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*Permanent Mission of Brazil to the United Nations Office  
and other International Organizations in Geneva*

Geneva, June 11, 2018

Dear Ms Balbin,

I refer to the joint allegation letter JAL 1/2015, from the special rapporteurs on the right to health; on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; on the right to water and sanitation; and the working group on business and human rights. The letter requests information related to the alleged contamination of water courses, as well as air and soil pollution in Piquiá de Baixo, Açailândia, state of Maranhão.

In this connection, I have the honor to provide, attached to this letter, the information received from the Ministry of Cities and the Ministry of Health of Brazil.

Please accept the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'JLNA', written over the printed name of the Minister-Counsellor.

João Lucas Quental Novaes de Almeida  
Minister-Counsellor  
Permanent Mission of Brazil

Ms. Beatriz Balbin  
Chief, Special Procedures Branch  
OHCHR

## **Submission by the Government of Brazil**

According to the Ministry of Cities (MoC), the Ministerial Order nº 684, of 30 December 2015, selected the project “Resettlement of the Community of Piquiá de Baixo”. The project foresaw the building of 312 housing facilities and the related urban infrastructure, such as water and sanitation systems, pavement and reforestation. The contract for the first phase was celebrated on 29 April 2016 between Caixa Econômica Federal, as contractor, and the Community Association of Piquiá Residents, as supplier.

The initial budget, authorized by Ministerial Order nº 684/2015, provided for the allocation of R\$ 17.784.000 (seventeen million seven hundred and eighty-four thousand Brazilian reais) to the project as a whole, to be funded by the Social Development Fund (FDS in Portuguese), which is connected to the MoC, as a part of the Program “Minha Casa Minha Vida” (My Home My Life). There would be also financial contribution from the Vale Foundation (Fundação Vale) and the Community Association which added to the FDS funds would bring the total amount of investment to R\$ 26.266.766 (twenty-six millions two hundred sixty-six thousand and seven hundred sixty-six “reais”).

Since the signing of the contract, on 29 April 2016, the architecture, town planning and engineering projects were developed and approved by the competent bodies; in addition, the social work project was developed. The Caixa Econômica Federal approved all of these projects and made available the corresponding funds to the payment for the services performed. The projects, their licenses and their approvals have taken place in relatively short time frames.

For projects such as Piquiá de Baixo, in which the first stage consists of a contract related to project development, while the second stage involves contract for project execution, the transition from stage one to stage two depends on analysis of the original budget in order to detect possible necessary adjustments to the characteristics of the concluded project. If such is the case, an authorization for budget complementation must be issued. Currently, the project is under analysis by the program operator agent, who verifies if it complies to the pertinent norms and regulations, with the aim of updating the values, once the project's first stage has been concluded. Since the project will also receive funds from Vale Foundation, agreements with this foundation have been made necessary for determining the modality of amount allocations in each budget item.

Once Caixa Econômica Federal has contracted the stage two of the project, the appropriate funds will be provided according to the evolution of the project schedule, as conducted by the Community Association of Piquiá Residents.

The Ministry of Health (MoH) informed that, according to article 7, IX, chapter II, of the Law of Health (Law nº 8.080/90), local authorities (municipal and state health secretaries and related institutions) are responsible for assistance and surveillance measures for populations exposed to environmental hazards. The reason for that lies on the organizational model of Brazilian Unified Health System (SUS in Portuguese), in which every federative level of SUS administration acts in an autonomous and decentralized fashion. Considering that, and in conformity with resolution nº 01/2005,

the General Coordination on Environmental Health Surveillance (CGVAM, in Portuguese), of the MoH, developed guidelines for action, norms, standards, information systems and procedures for states and municipalities to carry out environmental assistance and surveillance actions.

The System of Information of Surveillance on Health of Populations Exposed to Contaminated Soil (SISSOLO, in Portuguese) was developed, which consists in a mechanism to record and prioritize populations exposed to areas potentially contaminated. The system's objective is to subsidize actions of surveillance and assistance to these populations. According to the SISSOLO, the municipality of Açailândia has 16 areas classified as "industrial areas" or "deactivated areas", under suspicion of contamination by iron, solvents and industrial wastes, with possibility of human exposure. These records were made by the municipality between 2006 and 2014 as an initial stage of identification of environmental hazards to human health in the region and should have triggered a series of measures by local health authorities.

As a measure to facilitate the execution of surveillance and assistance actions for potentially exposed populations, the Ministry of Health has promoted capacity building activities jointly with the State Health Secretariat of Maranhão and other states and published several documents, such as the "Guidelines to the Prioritization of Areas with Populations at Risk of Exposure to Chemical Contamination", the "SISSOLO User's Handbook" and the "SISSOLO's Field Files for the Identification of Areas with Populations Exposed or Potentially Exposed to Chemical Contamination". All of these documents are available at the MoH website.<sup>i</sup>

The MoH also developed the Instrument of Identification of Risk Municipalities (IIMR in Portuguese) for states and municipalities to be able to diagnose and to map the possible fixed and mobile sources of atmospheric pollution. Based on this data, it is possible to execute surveillance actions on the populations exposed to atmospheric pollution and to related health conditions, such as respiratory diseases. The "IIMR Instructions Guide" is available in electronic format<sup>ii</sup> and has been widely publicized to State Secretariats of Health, through capacity building and advisory activities.

The CGVAM is elaborating "Guidelines for Surveillance Actions on Health of Populations Exposed to Atmospheric Pollution" and plans to publish it in 2018. The document will guide and strengthen the actions of local health teams, according to the characteristics of the territory and population. The Surveillance on Health of Populations Exposed to Atmospheric Pollution (VIGIAR, in Portuguese) applied the IIMR in the state of Maranhão between 2008 and 2014. Based on the analysis of the collected data, bulletins and reports were produced in order to inform the community about atmospheric conditions, analyzing and making available environmental and health data. VIGIAR has recommended actions on protection and promotion of health and prevention of diseases caused or aggravated by atmospheric impacts.

Regarding water quality for human consumption, the MoH developed the "VIGIAGUA" program, which is a set of actions permanently adopted by public health authorities. These actions aim to guarantee the population's access to water in appropriate quantity and in quality compatible to the standards set by Consolidation Order nº 5, annex XX, as a part of actions of health promotion and prevention of waterborne diseases. One of the main instruments that subsidizes "VIGIAGUA"

execution is the System of Information of Surveillance of Water Quality to Human Consumption (SISAGUA in Portuguese). The main goal is to acquire information regarding systems and alternative solutions of water supply for human consumption, as well as for the quality of water. This information is offered by the service providers (control), and by the health department (surveillance). Through SISAGUA, information regarding the quality of water that supplies the communities of Açailândia can be analyzed, subsidizing the action of local health teams.

Concerning the possible relation among diseases and the exposure to industrial wastes, derived from steelworks industries and charcoals in the vicinity of Piquiá de Baixo and Assentamento Califórnia, it is important to highlight that surveillance action on environmental health must always be based on the hazards to the populations, regardless of confirmation of a nexus between chemical exposure and a specific symptom. The Consolidation Order nº 4, from September 28, 2017, Annex V, Chapter I, reiterates this rationale. It defines the National List of Compulsory Notification of diseases, aggravations and public health events in the private and public health systems in all the national territory. Health teams are supposed to communicate situations foresaw in the National List even if it is only a suspicious case. Exogenous intoxication is one of the listed situations. However, the dynamics of acute or chronic exposure to industrial wastes from the steelworks and the charcoal must be monitored by local health teams as an additional hazard to the health of the population, that could provoke diseases and aggravations not included in the National List.

The CGVAM has provided guidance to states and municipalities in implementing the Surveillance on Health of Populations Exposed to Pesticides (VSPEA in Portuguese) since 2002. To achieve this goal, the CGVAM published several guiding documents, such as the “National Guidelines for Surveillance on Health of Populations Exposed to Pesticides”, published in 2016.<sup>iii</sup>

Another measure adopted by the MoH in order to implement surveillance of agrochemicals throughout the states was the transfer of R\$ 800.000 (eight hundred thousand “reais”) to the State Health Fund of Maranhão, through resolution 2938/2012. This measure aimed to strengthen the health surveillance of the population exposed to pesticides in different states and in the Federal District.

For 2017, as a response to the routine monitoring of state actions, the representative of surveillance on environmental health of Maranhão communicated to the MoH the promotion of the following actions in the municipalities considered as priorities: identification and assessment of populations exposed to pesticides, through records of the consumption of pesticides throughout municipalities, cases of intoxication by pesticides and identification of exposed workers, among others; monitoring of pesticides on water for human consumption according to the Consolidation Order nº 5, annex XX; elaboration of routine protocols for the assistance of population exposed to pesticides; integrated actions with the Health Assistance in regard to diseases and symptoms related to pesticides; awareness raising lectures for municipal administrators, SUS professionals and users at the Macrorregional Health Surveillance Conference in all health regionals of the state. During 2018, two new actions are being developed: capacity building for local health professionals aiming at the dissemination of VSPEA in the municipalities; creation of the Forum to Combat the

Use of Pesticides of Maranhão, instrument of social control that will enable the community from Maranhão to access information regarding pesticides impacts.

The Ministerial Order on Drinkable Water (MoH) is the normative basis of the National Program for the Surveillance of the Quality of the Water for Human Consumption (VIGIAGUA in Portuguese). It sets the standards to be observed throughout the national territory regarding drinkable water for human consumption. It also sets the procedures for controlling and surveilling the quality of drinkable water for human consumption, as well as the competences and responsibilities of the actors involved.

In 2014, the State Health Secretary of Maranhão presented to the Federal Sanitary Surveillance Secretary of the MoH the Plan for Monitoring Pesticides Wastes in Water for the Consumption of Agricultural Producer Municipalities. The objective is to comply with the VSPEA and to minimize hazards to the population's health. The municipality of Açailândia is a top priority in this plan.

According to SISAGUA data consulted on February 21, 2018, three samples of water collected in Açailândia in 2016 and four other samples collected in 2017 were tested for possible contamination by pesticides in the water supply system in the following neighborhoods: Jacu; Vila Maranhão; Sunil; Vila Ildemar; Residencial Tropical; Center; and Vila Progresso II (all in urban areas). The chemical substances analyzed were: 2,4 D + 2, 4, 5 T; Alachlor; Aldrin + Dieldrin; Atrazine; DDT + DDD + DDE; Endosulfan ( $\alpha$ ,  $\beta$  and salts); Endrin; Glyphosate + AMPA; Lindane (HCH-range); Metamidofós; Metolachlor; Methyl paration; Pendimethalin; Profenofos; and Terbufos. The results of these analyzes were below the limit of quantification (<LQ) for all substances mentioned above.

The MoH Department of Surveillance on Environmental and Workers Health pays periodic visits to state health secretaries, including the State Health Secretary of Maranhão, in order to monitor their actions on environmental and workers health surveillance. In the case of Maranhão, special care is taken with respect to steelworks industries and charcoals placed close to the communities of Piquiá de Baixo and Assentamento Califórnia. During these visits, the MoH provides technical capacity building, technical support to local actions and, when requested, complements other federal entities actions in situations that supersede their capacities.

Regarding the compulsory notification of respiratory diseases, its inclusion in the National List depends on criteria such as magnitude, dissemination potential, transcendence, vulnerability and availability of controlling measures. The list is reviewed periodically, according to the epidemiological situation of the disease, as well as to the emergence of new agents and to reviews in the International Sanitary Regulation. Respiratory diseases did not fill the criteria established by the Ministry of Health for its inclusion on the list of diseases of compulsory notification.

<sup>1</sup> <http://portalms.saude.gov.br/vigilancia-em-saude/vigilancia-ambiental/vigipeq/vigisol>.

<sup>2</sup> <http://portalms.saude.gov.br/vigilancia-em-saude/vigilancia-ambiental/vigiar>.

<sup>3</sup> <http://portalms.saude.gov.br/vigilancia-em-saude/vigilancia-ambiental/vigipeq/contaminantes/quimicos/agrotoxicos/publicacoes>.