(DE)CONSTRUCTING THE POLITICAL AGENDA OF CONTROL OVER PESTICIDES IN BRAZIL

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Introduction

Since the turn of the century, Brazil's pesticide imports have grown faster (760%) than anywhere else in the world, making it the world's second largest market by 2008 (COMTRADE, 2014). In 2013, domestic pesticide sales amounted to some US$ 11.5 billion (SINDIVEG, 2014), second only to the USA, with estimated sales of US$ 14 billion (USDA, 2014).

Brazil began to expand its pesticide consumption in the 1950s-70s when it moved to modernize its agriculture based on principles pushed by the Green Revolution, a technological approach that emphasized the intensive use of chemical (pesticides and fertilizers) and biological (breeder seeds) inputs and of heavy machinery. The federal government backed it with direct financial support, including tax exemptions for new factories in Brazil and new rural credit facilities to prop up pesticide consumption. At the time, pesticide demand and supply expanded under the auspices of an outdated Decree-Law (#21,114/1934) that registered them for sale with no reference at all to these chemicals' adverse effects on human health and the environment.

Once those adverse effects began to become clearer, environmental groups mobilized to question the imposition of that kind of production and to demand systematic controls over these inputs' sale and use. Today's pesticide law (Law 7,802/1989), now in force for over 25 years, was drafted in a context of intense pressure from interest groups with conflicting rationales: one pushing the intensive use of agricultural inputs to boost agribusiness yields, *versus* the preservation of human health and the environment by means of controlling that production model. The outcome of that debate was the current pesticide policy, which replaced the 1934 Decree-Law and a myriad of diffuse executive orders and took significant steps to make rules for assessing impacts on the environmental and the health of farmworkers and consumers. Far from settling conflicts that emerged during the attempt to draft a stable policy, however, the new Law unleashed another se-

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ries of disputes over its enabling decree and regulations. These disputes only intensified with the growing share in Brazil's commodity exports of big agribusiness, whose agents have worked hard to replace the present pesticide registration system with a more flexible approach to controlling impacts on health and the environment.

This article aims to review the historical process of building and transforming the political agenda on controlling pesticide use. Our analytical reference uses the theme of agenda setting, based on John Kingdon's (1995) Multiple Streams Model, in order to investigate how a given issue becomes relevant for a government at a specific historical moment.

In order to review the historical evolution of the policy agenda, *vis-à-vis* pesticide regulations, our research found its primary sources in official documents such as: bills of law, minutes of Congressional meetings and of the Special Commission set up to draft the federal pesticides bill, and opinions published on the websites of the National Congress and the Rio Grande do Sul State Legislative Assembly. We also used secondary sources such as news on the Brazilian political context while the law was being formulated, as well as the positions and declarations of organizations representing the pesticides industry and governmental agencies. Those sources are available in newspaper and magazine articles and in specialized books, in websites and in technical notes published by regulatory agencies.

The dynamics of multiple streams models

The public policy cycle described by Kingdon (1995) is made up of a set of autonomous processes, including: setting an agenda, specifying alternatives amongst which choices are made, a final choice amongst available alternatives and implementation of the decision (CAPELLA, 2007). In his description of the multiple streams model, the author focuses on the first two stages – governmental agenda setting and the alternatives for policy formulation – in which he seeks to explain why some themes make it onto the public-policy agenda, becoming important to a government, and others do not.

To that end, he analyzes three dynamic streams: the problem stream, the policy stream and the political stream. The problem stream filters all the themes that draw the attention of authorities at a given moment. Kingdon considers problems to be social constructions, or interpretations of situations experienced and identified as relevant by players involved in public policies. In that sense, formulating a problem is itself a fundamental activity that can determine whether an issue will ever be put on a government's agenda.

Even some situations that draw the attention of authorities may not end up on the discussion agenda. The process of building or formulating answers to possible problems emerges through the stream of alternatives and solutions (the policy stream) and limits the set of possible alternatives from which solutions are chosen. Kingdon uses the analogy of natural selection. He argues that as ideas are generated by a community of experts (policy communities) – whose analysis of a situation is not always unanimous – they go through a refining process. This involves the production of scientific articles, peer review, exposure to empirical tests, etc. Ideas being discussed, like biological organisms in evolution, remain in what biologists term a "primeval soup." They may rise to the surface

under certain favorable circumstances, for example a governmental crisis or handover. They do not float there, statically, but combine with other ideas, some of which survive while others are discarded. In this fermentation of ideas, those that display more technical feasibility, are affordable and represent shared values meet less resistance. This tends to amplify their acceptance in a process called "softening up" (KINGDON, 1995, p. 138).

In the political stream, three elements influence a government's agenda. The first is what Kingdon calls the national mood, in which the perception of a favorable mood by participants in the decision-making process may lead certain issues to be promoted, while others are destroyed (Ibidem). The second element in the political stream is constituted by organized political forces, mainly pressure groups. The third factor affecting the agenda is turnover in the government itself, such as the replacement of individuals in strategic posts in public bodies, changes in the makeup of Congress or shifts in the jurisdiction where a given issue is discussed (Idem, p. 160-162).

Shifts in the political agenda, allowing new public policies to emerge, occur mainly on occasions that allow for the junction of the three policy streams: policy problems, solutions and dynamics. That convergence is a policy window for advocates of a cause to offer solutions in their own interest, or to draw attention to the special problems they perceive (Idem, p. 173).

Opening the pesticide policy window: leadership from the south

A policy window, through which pesticides could find their way onto a national agenda for the environment and human health, began to open under pressure from social and political mobilizations in southern Brazil, particularly in the State of Rio Grande do Sul (RS), after the Gaúcha Association to Protect the Natural Environment (Agapan) was founded in 1971. One of their most important mobilizations was in May 1982, in response to the pollution of the Guaíba River with organochlorine insecticides used on crops in the region.

That event galvanized several community organizations (the Gaúcha Women's Democratic Association (ADFG); the RS Toxicology Studies Center; the Gaúcha Association to Protect the Natural Environment (Agapan); the RS Federation of Neighborhood Associations (FRACAB); the Justice and Human Rights Movement; the Society of Agronomists; the Society of Engineers; the Ecological Law Institute; the Balduino Rambo Foundation; the Association of Chemical Pharmacists; the Gaúcha Sociologists Association; the RS Teachers' Center; the Gravataí Valley Nature Preservation Association; the Institute of Architects of Brazil and the Architects' Union, all of them under the leadership of Agapan. They met regularly under the auspices of the State Legislature's Human Rights Commission, where they created a forum focused on this theme (FERRARI, 1985, p. 53).

That contamination of the Guaíba River was the disaster that generated a crisis, as defined by Kingdon (1995). Often problems need a "little push" to draw the attention of people and of the government. Thus, to make an item move from a less-visible arena onto the government's agenda, something has to happen, including a real crisis that decision-

-making authorities cannot ignore. Ferrari (1985, p. 53) listed the reasons identified by the organizations to highlight this particular environmental crisis:

> ... first of all, the fact that organochlorines are highly persistent chemicals that accumulate and degrade slowly in the environment and whose ongoing consumption would further raise the rate of pollution of the Guaíba water; and secondly the fact that the Jacuí Basin, which supplies 35% of the Guaíba's water, is located in the region with the State's highest rate of organochlorine use. The Jacuí Basin covers 33% of the State, with 66% of its population, i.e., more than five million people.

The forum's initial objectives were to: (a) ban the sale and use of organochlorine chemicals in the State; (b) demand that the State government's Secretariat of Health and Environment carry out studies on the toxicological effects of organochlorines, since no consistent information was available; and (c) require Agronomic Prescriptions for their sale (*ibidem*).

This third demand was a recommendation by agronomists, who had debated the issue for years. In April 1978, they organized the 1st Course on Ground Rules for Agronomic Prescriptions, organized by the Gaúcho Toxicological Studies Center. The purpose was that agronomists, as intermediaries between the industry and users, should go beyond the information provided by companies, since prescribing pesticides required ongoing studies on the technology, along with an analysis of the local and regional ecology and on toxicological concerns for humans, animals, plants and the environment (ALVES FILHO, 2002). The list of demands thus made agronomic prescriptions a priority for environmentalists, as a critical rationalization to reduce the intensive use of pesticides, in a way that helped soften up resistance to public-policy controls over this farming method.

The points defended at the Human Rights Commission were used to draft Bill #155/1982, which covered major issues raised by organized civil society, such as:

> a) allowing the distribution and sale of imported pesticides only when their use is authorized in the country of origin;
> b) require the product's toxicological classification to be carried out and made public in a registry by the Secretariat of Health and the Environment;
> c) grant civil society organizations the right to challenge product registrations;
> d) require Agronomic Prescriptions for pesticide sales.

The drafting process of what became Law #7,747/82 in Rio Grande do Sul influenced other States as well, since members of the RS Assembly were members of the "Interstate Parliamentary Union," which met once or twice a year. It had its own Commission on the Environment, whose members took the initiative to their own States. That mobilization led to the passage of State pesticide laws in Paraná (Law #7,827/1983),

Santa Catarina (Law #6,452/1984), Minas Gerais (Law #4,002/1984), São Paulo (Law #4,002/84) and Espírito Santo (Law #3,706/84).

To oppose the legislation pioneered by Rio Grande do Sul, Brazil's pesticide industry association, ANDEF, allied with the Federal Prosecutor's Office, filed two suits (*Representação de Inconstitucionalidade* #1,153 and #1,150) in the Federal Supreme Court (STF) to have the State Law declared unconstitutional. ANDEF's core argument was that States have no authority to legislate or control the production, sale and use of pesticides, which were under the federal government's exclusive powers. The RS State Prosecutor's Office took the opposite position and defended the constitutionality of the law, grounded in the States' supplementary powers (FERRARI, 2013).

In May, 1985, the Supreme Court ruled the Rio Grande do Sul State Pesticide Law constitutional, but struck down several of its key provisions. The State could not register products nor set standards and criteria for their toxicological classification. It did, however, uphold its powers to condition pesticide sales to the issuing of agronomic prescriptions.

Drafting the federal pesticide law

The major variables for the historical setting in which the Federal Agrotoxins Law was drafted were the spread of State laws, a number of law suits and the growing worldwide movement on environmental and human-health agendas. Also crucial, at the time, were the end of the military dictatorship (1985) and the new Federal Constitution (1988).

The Constitution of the Republic was issued after more than 20 years of military dictatorship, ruled by "Institutional Acts" that explicitly banned political demonstrations, participatory decision-making and any social construction of a political project for the country (SILVA, 2012, p.88-89). The context for constitutional reform was thus very favorable to an environmental protection agenda, which gained a chapter of its own for the first time in history.

Shortly after taking office as Minister of Agriculture in 1985, Pedro Simon (a member of the PMDB party, from Rio Grande do Sul) convened a Special Commission to draft a bill on pesticides, to replace Decree-Law #24,114/1934. His initiative came in response to social demands for more rigid control over pesticides, inspired by Rio Grande do Sul's State Law #7,747/82.

The draft bill produced by that commission was sent to the Office of the President (via *Exposição de Motivos* #005) in January 1986. When a new Minister of Agriculture, Iris Resende, took office in February 1986, the draft bill was reviewed, supposedly to eliminate any unconstitutionalities. In June 1986 it was presented to the President's office and then, until the publication of Decree #96,944 in 1988, creating the Program to Defend Ecosystems in the Legal Amazon (known as "Our Nature"), the draft pesticide bill sat on a shelf, unnoticed, in the office of the President's Chief of Staff.

The Our Nature Program arose from struggles by rubber-tappers in the Amazon, to preserve their ways of life and defend the environment. It was also Brazil's response to international outcry after the murder of the rubber-tapper environmentalist, Chico

Mendes. It had major impacts not only for the Amazon, but for environmental protection nationwide (RICHARD, 2013).

Environmental politics were ridden with conflict at the time. A year after Chico Mendes won UNEP's Global 500 prize in 1987, and the Swedish Right Livelihood Foundation's award, he was murdered. That event had significant international repercussions (SIMONS, 1988).

The Our Nature Program had nothing to say about legislation to control pesticides. The international context generated by the death of Chico Mendes, however, imposed on the Brazilian government the need to do something to protect the environment. That helped put the draft bill discussed in 1986 back on the political agenda as a national priority. Former President Sarney recognized Brazil's credibility crisis over the environment:

> In August 1988, a thousand square kilometers of forest were burned every day. International criticism and pressure on Brazil mounted and led the government to react. In 1988, Sarney launched the Program to Defend Ecosystems in the Legal Amazon, the so-called "Our Nature Program," aimed at creating the conditions for the use and preservation of the environment and of renewable natural resources in the Legal Amazon. (SARNEY, 2011)

The draft bill was then fast-tracked by the government and appended to the Our Nature Program. In April 1989, the President's Office sent it for the National Congress to deliberate on the text. Just like the Guaíba River pollution had been the "small push" it took to pass Rio Grande do Sul's pesticide law, the murder of Chico Mendes and the launching of the Our Nature Program were key factors to get the draft bill, stuck in the Office of the Chief of Staff, to move onto the federal government's agenda.

In less than three months, Bill # 1,924/1989 was approved by the lower house, the Chamber of Deputies, and then passed by the Senate in July 1989, with no amendments. That same month, President José Sarney signed it into Federal Law #7,802/89 and launched Brazil's new pesticides policy.

Innovations in the pesticides law

The new Law #7,802/89, known as the "Agrotoxins Law," defined its subject matter as "agrotoxins," a concept used by the authors of the 1988 Constitution to refer to pesticides, in article 220, §4º. The term had first been coined by Adilson Paschoal (1979, p. 34-35), a professor of ecology at the University of São Paulo, as an alternative to the euphemism "*defensivos*" (crop protectors) widely adopted by the pesticide industry and much of the academic community.

> The expression crop protector (*defensivo agr*ícola) is an ecological utopia, since the products it describes cannot be viewed as instruments of protection, but rather of destruction and disruption of the biosphere's equilibrium. For lack of a better term, we suggest using

> agrotoxin, in the general sense of including all chemicals used to fight pests and disease in agroecosystems.

The law set stricter rules to control pesticides, including a broader range of inputs. Previously, only toxics used for agriculture and household pest control were controlled, respectively, by Decree-Law #24,114/34 and Law #6,360/76. In article 2 of the new law, the scope now covers new products for toxicological and agronomic control, include pastureland, native and planted forests and other ecosystems such as water, industrial and urban environments (ANVISA, 2004).

Positive steps to protect human health and preserve the environment included the possibility to challenge or cancel a product's registration at the request of civil society organizations, allowing greater democratic participation in the control of pesticides; prohibition of the registration of products for which Brazil has no methods to deactivate the action of components that are toxic for humans or the environment; prohibition of the registration of new pesticides whose toxic action is not equal to or less than existing products used for the same purpose; mandatory registration of manufacturers, dealers and appliers of such products by municipal or State authorities, in order better to trace liability for violations involving pesticides; new standards for pesticide packaging, labeling and instructions; assignment of legal liability for any damage caused by pesticides; and the obligation, previously restricted to certain States with their own laws, to sell pesticides only with the use of agronomic prescriptions.

The law set up a tripartite structure to regulate pesticides, with specific powers for the federal bodies with authority over health, the environment and agriculture. Pesticides may only be registered if authorized by each of the three. The Ministry of Agriculture and Livestock (Mapa) is responsible for evaluating each product's agronomic effectiveness and need. The Ministry of Health (MS) and its National Health Surveillance Agency (Anvisa) verify toxicological testing of impacts on human health; and the Ministry of the Environment (MMA), through its Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA), evaluates studies on environmental impacts.

In addition to the controls shared among those three ministries, the law requires a danger assessment by prohibiting the registration of pesticides that are carcinogenic, teratogenic, mutagenic or hormone disruptors. That danger is analyzed as part of the products' toxicological assessment, which uses laboratorial analyses as evidence of danger. If proven, the use of a pesticide is restricted or forbidden (SILVA, 2013, p. 43-44).

The approval of that requirement, back in 1989, put Brazilian law in the vanguard, since similar criteria were only adopted by the European Union through its Regulation (EC) No 1107/2009, which came into effect in June 2011. The criteria used to register pesticides in the US, for example, is based on a preliminary danger analysis. If there is a potential for damage, they seek to control it by identifying a safe dose, based on the analysis and management of the risk of using a dangerous chemical, as explained by Pelaez, Silva e Borges (2013, p. 654):

> Risk assessment assumes that, even when a chemical presents an intrinsic danger, it can be managed, i.e. considered safe, by stipulating

> a means of application, a maximum dosage to be allowed for use and limits on what may be ingested, by setting an acceptable daily intake and maximum residue limits. That analysis is legitimized by weighing the benefits achieved from using the product to protect crops against undesirable organisms. That analysis allows the use of many pesticides with intrinsically unacceptable traits, considering their danger, to be authorized through risk "management."

Limits on the action of regulatory agencies

The law did bring greater rigor to the process of registration, in terms of possible harm caused by pesticides to the environment and human health. Yet other problems remained. The term of registration is indefinite, although authorities may review the situation whenever there are indications of harmful effects to health or the environment, or loss of agronomic efficacy (art. 5, §1). In such cases, the burden of proof lies on the regulatory agency, which must be able to demonstrate that the assessment criteria used to grant the original registration either were mistaken or have become outdated with new scientific evidence on a particular active ingredient. If such suspicions are confirmed, the review process may restrict or even cancel the use or sale of the product.

To carry out the tripartite regulations involving pesticides, only the health authority has a regulatory agency as the responsible public body. Agricultural and environmental aspects of regulation are carried out by the respective ministries. That means, in theory, that Anvisa is the only independent regulatory body, as a special administrative entity (*autarquia*) with autonomy from the ministry to which it is legally bound. For pesticide regulation, however, there is no practical difference between Anvisa's regulatory activities, as a regulatory agency, and those carried out by the Ministries of the Environment or of Agriculture and Livestock, subordinated to the President of the Republic, all subject to direct links between the federal government's political and administrative spheres.

None of the three regulatory agencies' activities are exempt from the influence of elected politicians, since even Anvisa's formal legal autonomy can be problematic. Administrators, for example, use their political and financial authority to rewrite remits and jurisdictions, cut back budgets or name board members. Anvisa has also been subjected to specific acts by politicians who represent interest groups in the regulated sector (PELAEZ, SILVA and BORGES, 2013, p. 650).

Moreover, major asymmetries in the amount of information available to authorities and to regulated companies restrict the technical knowhow at Anvisa, the Mapa and Ibama. Regulators' assessments and controls all rely on information provided by applicants, including data on agronomic performance and human and environmental toxicity, from studies sponsored by the chemical manufacturers themselves. In addition to the number of tests to be assessed, there are also many applications for new registrations, including the assessment of new active ingredients, in a variety of formulations and of packaging. Under such conditions, public regulatory agencies cannot economically afford to replicate studies presented by companies (Idem, p. 654). All they can do, therefore, is review data provided by the interested parties. That review is also limited by the small staff responsible

for this task. Pelaez, Silva and Borges (2013, p.653) highlighted the scarcity of human resources available to assess pesticides in Brazil, compared to those doing the same work at the US Environmental Protection Agency (EPA).

> The EPA also has a significant staff of employees working specifically on pesticide regulation. There are some 850 people employed by the Office of Pesticide Programs (OPP) who are responsible for pesticide assessments and registration. The OPP also has four consulting committees, made up of *ad hoc* experts. (…) In contrast to the large staff at the EPA, Brazil's three regulatory agencies have some 50 employees to carry out the same activities for pesticide assessments and registration.

This dearth of regulatory resources means a growing backlog of new, unanswered applications for registration. In June 2014, 1,500 applications were awaiting analysis (ANVISA, 2014). That provokes pressure from the regulated sector, in institutional discussion arenas or through lobbies on executive and legislative authorities, to speed up the regulatory process. The most complex assessments, of impacts on the environment and human health, take longer and are the main targets of complaints by the regulated sector. Proposals now on the table include the creation of a single regulatory agency, as we see in a letter to the Mapa's sectoral chamber for agricultural inputs, signed jointly by the Brazilian Association of Generic Protectants (Aenda), the National Union of Protectant Companies (Sindag) and the National Plant Protection Association (ANDEF):

> The advent of Law 7,802/89 allowed Brazil to become a leader in the production of food, fibers and renewable energy. (…) We believe that the creation of a national agency for the registration of plant-protection products, linked to the MAPA, with the transfer of expert personnel from the Anvisa, Ibama and MAPA, could expedite the registration process, significantly shortening the time spent between the application for and granting of a registration. Moreover, regulatory norms, which are so outdated in the present system, would be published faster since there would be no need for the approval of three ministers. (our underline) (AENDA, SINDAG and ANDEF, 2005).

Interest groups working to redefine the problem

Demands to expedite the registration process reveal conflicts among the associations representing the interests of pesticide manufacturers, the two most important of which are the ANDEF, representing the largest pesticide corporations, and Aenda, representing smaller companies that produce and import off-patent products.

ANDEF (2008) works to have the regulatory agencies prioritize the registration of new active ingredients, to ensure a return to their investments in research and development:

> We are concerned by the small number of modern plant-protection products, with new active ingredients, available to Brazilian farmers. (…) Plant-protection registration agencies must prioritize analyses of applications to register new active ingredients. Any technical difficulties must be solved as quickly as possible, with collaboration from manufacturers and from researchers at the various official agencies.

AENDA (2013), on the other hand, works to hasten the assessment of "generic" products, arguing that this makes the pesticide market less concentrated and more competitive. It defends the need to remove "bureaucracies" in pesticide registration, making these inputs less expensive for farmers and helping increase the nation's agricultural production.

> The government must understand that this is a highly oligopolized market with a bias towards even more concentration, as witnessed in moves by big chemical corporations to merge and voraciously acquire seed companies, fighting for shares of the plant-protection market through biotechnology. (…) That scenario demands an industrial policy prioritizing incentives to competition with a strategy to stimulate local production and the preservation of generic manufacturers.

The National Confederation of Agriculture (CNA) often takes Aenda's side, underlining the need to prioritize the registration of "generic" pesticides to reduce the price of food. The then CNA's chairwoman (senator Kátia Abreu) even nominally accused Anvisa employees of generating a market reserve for ANDEF:

> These three persons work at Anvisa (…) three sinister individuals who for ten years have kept generic protectants from being registered in this country. (…) At Ibama, I confess that I observe much more of an ideological issue than any corruption, protection, lobbying or market reserve. I sincerely see a lot of ideology there. But as for these three citizens, and I now challenge them to come here, with the companies trying to register products, for a solid debate right here. The three of them protect ANDEF. ANDEF is the powerful National Association of Multinationals responsible for four and a half billion in yearly sales in this country. (ANVISA, 2007, p.2).

Comparing the positions of these organizations, ANDEF since 2000 has taken a different approach than it did in the 1970s and 1980s. Over the years it has taken on some environmentalist rhetoric, especially regarding the need for food quality and safety. It began defending a strict Brazilian pesticide policy, criticizing demands for more flexible procedures for the registration of off-patent inputs. In one of its statements on simplifying the registration of equivalent pesticides, its executive president said (ANDEF, 2007):

> In response to the possibility of seeing Brazil throw out its enhanced legislation, built upon the pillars of experience and the requirements

> of domestic and overseas markets, and just open the doors of its agriculture to some supposedly economic benefit, ANDEF and its members have confidence in the seriousness of our authorities' careful conduct in the approval of generic products. The push for swiftness cannot ignore the judicious assessment that must guide procedures, including the toxicological approval of plant-protection products, as a way to guarantee the quality of the chemicals and the quality of the food supplied to the market.

Reworking the pesticide regulation agenda

In this scenario of ongoing challenges to the powers of the regulatory agencies, especially Anvisa and Ibama, the 25 years since the Agrotoxins Law came into force seem to have intensified the interest of private groups in speeding up their access to the world's second largest pesticide market. In the National Congress, we identified more than 35 bills of law to amend the Agrotoxins Law and its regulations. Many propose similar changes, such as: concentrating regulation in a single official body, eliminating the tripartite division between MAPA, Anvisa and Ibama; providing public-sector support to the use of pesticides, particularly through tax breaks; reducing the number of studies required in registration applications, to speed up the assessment process and get the product on the market sooner; blocking regulators' restrictions on the use of economically profitable pesticides; and changing the legal name of pesticides to "agricultural protectants" (*defensivos*) or agrochemicals, instead of the present term "agrotoxin" (*agrotóxico*).[i]

Many of the bills break with the rationale of protecting health and the environment, which prevails in the law now in force. Considering the past 40 years of pesticide policies in Brazil, and all the victories of the environmentalist movement to protect health and the environment, today's situation unveils a period of setbacks for the environmental protection policy agenda.

As observed by Leuzinger (2013), the 1960s, 1980s and 1990s were marked by the issuance of laws[ii] that lay the grounds for the fundamental right to a balanced environment, as promised by the 1988 Federal Constitution. Since 2005, however, a counter-movement has emerged, to deconstruct Environmental Law. Landmarks include changes to the Biosafety Law in 2006, which shifted decision-making powers on the release of genetically modified organisms (GMOs) from Anvisa and Ibama to the National Technical Biosafety Commission (CTNBio); the weakening of controls over the planting of GMOs in buffer zones around Conservation Units, in 2006 and 2010, formerly assured by the law that created the National System of Conservation Units (SNUC); and – perhaps most importantly – the replacement of the 1965 Forest Code with Law #1,251/2012, which granted a broad amnesty to acts of deforestation throughout the country (LEUZINGER, 2013).

This weakening of environmental laws has the prominent support of the Parliamentary Front to Support Agriculture (the so-called "Ruralist Caucus") in the National Congress, which has 158 members who make up 31% of the Chamber of Deputies and 22% of the Senate, in the 2011-14 legislature (DIAP, 2011). The Front finds support for its work in economic performance indicators showing that agribusiness was responsible for

41% of Brazil's exports in 2013 (BRASIL, 2014). With figures like that, players working to lower environmental barriers to the expansion of agriculture have expanded their legitimacy and political power, both to redefine the problem and to choose the solutions most favorable to their own interests.

Final considerations

This article has tried to tell the history of how the federal pesticide law was constructed and how it may be deconstructed, using the multiple stream approach. Through the problem stream, we see the importance of crises that provoked discussions and put pesticides on governmental agendas to defend health and the environment. In Rio Grande do Sul, it was an environmental crisis that polluted the Guaíba River. For the federal government, it was an international crisis linked to the murder of an environmental leader. Such crises would have had no political repercussion without the support of organized civil society, through environmental defense groups and agronomists' associations. Risk indicators and pollution data produced by those communities of lay people and experts were also key in sustaining decisions made during both the policy and the politics streams.

Both crises can be interpreted as windows of opportunity, which only became "opportune" in the wake of political mobilizations by organized interest groups. Civil society's mobilization led to the construction of advanced legislation to protect health and the environment, but seems to have lost strength to pesticide industry associations and part of the agriculture sector. A weaker environmental agenda to benefit the country's short-term economic performance may indicate a major shift towards setbacks in the legal framework regulating pesticide production, sale and use in Brazil. This political environment, shored up by the economic performance of agribusiness and the weight of political forces organized in Congress (the policy stream), has led to the environmental agenda being softened up, or literally forgotten.

Times of economic recession and changes in government, like we are experiencing now, point to crises even more likely to dislodge environmental protection from the government's agenda. Civil society's greatest challenge now, therefore, is to re-interpret environmental protection, not as a hindrance to economic development, but as a solution for its long-term sustainability.

Notes

i The bills proposing major changes in the Chamber of Deputies are: PL 3125/2000, PL 6189/2005, PL 4166/2012 and INC 27007/2012. In the Senate, they are: PL 6299/2002 and PL 209/2013.

ii Laws from that period include the 1965 Forest Code, the 1967 Wildlife Protection Law, the 1981 National Environmental Policy; the 1997 National Water Resources Policy, the 1998 Environmental Crimes Law and the 2000 National System of Conservation Units.

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(DE)CONSTRUCTING THE POLITICAL AGENDA OF CONTROL OVER PESTICIDES IN BRAZIL

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***Summary*:** This article provides a history of the creation of Brazil's federal law governing pesticide production, commerce and use. It begins with initiatives by environmental movements that led States to adopt pesticide control laws, thus helping put the issue on the federal agenda. It discusses major innovations and limitations to the law's enforcement and identifies the main attempts to deconstruct it, through bills aimed at suppressing the powers of public authorities to reduce adverse effects of pesticides on human health and the environment.

***Key words*:** pesticides, agenda, regulation, Brazil

***Resumo*:** Este artigo apresenta um retrospecto histórico da criação da lei federal de controle da produção, do comércio e do uso de agrotóxicos no Brasil. Resgata a iniciativa dos movimentos ambientalistas que levaram à criação de leis estaduais de controle dos agrotóxicos. Essas leis contribuíram para que a agenda de controle dos agrotóxicos fosse pautada em nível federal. Apresenta as principais inovações e limitações de implementação da lei. E identifica as principais tentativas de descontrução da mesma, por meio de projetos de lei que visam inibir as competências dos órgãos públicos, vinculados à redução dos efeitos adversos dos agrotóxicos à saúde e ao meio ambiente.

***Palavras-chave*:** agrotóxicos, agenda, regulação, Brasil

***Resumen*:** Este artículo presenta un breve histórico de la ley federal de control de producción, comercio y uso de pesticidas en Brasil. Rescata la iniciativa de los movimientos ambientalistas que llevaron a la creación de leyes estaduales de control de los pesticidas. Esas leyes contribuyeron para que la agenda del control de pesticidas fuese adoptada en nivel federal. Además, el texto identifica las principales tentativas de desconstrucción de la ley federal por medio de proyectos de ley que intentan inhibir las competencias de las agencias públicas responsables por la reducción de los efectos adversos de los pesticidas en la salud humana y el medioambiente.

***Palavras clave*:** pesticidas; agenda; regulación; Brasil.