

in Brazil. Some NGOs decided to make efforts to help the Brazilian government to maintain the prohibition of importing used tyres.

January 24th 2006

Workgroups Discussion

• *All the workgroups debated the following questions:*

1 – What is the actual situation?

2 – What do we want?

3 – Strategies and actions

The seminar participants were divided into 3 groups of 7 to 9 persons and discussed the questions above focusing on the involvement and participation of the civil society during the process of Convention implementation.

• *Reports of the groups*– each one of the 3 groups reported the results of its discussions and conclusions for the plenary session, and all participants discussed the issues.

• *Debate in the plenary session– Approval of strategies and actions:* After discussing and adding suggestions, the plenary session approved a conclusive text of the 3 groups, as the final report of the Seminar.

The report shall be sent to governmental authorities e NGOs, and shall be published in the ACPO website (http://www.acpo.org.br/biblioteca/02_substancias_quimicas/pops/NIPONGs.pdf); GT_Químicos (<http://www.fboms.org.br/>) and Brazilian Environmental Justice Network (<http://www.justicaambiental.org.br>).

In the following section, it is considered the results and main contents of the report.

Recommendations

This section will treat the questions that guided the discussions and are reflected in three main areas: pesticides, urban and industrial questions. The challenges, difficulties, actions and strategies for mobilizing the civil society around the process of implementation of the Stockholm Convention on POPs form the main conclusions and recommendations of the Seminar.

How is the present situation?

The lack of information among the social and workers movements and the society in general may be considered one of the main problems identified by the participants.

The actual workers' labor conditions may be illustrated as follows: the companies normally do not provide the workers with information about the impacts to the health and environment caused by the chemical products and substances handled by them or even about the emissions released during the industrial processes. Furthermore, the workers do not, in general, receive appropriate protection equipment or have access to medical reports, and few of them are informed about their laboratorial exams results. The workers use to report on intimidation and obscure pressure cases against communities' leaders and workers in Brazil, violating rights and involving cooptation, corruption and sometimes, death threats.

The Study of Environmental Impacts, a mandatory instrument of the environmental licensing processes (EIA/RIMAS), does not adequately include the health public issues. There are many claims about the difficulties to access information during the evaluation period, and even when the information are given to the communities, they are difficult to understand and not accessible to common people. Notwithstanding, the local community knowledge would be useful for the governmental analysis during the obligatory public audiences of the environmental licensing process, but the incomplete information given to communities, the inappropriate language used in the official documents, the pressure made by the entrepreneurs sector without taking into account the technical ground, and the short time provided for the analysis of the technical documents and identification of their failures are some of the many difficulties that the communities and the workers have to face in their daily-life defense actions for their environmental health rights.

The communities threatened by the enterprises have technical difficulties to appropriately analyze the information of the licensing processes, aggravating even more the negative scenario. To make this process less unequal, the society has involved the Public Prosecutor at a regional and national level, what has resulted in a great number of legal actions. But there is an excessive quantity of environmental and social claims in relation to the reduced capacity of the Public Prosecutors to solve problems. However, this is still an important tool for the citizens. Other area that needs more attention by the governmental authorities and private sector is the necessity to require clean technology development and/or transfer in the licensing processes.

About the urban questions, such as waste, there is not obligation to recycle them, even that Brazil be internationally recognized by its waste recycling programs. The reality is that such programs are implemented under bad social and environmental conditions that would be condemned in many developed countries. Many families survive through the waste picking, but there are many few governmental programs to include such "informal" workers in the waste management strategies. In the last years, although the incineration was not the common and main focus of the final waste disposition policies, national and international companies began to invest in projects of this kind. Incineration is

seen by many sectors of the civil society as a perverse social exclusion process. For the Brazilian recyclable waste pickers unions, incineration is one of the main anthropogenic non-intentional sources of dioxins and furans, and may divert good investments in recycling, an activity with great potential of social inclusion. Although Brazil has recently approved medical care waste management legislation providing recycling programs using alternative technologies (instead of thermal treatment), they are still rarely applied as the best environmental practices.

About pesticides, the Brazilian vast continental territory, the lack of responsibility of the most part of the industrial sector during many years and the incompetent obsolete material collection governmental policies resulted in many contaminated sites, workers and communities victimized by production, storage, use and disposal of such products. The efforts to implement pilot projects for decontamination are smaller than reality requires, and up to this date Brazil have not created a specific financial mechanism to support a strong governmental intervention to prevent, to set up the obligation to prevent and to remediate 'orphan' contaminated sites in the country.

The illegal obsolete pesticide trade requires a strong action by governments, not only at the local level but under cooperation with the neighboring countries, since the long common borders facilitate the illegal commerce. The lack of equipment, laboratories and human resources qualified to work on control measures are additional points that must be solved. Besides, the ecological agriculture and organic food production do not receive the appropriate attention in spite of being a clean, sustainable and more adapted alternative for the sustainable agricultural production.

What do we want?

The participants approached some perspectives to the future. The consolidation of the right to information (integral and understandable) was considered as a priority, capable of generating the necessary transformations and one of the fundamental requirements of an appropriate implementation of the Stockholm Convention, a vital aspect of the chemicals environmental management as a whole. In other countries, as USA and many European countries, the access to information and the industry obligation to publish information on pollutants issues and transfer have helped many communities and workers to prevent themselves from the toxic exposure. One important tool to be developed and implemented could be the PRTR – Pollutant Release and Transfer Register.

However, the access to information is not the only fundamental point, but also the appropriate representation and effective participation of the civil society in the policy planning, decision-making processes and implementation stages. The

adequate capacity building and technical and financial learning to support the social movements are the main questions to be solved.

In urban areas is necessary a special attention by the authorities responsible for urban waste management. At the federal level, some measures shall be adopted by the National Solid Waste Policy that is still under discussion at the National Congress, to assure the social inclusion through the formal insertion of the waste pickers in the whole waste management system. The perception is that the law project named as National Solid Waste Policy shall not be generic because it may worsen some good conditions obtained already by previous negotiations. An idea would be the obligation of forecasting investments in cooperatives, infrastructure and participation in decision-making at local level, emphasizing the social inclusion. A national policy should also incorporate goals to decreasing industry and consumer waste production, recycling of materials, increasing responsible consumption and post consumption producer responsibility. At the state level, the government should pay attention to the necessary infrastructure to assure the goals be met regionally through broad discussions before each decisive decision-making. At the local level, the authorities shall guarantee that, through specific programs, waste deposit sites (landfills and provisory waste deposits) do not need to be used anymore (reducing gradually and totally eliminating such areas), and the permits for new incineration plants should not be granted. The local capacity building involving the multisector approach may generate positive results. The regional waste management plans may facilitate the local planning on consumption, disposal and material recycling, giving preference to the waste picker's activities and promoting the awareness of the society as to their importance as agents that must be involved as well. Such approaches make part of a proposed Zero Waste Policy that, in a long-time perspective, contributes to avoid POPs releases and at the same time puts into practice the principles of the environmentally sustainable human development.

In a country like Brazil which occupies the first position in the international worst income distribution rank, environmental policies can not be disconnected from de social policies, but they shall have to use them as a tool to support the Environmental Justice implementation. From this point of view, if the National Implementation Plan of the Stockholm Convention on POPs succeeded, it may offer to the Brazilian society a more sustainable and fair future.

The following part offers a set of strategies that may contribute to mobilization, inclusion and participation of different segments of the civil society under the national implementation plan of the Stockholm Convention (NIP-POPs).

Strategies and Actions

The set of strategies and actions presented here represents an initial stage and the result of the first exercise of a group of organizations willing to take political action on the chemicals issue and environmental justice. It is the result from the group's first meeting and such effort is part of a continuous process.

The strategies suggested [○] and actions [■] are the following:

• Access to Information

- Strategy: to increase the access to information, stimulating the licensing agencies to divulge environmental and health information to the general public.

Actions

- To participate in the development and implementation actions towards the official pollutants register (POPs and others)
- To assure the participation of the NGOs in the development and implementation actions towards the national register.
- To participate in the PRTR development and implementation.

- Strategy: to reformulate part of the environment assessment and licensing of polluting activities.

Actions

- To include the POPs perspective in the second phase of the Licensing Agreement between FBOMS and MMA.
- To propose that big scale businesses that are liable to emit POPs be licensed only by the federal licensing agency - IBAMA (p. ex., steel refineries, incineration plants, chlor-alkali plants, PVC plants).
- To require that the public licensing audiences be held out of business hours.
- To require that the information be supplied previously, in a comprehensible language and at websites to be provided by the undertakers and governmental authorities.
- To propose that every and each POPs emissions be considered in the license renew process.
- To adopt the BAT/BEP for new plants within the scope of the Stockholm Convention on POPs in the licensing process.

• Inventory of PCBs

- Strategy: to identify and quantify PCBs stocks
 - To make the inventory of equipment containing PCBs (either still functioning and/or out of order) in partnership with the private sector.

- To identify the equipment containing PCBs with the support of the community.
- To sample and monitor areas and equipments containing PCBs still functioning and stored PCBs equipment.
- To identify the destination of the PCBs stocks.
- To press the industry to allow easy access by the public to information about quantities and PCBs stock places.

• **Waste and Residues Management**

- Strategy: Social inclusion of the waste pickers in the waste management system.
 - To identify the waste pickers unions at a federal, state and local levels.
 - To promote the social integration of the waste pickers in the waste management system.
 - To promote forums for interchanges of successful experiences in partnership with waster pickers, local authorities and relevant stakeholders.
- Strategy: Zero Waste Policy
 - To promote discussions and development of zero waste programs.
 - to integrate the waste pickers and other groups in the multi-sector discussions about a zero waste policy.
 - To identify techniques of waste composting organic fraction management
 - To identify and develop waste composting market opportunities.
 - To require from the Ministry of Health medical care waste management programs and the compromise to shut down incineration plants.

• **Obsolete Pesticides and Stocks**

- Strategy: Multi-sector involvement to destroy obsolete pesticides and stocks.
 - Inventory of pesticides containing obsolete POPs with the support of the agricultural organizations, small farmers, organic farmers and rural workers associations, including *sem-terra* social movements.
 - Development of strategies to destroy pesticides containing obsolete POPs with multi-sector participation.
 - Research and promotion of implementation of destruction technologies without incineration (non-combustion technologies).
 - To press the government to promote the articulation among different governmental organizations and other stakeholders in

order to stimulating agro-ecology practices and reducing the pesticides utilization until their total elimination.

- Strategy: involvement and support to the DDT's victims
 - Identification of the governmental workers that manipulated DDT in mosquito eradication campaigns (FUNASA and others).
 - To identify all areas and communities contaminated by irregular deposits of DDT in the country.
 - To guarantee the participation of the contaminated workers' and other victims' representatives in events to discuss DDT.

• Contaminated Areas

- Strategy: Identification
 - To set up criteria and indicators of soil contamination with POPs and other pollutants.
 - To require the contaminated areas mapping.
 - To require the decontamination and recovery of contaminated areas using safe and well assessed technologies.
 - To press the government to promote seminars on treatment technologies for contaminated areas.
 - To stimulate the technology exchange via pilot projects based on non-thermal technological systems (non-incineration).
 - To stimulate the development of alternative decontamination techniques.
 - To promote partnerships with universities to produce assessment technical reports on contaminated areas under studies.
 - To help the development and implementation of a financial mechanism, for example, a fund specifically planned to attend the governmental demands pertinent to contaminated areas.
 - To participate effectively in the elaboration of a priority list of contaminated areas.
 - To elaborate and publish a book on the main cases of contamination, containing the methodologies applied to environmental recovery of the areas, and evidences of the communities.

• Diffusion of Information

- Strategy: diffusion of information and mobilization for the Stockholm Convention on POPs.
 - To produce informative material in accessible language
 - to translate and adapt the existing international material prepared by Pesticide Action Network (PAN).
 - To promote publicity campaign with well-known personalities such as the cartoonist Ziraldo.

- To create a website to make available the basic information about the Stockholm Convention on POPs.
 - To develop and promote educational programs to enhance the awareness of children and other vulnerable groups.
 - To involve the community radio networks and to develop radio programs focusing the rural communities.
- **Capacity building of Community Leaders aiming to the Stockholm Convention on POPs.**
 - Strategy: capacity-building of community organizations and civil society.
 - To identify or create capacity-building infra-structure.
 - To promote capacity-building and leadership courses on the Stockholm Convention on POPs developed in partnership with governments and NGOs.
 - To identify stakeholders that may be multipliers.
 - To promote capacity building-courses focusing social multipliers formation such as waste pickers unions, housewives, nurses, community leaders and others.
 - To promote capacity-building courses that include the National Solid Waste Policy analysis.
 - To promote capacity-building courses for journalists and the media.
 - To develop environmental diagnosis based on community as a tool for the community involvement.
 - To identify and multiply community involvement experiences.
 - Strategy: Focal areas capacity-building
 - To promote capacity-building courses on incineration and co-incineration, including cement kilns, for affected communities and local groups that work in the health and environment area.
 - To promote capacity-building courses on Zero Waste management.
- **Research Technical Support**
 - Strategy: to identify potential supportive technicians and academic research on POPs and community participation.
 - To identify technicians from different sectors as physicians, lawyers, engineers, etc. that may give support to NGOs and citizenship networks.
 - To research the national experience on civil and criminal responsibility in contamination cases.
 - To research the successful replacement of materials such as PVC in another countries.

- To research impacts to health caused by inadequate final disposal of POPs waste to support the civil society campaigns.
- To enhance the awareness of the Intergovernmental Organizations such as UNEP and UNIDO towards the discussions related to aluminum and steel.

ANNEX A

Participation of the Civil Society in the preparatory Seminars aiming the National Implementation Plan (NIP) pertinent to the PDF-B Project sponsored by the Global Environment Facility (GEF) and executed by the Brazilian Government

National Implementation Plan of the Stockholm Convention - NIP-POPs-Brazil

In the Brazilian case and due to the complexity involved, GEF – Global Environmental Facility financed a preparatory project named **Project Development Facility – ID 2096, Status PDF-B**, to survey national needs and elaborate the NIP proposal. Coordinated by the Ministry of Environment, the project was planned to hold 3 national seminars (Pesticides; Dioxins & Furans; PCBs).

Seminar on Pesticides

On August 15th and 16th 2005, the **Seminar on Pesticides** was held to treat the following substances: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex e toxaphene. Ministry of Environment did not want to discuss on hexachlorobenzene (HCB) alleging that this substance should be discussed in the next seminar to be held on non-intentional sources. ACPO delivered a document requiring the HCB discussion was made on that event, alleging that such substance should be discussed not only in the non-intentional sources, but also in the intentional sources event. ACPO argued that although HCB was not used in the Brazilian agriculture, it is present in several cases of environmental contamination in Brazil (for example, the Rhodia Case in the Baixada Santista region, State of São Paulo). In Brazil several populations were exposed and contaminated by HCB in the past, because HCB was wrongly used as fertilizer and pesticides. Therefore the issue of HCB should be discussed in the two events, as a pesticide and as a non-intentional emission. During the pesticides seminar, however, the discussion was superficial, having only been treated the search and destruction of obsolete stocks, contaminated areas, destruction costs and the fight against smuggling.

Seminar on Dioxins and Furans

The Seminar on Dioxins and Furans was held on February 6th and 7th 2006. In the initial part it was presented critical issues of dioxins and furans. Although the general audience had well-structured opinions about such problems, the state

environment agencies' and industry's representatives were not prepared to give an effective and coherent contribution for the NIP-POPS. During the Seminar 3 workgroups discussed three different themes: G1 – main sources inventory; G2 – capacity-building and infra-structure and G3 – reduction and elimination measures.

Two persons from NGOs participated in the Group 3 (“Reduction and Elimination Measures”) with three discussion lines: a) Non-intentional Processes; b) Information Capacity-building and Levels of Information and; c) Technological Alternatives. The Group was represented by industry (50%), Government (36%) and NGOs (14%) sectors. Although the industry and state environmental agencies sectors did not have consistent proposals, they did not want the NGOs' proposals were included in the group report, in spite of the fact that the NGO' sector was the only one that had effective proposals for controlling, reducing and eliminating dioxins and furans emitted by fixed sources.

The first strategy of the state environment agencies (OEMAS) was to propose to send the discussion to a national government policy to be laid down sometime in the future. And, asked by the NGOs' representatives, OEMAS declared that they would continue to issue environment licenses to industrial activities liable to emit POPs. The industry's representatives, after having been asked about their proposals of reduction and elimination of POPs, answered that they were very involved in other more urgent activities and issues, and hadn't time to elaborate their proposals. They also informed that did not have notion of their role in the Implementation Plan of the Stockholm Convention.

During the group discussions, the NGOs' representatives finally presented a list of objective proposals, but OEMAS and industry representatives tried to impede it. The Sao Paulo environment agency' representative proposed that the NGOs contributions were only approved if voted by the group, knowing that they have the majority of the votes, sufficient to reject them. The NGOs representatives had to remind the group that it was not a deliberative assembly, i.e., that the very purpose of the seminar was to collect proposals without censure, and that all the proposals should be presented to the Ministry of Environment for its due assessment. But, as the climate was very uncomfortable and unfriendly, not favorable for the openhearted and free-spirited dialogue, the NGOs accepted that their proposals were sent to the plenary.

In the plenary session, MMA coordinators decided that all the participants could present proposals afterwards. The NGOs' representatives alleged that it did not assure the necessary transparency, since the proposals of the other sectors would not be discussed if sent after the event. To remediate the disagreement among the sectors, the Event coordination determined that the proposals would be sent to all participants by electronic mail to be analyzed by them.

Until now the final consolidation of the document was not sent by the MMA seminar coordination.

It follows the document delivered by the NGOs, represented by ACPO – Associação de Combate aos POPs (State of São Paulo); ADRVDT-CPA – Associação em Defesa de Reclamantes e Vitimados por Doenças do Trabalho na Cadeia Produtiva do Alumínio (State of Pará) and APROMAC – Associação de Proteção ao Meio Ambiente de Cianorte (State of Paraná).

- Adoption of the “bubble” policy as a measure of POPs reduction in new licensing processes of emission sources (adopting the replacement rate of 1:1,x). After concluding the inventory of dioxins and furans, it shall be necessary to apply the bubble policy, i.e., for each new source of POPs to be licensed, it shall be necessary to remove the same quantity plus a reduction rate of the existing sources.
- Consistent actions to recover contaminated areas (identification of new areas, decontamination plans and execution timetable, and for the old areas, an audit about the actions taken until now).
- Creation of the National Commission of Implementation of the Stockholm Convention with 50% of the member representing the civil society, since it is the most vulnerable sector concerning the consequences of the POPs contamination. Besides, civil society comprehends a wide scope of groups, each on having a specific knowledge about realities and problems, and great potential to contribute with solutions. The purpose of said Commission is the assessment and short and long term decision-making about POPs matters.
- Creation of a national network of state committees with the same percentage number of civil society members, to reach a more efficient implementation of the Stockholm Convention. (In case is not possible to create such committees, it is necessary at least to create an independent focal point in each state using the existing structures to promote and monitor the Implementation Plan at a state level, politically autonomous and subordinated to the National Commission of Implementation of the Stockholm Convention).
- Creation of financial mechanisms to promote NGOs capacity-building courses organized by civil organizations aiming at the NIP. According to the Stockholm Convention, efficient actions are necessary to allow the participation of civil society, such as social leadership capacity-building and local technical support.
- Financial support to studies of the social impacts resulting from POPs contamination to be performed by NGOs. (NGOs must participate in the organization and supervision of these studies to assure that the results be obtained through acceptable methodologies).

- Projects to inform the Judiciary Power about the obligations assumed by Brazil under the Stockholm Convention. (Besides Stockholm Convention is a legal instrument, and considering the necessity of Brazilian legislation review and its possible adaptations and procedural implications under the Stockholm Convention, it is necessary a specific program or project).
- Projects to inform and help Social Security to incorporate the Stockholm Convention concepts and policies. (It is necessary that the Social Security recognizes the contamination accidents, by chronic or acute exposure, and takes the measures of mitigation and non-exposure to new chemicals as recommended by the medical guidance).
- Through the National Commission, the creation of an interlocution with other Ministries to treat precaution, prevention and mitigation of social impacts from POPs contamination. (It is necessary that the Ministries, p. ex., Education, Health, Culture, Labor, Social Security and others be invited to present its contribution to the Stockholm Convention implementation).
- Financial support to assure the environmental, epidemiological and toxicological studies of the communities affected by cement kilns that incinerate hazardous waste, incineration plants and other sources listed in the Annex C of the Stockholm Convention. (The vulnerable communities, under the provisions of the Stockholm Convention, have the right to know on the impacts they are being exposed).
- International Seminar to discuss the technological alternatives to POPs non-combustion and minimum-risk treatment. (National and international organized civil society condemns the use of combustion technologies for POPs treatment).
- State Seminars to create permanent dialogue strategies between organized civil society, affected communities and other social movements, and the state and local environment authorities.
- Effective participation of the environmentalist NGOs in the processes of Risk Communication for the Brazilian society.
- Review of the requirements concerning the licensing of POPs emission sources under the Stockholm Convention and the Precautionary Principle obligations.
- Adequacy of the environmental legislation (EIAs/RIMAs).
- Renew of the environmental licenses in force under the Stockholm Convention.
- Inspection work shifts by the environmental authorities during the 24 hours to follow the POPs emissions elimination and control process.

- Creation of a standardized system for monitoring the destruction of the obsolete stocks containing dioxins and furans, as well as the standardized system for monitoring the emissions.
- Establishment of a 100% public laboratory for detection of dioxins and furans (in each region of the country, at least).
- To foresee in the NIP a specific amount to make possible the OEMAs and environmentalist NGOs to comply with the strategies proposed in this document.

Seminar on PCBs

The Seminar on PCBs was held on February 8th and 9th 2006. The participants worked in three workgroups: **WG1 – PCBs Stocks in Brazil:** Methodology – PCBs equipment under operation and as a waste – Electric equipment containing PCBs – Inventory of PCBs electric equipment, areas and contaminated facilities - Other PCBs sources; **WG2 – Reduction of Risks and PCBs Elimination:** Reduction Measures – Disposal and Elimination – Evaluation of Health Risks – Divulcation and Communication and; **WG3 – Necessary Adequacies.**

The pressure of the previous days was reduced maybe because some critical representatives had left from the meeting, and the NGOs may work more pleasantly, discussing the proposals and amendments together with the other sectors.

The Workgroup 1 presented a background of the PCBs problems in Brazil and recommended the following actions:

- Institution of a workgroup to prepare, follow and consolidate the inventory information to assure the correct interpretation;
- Elaboration of an information collection mechanism as an on-line form, firstly inserted in the Federal Technical Register as a strategy to obligate the source to fill it informing if there is or not PCB equipment at the plant, covering the potentially pollutant activities in the first stage;
- In a 2nd stage could be included the other activities that use PCBs equipments such as: banks, hospitals, malls, etc;

The Workgroup 2 presented several recommendations; some of them are the following:

- To evaluate existing technologies for elimination of POPs to ground the decision-making, with wide participation of the society.

- To enhance the inspection of the storage procedure, aiming at elaborating a elimination plan for companies' stocks, considering the deadline of 2025.
- To perform environmental assessments using diverse matrixes with the purpose of identifying possible sources, liabilities and affected communities.
- To make periodical toxicological evaluations and epidemiological studies with the purpose of assessing the population contamination levels.
- To include the PCBs assessment (POPs) in corporate occupational exams.
- To create a risk reduction plan (to reduce the probability of exposure);
- To held a Seminar (National/International) on Alternatives of POPs Elimination.
- Integration and divulgation of the environmental, epidemiological and occupational assessments.
- Capacity-building and training of technicians, public managers, civil society representatives, community leaders, as well as other actors involved in the following areas:
 - Environmental Education for POPs.
 - Identification, prevention and treatment of POPs human contamination.
 - Request for environmental, occupational and agricultural assessments.
 - Analysis of data generated by the Convention implementation.
 - Types listing of sources and impacts.
- National Plan of divulgation and communication of the Stockholm Convention, involving professionals in the communication area.

The Workgroup 3, also presented several recommendations, such as:

- There are federal and state legal instruments, but they are not congruent.
- At a federal level: there are regulations, but they are incomplete.
- It is necessary the involvement of all correlate areas of the federal government (Ministry of Health, Ministry of Environment, Ministry of Labor).
- It is necessary to establish national reference values to set contamination in industrial and trade equipment, facilities and materials.
- To establish criteria and standards to the assessment of contamination through several environmental aspects.
- To regulate aspects of the occupational health.
- To search for the best way of final disposal.

- To perform and follow the PCBs elimination plans, establishing conditions to renew the environmental operation licenses of companies having PCBs under operation, stock or as a liability.
- To propose a calendar with intermediate goals, compatible with the provisions of the Stockholm Convention for PCBs elimination.
- To stimulate the development of non-combustion technologies to PCBs final disposal and the industrial technological development.
- to create a permanent group to follow the legislation application aiming the implementation of standardized actions in all the States and Cities.
- To assure in the legislation the right to know and the right to say 'no', mainly in the areas of influence.

ANNEX B

OPEN LETTER TO THE SEMINAR ON CHEMICALS

By OIRES VALTER BARBOSA

Salvador, January 22nd 2006

(Summary)

This very moving letter was addressed to all participants of the National Seminar on Chemicals and to the public opinion to clarify what Mr. Barbosa has been suffering and to show how the VEDACIT Company has been negligent and indifferent to its workers.

VEDACIT, a German company, is one of the greatest companies in Brazil, or even in the world, in the waterproof materials production area (chemicals products for civil building), but it does not assume its social and environmental obligations before the Brazilian society and Judiciary Power.

Mr. OIRES VALTER BARBOSA reports that he was contaminated during the several years working at VEDACIT, and that he never was informed on the risks and never received protection equipment or specific training. He also reveals that the workers who make legal claims against the company are treated by it as villains and opportunists willing to blackmail it.

Mr. Oires also said that the company did not show interest to investigate his skin cancer diagnosed in 1994, and did not offer the professionals support such as a labor doctor, a chemical engineer and a labor safety technician.

However, at the VEDACIT industrial plant where Mr Oires worked, there were toxic substances like benzene, xylene, asphalt, turpentine, etc. Many of them may remain in the human organism for decades, and in a short, medium and long term they are responsible for grave anomalies such as malign hepatic and thyroid tumors, neurological disturbances, neuropathies, etc. The contamination by these highly dangerous substances caused him severe health problems, such as loss of the thyroid gland, loss of the bladder and two pieces of his liver, having been diagnosed and removed six skin cancers too. Afterwards, several internal organs were also contaminated, since the disease was not diagnosed and treated in the beginning.

Mr. OIRES knows that he will continue to be a company's victim until the Judiciary Power defines the rights and duties of both parties. He affirms that is not afraid of the company, but he does not ignore its destructive and revengeful force. Now the paper and pencil represent the only weapons he has to confront the VEDACIT arbitrariness, incoherency, arrogance and prepotency. To conclude, Mr. OIRES BARBOSA declared that, in spite of everything he suffered, he has hope that the company someday will change its attitude and assume the responsibility for the evils it has committed.

ANNEX C

LIST OF PARTICIPANTS

Seminar Strategies for Mobilizing the Brazilian Civil Society for the Implementation of the Stockholm Convention on Persistent Organic Pollutants – POPs

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