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# Brazil's doomed environmental licensing

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On 13 May 2021, Brazil's Chamber of Deputies approved bill 3729/2004 (1, 2), which essentially abolishes environmental licensing. The procedural changes outlined by the bill will have catastrophic effects on Brazil's environment. The February 2021 takeover of both houses of Congress by a coalition of parties supporting President Jair Bolsonaro's positions on the environment (3) practically guarantees that the bill will soon be approved by the Federal Senate and then signed by Bolsonaro. Nevertheless, efforts to influence the Senate vote, in addition to legal challenges, can and must continue.

The bill creates a new "general law for environmental licensing" that allows any project, including highways, ports, railways, and large dams, to be built under a kind of self-licensing by means of a mere "declaration of adhesion and commitment" by the proponent affirming intention to abide by requirements established by the licensing authority. This means that licenses will be issued automatically without any analysis by technical staff in the environmental agencies. For some types of projects, even this token declaration will be unnecessary, including projects for agriculture (and biofuels), cattle ranching, low-voltage electricity distribution and water and sewage treatment systems. The bill essentially eliminates public participation in the process, as well as the roles of agencies such as the Chico Mendes Institute of Biodiversity Conservation and the National Foundation of the Indian, which are responsible, respectively, for "conservation units" (protected areas for biodiversity) and for guaranteeing rights of Indigenous peoples.

One of the first Amazonian infrastructure projects likely to benefit from the new licensing procedures is the planned reconstruction of the environmentally disastrous Highway BR-319 that, together with its planned side roads, would open a vast area of Amazonia to deforestation (4). Amazon deforestation contributes to climate change and loss of ecosystem services with consequences for Brazil and for the entire world. The effective end to environmental licensing will make it much more difficult for countries importing Brazilian commodities to identify imports whose production and transport are not tied to deforestation and associated land grabbing and violation of the rights of traditional peoples (5, 6).

The vice-president of Brazil's Senate has announced the intention to hold public hearings before the vote on the bill (7). The Federal Public Ministry (a public prosecutor's office for defending the rights of the people) has analyzed the bill and considers it unconstitutional (8). This is important both in the legislative and the legal battles but is no guarantee of the bill's defeat either in the legislature or in the courts. In addition to discussion in the Senate, it is important that the bill be discussed transparently with the citizens of Brazil, who should be aware of the impacts of approval.

Bills such as this one, which has been pending in congressional committees since 2004, can suddenly surge forth for a plenary vote when the political climate is favorable, as it is now. Almost all bills presented for a plenary vote are passed, and the key decision is in the hands of the president of the chamber in bringing a bill to the floor. This presents an opportunity for influence from abroad, given that the presidencies of both houses are controlled by the "ruralist" voting block that represents agribusiness. Brazil's agribusiness leaders are sensitive to reputational risks that can cause countries, companies and consumers to boycott or impose conditions on Brazilian commodities.

## REFERENCES AND NOTES

1. Câmara dos Deputados, PL3729/2004 (2021); [www.camara.leg.br/propostas-legislativas/257161](http://www.camara.leg.br/propostas-legislativas/257161) [in Portuguese].
2. O. B. de Souza, "Câmara aprova texto principal de projeto que praticamente acaba com licenciamento ambiental, Instituto Socioambiental (2021); [www.socioambiental.org/pt-br/noticias-socioambientais/camara-aprova-texto-principal-de-projeto-que-praticamente-acaba-com-licenciamento-ambiental](http://www.socioambiental.org/pt-br/noticias-socioambientais/camara-aprova-texto-principal-de-projeto-que-praticamente-acaba-com-licenciamento-ambiental) [in Portuguese].
3. L. Ferrante, P.M. Fearnside, The Amazon's road to deforestation. *Science* **371**, 898. <https://doi.org/10.1126/science.abd6977> (2021).
4. L. Ferrante, P.M. Fearnside, The Amazon's road to deforestation. *Science* **369**, 634 (2020). <https://doi.org/10.1126/science.abd6977>
5. L. Kehoe, T.N.P. dos Reis, P. Meyfroidt, S. Bager, Inclusion, transparency, and enforcement: How the EU-Mercosur trade agreement fails the sustainability test. *One Earth* **3**: 268-272. <https://doi.org/10.1016/j.oneear.2020.08.013> (2020).
6. S. L. Bager, U.M. Persson, T.N.P. dos Reis, Eighty-six EU policy options for reducing imported deforestation. *One Earth* **4**, 289-306. <https://doi.org/10.1016/j.oneear.2021.01.011> (2021).
7. Senado Federal, "Senado vai analisar projeto com novas regras para o licenciamento Ambiental," Agência Senado (2021); <https://www12.senado.leg.br/noticias/materias/2021/05/15/senado-vai-analisar-projeto-com-novas-regras-para-o-licenciamento-ambiental> [in Portuguese].
8. M.J. Gisi, F.A.B. Leite, "Nota Técnica 4ªCCR Nº 6/2017" (Ministério Público Federal 4ª Câmara de Coordenação e Revisão Meio Ambiente e Patrimônio Cultural, Rio de Janeiro, 2017); [www.mpf.mp.br/pgr/documentos/NT620174CCRGTEPL3729.pdf](http://www.mpf.mp.br/pgr/documentos/NT620174CCRGTEPL3729.pdf) [in Portuguese].