

MINING AND MAJOR DISASTERS IN BRAZIL: ANALYSIS ON SOCIAL RETURN AND ENVIRONMENTAL RISKS AND INFRACTIONS

MINERAÇÃO E GRANDES DESASTRES NO BRASIL: ANÁLISE SOBRE RETORNO SOCIAL E RISCOS E INFRAÇÕES AMBIENTAIS

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ÁREAS DO DIREITO: Administrativo; Ambiental

ABSTRACT: This article presents reflections on the risks and infractions legal treatment given to major mining disasters in Brazil, concluding by the need for greater effectiveness in predicting risks and responding to environmental emergencies in the Brazilian state. The methodology

RESUMO: Este artigo apresenta reflexões sobre o tratamento jurídico de riscos e infrações dado aos grandes desastres minerários no Brasil, concluindo pela necessidade de maior efetividade na previsão de riscos e resposta às emergências ambientais no estado brasileiro. A metodologia

includes inductive methods, data and documents analysis (especially those available at the National Observatory for Environmental, Economic and Social Affairs of High Complexity and Great Impact and Repercussion), in addition to normative tools and norms of international bodies related to the matter.

KEYWORDS: Mining – Brazil – Mariana – Brumadinho – Pinheiro – Major Disasters – Environmental Risks – Environmental Infractions.

inclui métodos indutivos, análise de dados e documentos (especialmente aqueles disponíveis no Observatório Nacional sobre Questões Ambientais, Econômicas e Sociais de Alta Complexidade e Grande Impacto e Repercussão), além de ferramentas normativas e normas de organismos internacionais relacionados ao assunto.

PALAVRAS-CHAVE: Mineração – Brasil – Mariana – Brumadinho – Pinheiro – Grandes Desastres – Riscos Ambientais – Infrações Ambientais.

SUMÁRIO: 1. Introduction. 2. Mining major disasters. 3. Natural heritage in mines and surroundings. 4. Related regulation. 5. Governance lacks findings. 6. Mariana's disaster. 7. Brumadinho's disaster. 8. Management plans. 9. Conclusions. 10. References.

1. INTRODUCTION

This¹ research presents reflections on the legal treatment given to major mining disasters in Brazil, concluding by the need for greater effectiveness in predicting risks and responding to environmental emergencies in the Brazilian state. The methodology includes analysis of data and documents (especially those available at the National Observatory for Environmental, Economic and Social Affairs of High Complexity and Great Impact and Repercussion), in addition to normative tools and norms of international bodies related to the matter.

Mining is a word derived from the medieval Latin, “*mineralis*”, relating to mines and minerals, as well as extractive activity. Law 9478, of August 6, 1997, which provides for the national energy policy, activities related to the oil monopoly, institutes the National Energy Policy Council and the National Petroleum Agency, the regulatory body for activities that integrate the oil and natural gas and biofuels in Brazil. Thus, the legislation allowed for the implementation of the Agency, which was later given by Decree 2,455, of January 14, 1998.

In accordance with Decree 9,406, of June 12, 2018, art. 3rd. “It is the responsibility of the Union to organize the administration of mineral resources, the

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