

ACPO
Associação de Combate aos POPs
Associação de Consciência à Prevenção Ocupacional
CGC: 00.034.558/0001-98

Mr. Luis Oliveros
Regional Coordinator for Environment
Amazon Cooperation Treaty Organization

Cc: Mr. Carlos Aragon
Amazon Cooperation Treaty Organization

Marilia Marreco Cerqueira
Director, Program for the Protection and Improvement of
Environmental Quality
Ministry of Environment of Brazil

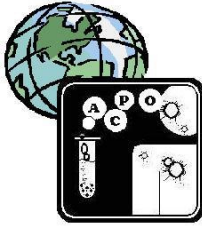
Letter_060914_OTCA

Re: ACPO initial comments on the *Regional Action Plan for the Prevention and Control of Mercury Contamination in Amazon Ecosystems*
(Draft dated September 12th 2006)

Dear Mr. Oliveros,

ACPO – Associação de Combate aos POPs is a non-governmental environmentalist organization that has been acting in the area of chemical emissions pollution, environmental contamination and human exposure and intoxication, defending the chemical security and the elimination of chemical risks under the precautionary principle concept. ACPO has been giving support to the National Mercury Program of the Brazilian Ministry of Labor, participates actively of the Zero Mercury Working Group¹ and the Zero Mercury Campaign of the European Environment Bureau, and is part of the Mercury Program of UNEP – United Nations Environment Program through its association with BAN-Hg-WG.

¹ The **Zero Mercury Working Group**, www.zeromercury.org, is an international coalition of more than 40 public interest non-governmental organizations from around the world formed in 2006 by the European Environmental Bureau and the Mercury Policy Project/Ban Mercury Working Group. The aim of the group is to reach 'Zero' emissions, demand and supply of mercury, from all sources we can control, towards eliminating mercury in the environment at EU level and globally.



ACPO
Associação de Combate aos POPs
Associação de Consciência à Prevenção Ocupacional
CGC: 00.034.558/0001-98

ACPO is member of the Brazilian Environmental Justice Network and the Brazilian Forum of NGOs and Social Movements, coordinates the Brazilian NGO's Chemicals Workgroup, and is also member of IPEN – International POPs Elimination Network, which discusses the implementation of the Stockholm Convention in the signatory countries. It is also a signatory member of GAIA – Global Anti-Incinerator Alliance / Global Alliance for Incinerator Alternatives, besides other chemical security and public health prevention networks.

Recently ACPO has taken notice of the initiatives that are being developed in the scope of ACTO – Amazon Cooperation Treaty Organization, and the document named *Regional Action Plan for the Prevention and Control of Mercury Contamination in Amazon Ecosystems*, that outlines the specific problem of mercury in the Amazon Basin with emphasis on the gold mining activity.

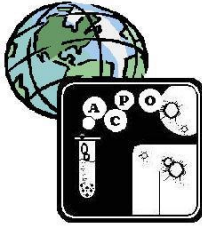
NRDC – Natural Resources Defense Council, a North-American organization, which has made joint actions with ACPO as part of the Zero Mercury Working Group on global mercury issue, elaborated comments about the ACTO's Regional Action Plan realized jointly with the Brazilian Ministry of Environment with support of the Regional Environment Program of the State Department of the United States of America and the USA Embassy in Brasilia.

We endorse the NRDC's comments considering that they are very relevant and clear-sighted, and therefore we opt to complement some aspects of the Plan draft.

We also welcome the Brazilian government initiative to contract the elaboration of such document, as well as the ACTO's decision to face the grave question of mercury contamination in the Amazon bioma. Although the Plan has well approached a number of necessary points, we would like to comment some aspects thereof.

Our first comment is about the draft objective to minimize gradually the use of mercury, in spite of the fact that the global mercury program objective is to reduce up to the total elimination of the anthropogenic issues of mercury due to its dangerous physical, chemical and toxicological characteristics and effects that are mostly evidenced. We strongly recommend that the objectives of the

2/7



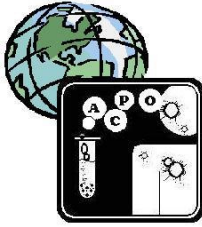
ACPO
Associação de Combate aos POPs
Associação de Consciência à Prevenção Ocupacional
CGC: 00.034.558/0001-98

Plan are in line with the objectives of UNEP global mercury program in its final version, and we agree with the recommendations of NRDC to put efforts on Hg-free technologies in gold mining according to the reasons stated in its comments.

We also notice that the document indicates the necessity of a wide public consultation, that we readily agree with and give support, but it is incomprehensible that there were no NGO's or social movement's representatives participating in the two previous meetings mentioned in the document. The absence of NGOs in the meetings representing the local civil society concerns about the mercury problems maybe explains some gaps as well as some conceptual mistakes in important aspects of the Plan. ACPO's members would like to underline the importance of the involvement of NGOs, labor unions, civil associations and other national and local social movements in the elaboration and implementation of the Plan, since such organizations are known to retain a very specific and crucial knowledge of the problems they face. Therefore, civil society participation is indispensable to the planners attain success in all senses.

On the other hand, meetings held to consult civil society cannot be reduced to a mere formality. On the contrary, the civil society opinions must be the base for a Plan so that it may really represent the needs and expectations of the regional communities in relation to their basic rights of refusal decision and precaution principle application by authorities. Therefore it is also necessary to identify or even to stimulate social groups in the region focused in preserving or recovering their culture and values, groups that may be politically mobilized and technically trained to multiply educational actions and thus stimulating others to also preserve and/or recover their traditional cultural values. Political information networks need to be formed that may, among other important changes assist ACTO to introduce new mercury-free technologies for gold mining. The civil society experiences with community educational radios networks (radcom) should be adopted and developed in connection with governmental and non-governmental education and culture programs, to provide information to community, healthcare and technical teams in parallel to, respectively, a mercury-free technology replacement program to gold mining, actions towards attendance of mercury contamination affected people, and area decontamination actions. Community radio network is a cheap and

3/7

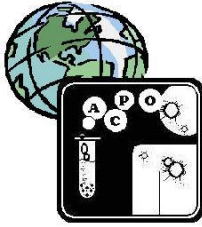


ACPO
Associação de Combate aos POPs
Associação de Consciência à Prevenção Ocupacional
CGC: 00.034.558/0001-98

efficient information and education tool if well managed. We hope the final version of the Plan insists on the importance of the empowerment of local communities and the participation of them in any future discussions to the preparation and implementation thereof.

The Plan searches to comply with the objective of ACTO to promote chemical security in the Amazon Basin influence area, with emphasis on mercury. In Brazil the Amazon basin comprises the federative states of Amazonas, Pará, Amapá, Acre, Roraima, Rondonia and Mato Grosso. The document does not mention that besides gold mining part of the region suffers from mercury contamination caused by national and international alumina and aluminum plants. To transform bauxite into alumina or aluminum such plants use caustic soda which under pressure cause chemical condensation, causing the release of the extremely volatile mercury contained into soda and bauxite. Mercury evaporates and intoxicates plant's workers. Such hazardous substance is also found in the liquid effluents that are released to rivers and small streams of the plant surroundings contaminating the aquatic fauna and the human communities within the pollution influence area of such enterprises. It should make part of the Plan to deal with such problems to attain 100% of the correct disposal of such effluents and of course chemical security measures to prevent plant's workers contamination. We recommend that all the other possible causes and sources of mercury contamination in the Amazon basin be contemplated in the Plan, also including mercury-cell chlor-alkali plants, as NRDC indicated in its comments.

The Plan presents some objectives of research, but it does not require a consistent historical, anthropological and sociological study for the different cultures of the region that may offer data to build strategies in line with such cultures. The study of the economic exploration policies submitted to national and international interests on the extraordinary natural resources of the region may shows some of the causes of the actual situation and pinpoint directions to conceive consistent actions. The extreme poverty conditions of local peasants are some of the causes that forced them into gold mining activities and drug trafficking, thus reproducing social and environmental injustice. We recommend the final version of the Plan take into account the necessity of a deep social research to respectfully approach the different cultures and social realities of the Amazon basin and mercury issues accordingly.

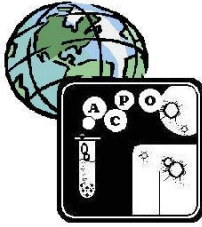


ACPO
Associação de Combate aos POPs
Associação de Consciência à Prevenção Ocupacional
CGC: 00.034.558/0001-98

Although the research objectives of this Plan indicate the necessity of evaluating environmental and human health impacts effects of the mercury contamination, we also suggest that Item 11 of the research objectives emphasizes the investigation of recovery and decontamination techniques of such areas, both to give support to objective number 10 and to economic objective number 16 (page 29), under the best practices of employment and income generation, as well as actions of attention and follow-up of the affected communities health, as indicated in the item 7 of the surveillance and control objectives. It is necessary the objectives be more coherently connected.

Clandestine tracks are easily found in the region even within conservation areas. They are built with agility and quickness, showing how easy is to mercury, gold, precious stones, drugs circulate in the Amazon basin. However, SIVAM project (Amazon Surveillance System) and the IBAMA (Brazilian Institute of Environment and Renewable Natural Resources) information inspection systems, which large experience could contribute strategically to the global mercury program, are not mentioned in the Plan. One of the characteristics of the predatory gold mining is that gold miners, most of the time, live as nomads, leaving behind much deforestation and contamination after a placer is depleted. It is known that 95% of the Brazilian indigenous areas are located in Amazon region, and such areas comprise great ore beds. The predatory occupation of these areas by miners causes violent conflicts raising difficulties to the environmental and police authorities' inspection actions. Also, the increasing biopiracy has required attention by authorities since it may be connected with the illegal entry of mercury in Amazon. Moreover, there are great ore beds owners that explore the nomadic miners, lending equipment and purchasing gold offering very low prices while practicing oppression and moral abuse, intensifying the cycle of social and environment injustice. To share the above mentioned information systems to develop well succeeded mercury ban strategies could be one of the recommendations of the Plan.

We also suggest that the Regional Action Plan takes also into account the necessity of studying and reviewing the ore exploitation licensing policies for great land owners or ore grantees of the region which explore them predatorily. It is necessary to offer social improvement alternatives to organize information networks to facilitate, among other necessary developments, introduction of



ACPO
Associação de Combate aos POPs
Associação de Consciência à Prevenção Ocupacional
CGC: 00.034.558/0001-98

new Hg-free technologies, medical attendance of contaminated people, and mapping of the mercury contaminated areas.

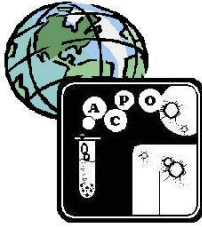
The Brazilian environmental legislation is quite consistent, but the major challenge today is its enforcement by authorities in part due to the strong pressures of the private segment what may explain, among other causes, the lack of inspection structure of environmental and health agencies. In the case of the great owners or grantees of mineral exploitation, environmental agencies should require Studies of Environmental Impacts describing actions for total recovery of the environmental impacts and other measures to compensate municipalities, states, Federal Union and affected communities, as well as public audiences. It is also necessary to develop new legal provisions such as the anticipated contracting of insurance and other sureties to guarantee that proposed recovery and compensation actions shall be executed. The Plan could stress the investigation of the causes by which the law is not enforced, and what must be done to overcome it.

Also, the timid public efforts to build a participative democracy by local governments and corruption practices are related with lack of funds that should be applied in the improvement of the Brazilian Amazon Basin population life conditions, such as basic sanitation works. The application of resources in life quality improvements shall assure not only better conditions to population in general but generate new employment positions more attractive than mining. Besides, population has to face the conflicting pressure from Brazilian federal government for the construction of great hydroelectric plants in the Amazon region mainly to supply energy to electro-intensive plants, such as aluminum plants, resulting in severe environmental impacts and consequent social disaggregation. The Plan could include academic social and economic studies on consequences of the energy projects implementation to make part of its mercury elimination strategies database.

These are some constraining aspects of the region that must be confronted by the States present in the Amazon Basin to conceive an institutional strengthening policy that actually may change this negative scenario (page 31).

As it is widely known, public health and labor sectors have a clear connection (and responsibility) with chemical security and environment and therefore they

6/7



ACPO
Associação de Combate aos POPs
Associação de Consciência à Prevenção Ocupacional
CGC: 00.034.558/0001-98

need to be quickly involved in this Regional Action Plan since the mercury problems tends to aggravate health and environment as time passes.

We conclude that the Regional Action Plan draft is not enough audacious to steadily guide effective global mercury elimination actions, as well to simultaneously prepare the necessary consistent social inclusion policy program to give support to said actions. It is urgent to recognize that Amazon Basin population needs more adequate life quality conditions from the point of health and environment view, and that the causes of such situation are not being deeply approached by the Plan draft. Plan also did not indicate any clear need of regional pilot-projects based on education, health and citizen empowerment under the precautionary principle aiming to eliminate, with the community partnership, any possibility of arising new mercury contaminated areas. The Plan should emphatically recommend that affected communities shall be urgently attended, and that effective projects shall be put in practice for recovering and decontaminating existing contaminated areas.

We hope ACTO shares these preoccupations with us and may interpret our comments as joint efforts towards a steady Regional Action Plan which attains the Amazon Basin mercury elimination.

Marcio Antonio Mariano da Silva
Director President

Jeffer Castelo Branco
Director of Environmental Health

Zuleica Nycz - International Relationships

