

AGROCHEMICALS: The Indiscriminate Use of Chemicals in the Rural Workplace and Civil Liability for Health Damages

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ABSTRACT

This study will highlight the importance of Brazilian agribusiness; the main implications of the misuse of agricultural pesticides for the health of rural workers; the laws that govern and regulate the use of pesticides in Brazil; the civil and labor liability of employers; and the difficulties in proving the causal link between harm to workers and contact with pesticides. The methodology used will be qualitative, based on studies of articles, the Federal Constitution, and the Civil Code. With regard to the results, it will be possible to observe that several authors have already proven the relationship between contact with pesticides and various diseases, which can even occur in the long term, and because of this, there is difficulty in proving the causal link in this situation.

Keywords: pesticides; causal link; civil liability; health.

INTRODUCTION

Agriculture feeds the world (VIEIRA, 2019). As the population increases, the demand for greater food production also grows (SAATH; FACHINELLO, 2018). Given this, agricultural production has employed technologies that aim to maximize limited resources, such as chemical pesticides. According to Federal Law No. 7,802/89, currently regulated by Decree No. 4,074, of January 4, 2002, Article 1, item IV, pesticides are defined as products and agents of physical, chemical, or biological processes intended for use in production sectors, whose purpose is to alter the composition of flora or fauna in order to protect them from the harmful action of living beings considered harmful. Therefore, in addition to eliminating crop pests, they also have the potential to cause damage to the health of rural workers who handle them without adequate conditions. The purpose of this study is to analyze the effects of the irresponsible use of pesticides on human health; address the evolution of legislation regarding the use of agricultural pesticides, correlating legal aspects and the civil and labor liability of employers; provide a more accurate understanding of the topic and

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demonstrate the difficulties of establishing a causal link between the harm to victims and its origin.

METHOD

This work aims to highlight an existing problem in society. The methodology used for its construction will be based on a qualitative approach. The objective of this study is descriptive, since it will be based on studies of articles, monographs, the Federal Constitution, the Civil Code, decrees, and laws. Thus, the method employed will be hypothetical-deductive, and the procedures used to compose the methodology of this work are based on bibliographic research in academic content and doctrines, also using documentary research on laws covering the topic.

RESULTS

In Brazil, according to the Brazilian Institute of Geography and Statistics (IBGE), the Brazilian Gross Domestic Product (GDP) for 2023 closed with an increase of 2.9% compared to 2022, with agribusiness being one of the main drivers of this increase, growing 15.1% from 2022 to 2023 (BELANDI, 2024). When we talk about importance, we cannot only take into account the national territory. According to the Brazilian Agricultural Research Corporation (EMBRAPA), Brazil feeds between 1 billion and 1.5 billion people worldwide (VIEIRA, 2019). This high record in agriculture (BELANDI, 2024) is mainly due to the use of technologies that allow for increased productivity, that is, producing more with the same natural resources (ALVARENGA, 2024). Some examples of these technologies are chemical fertilizers, improved seeds, pesticides, among others.

Specifically speaking of pesticides, these were developed by humans to control pests that attacked and interfered with crops (BRAIBANTE et al, 2012). The greatest use of these agricultural pesticides occurred with the Green Revolution in the mid-1960s, when a series of practices were adopted that influenced a notable increase in global productivity, especially in underdeveloped countries (CROPLIFE, 2023).

Despite the benefits for increasing agricultural productivity, studies confirm various harmful effects on the environment and workers' health. Agricultural pesticides can harm the health of the population through poisoning due to direct contact with the chemical during its application and also through the ingestion of food contaminated

with pesticide residues. The main diseases that affect the population as a result of exposure to these pesticides are congenital anomalies, cancer, mental illness, and human and sexual reproductive disorders, among others (GEREMIA, 2011).

These effects on human health can be acute, with immediate consequences from exposure to a single dose of poison, or chronic, where the human body is exposed to small doses over a long period of time. In addition, it is also known that pesticides do not only affect people who are directly contaminated, as the chemical agents in the body act as hereditary poisons. (GEREMIA, 2011).

With regard to environmental labor legislation, Brazil has laws focused on the prevention of accidents and diseases caused to employees, establishing adequate working conditions and hygiene. The first decree that provided for the inspection of agricultural pesticides was Decree No. 24,114/34, which imposed "some measures for the inspection of insecticides applied to crops" (GEREMIA, 2011). When considering current legislation on pesticides, we must mention Law No. 14,785 of December 27, 2023, which provides for the analysis of risks to human health, subdivided into three groups: risk assessment, a process that includes hazard identification; risk communication, with the establishment of minimum health and safety requirements in the workplace to prevent risks arising from workers' exposure to these products; and risk management, which seeks appropriate options to protect health and the environment.

The right to health is a fundamental right enshrined in the Federal Constitution of 1988, in Article 196, that is, from the moment the employer does not provide safe working conditions to the employee, from not instructing them about the risks of handling agricultural pesticides; failing to provide personal protective equipment; providing machinery without proper sealing of chemical products and , among others; the Federal Constitution is being violated. Based on this, the employer must assume civil liability, as it is "a successive legal duty that arises to repair the damage resulting from the violation of an original legal duty," that is, human conduct that causes harm to others is a source of civil liability (GEREMIA, 2011).

According to Article 186 of the Civil Code: "Anyone who, by voluntary action or omission, negligence or recklessness, violates a right and causes damage to another, even if exclusively moral, commits an unlawful act." In view of the above, only damage and a causal link are necessary to give rise to the obligation to pay compensation, and

proof of fault is not required. Causal link is understood as the relationship between cause and effect, that is, the action of the agent and the resulting damage, and it is essential to prove that without the fact, the damage would not have occurred. Therefore, if the worker had not been improperly exposed to pesticides without supervision, there would have been no damage to his health (GEREMIA, 2011).

In this issue, the obstacle is proving the causal link, because when it comes to occupational diseases due to pesticide poisoning, there are two important points to consider: the first is that some health damage will only become apparent in the long term; the second point is related to the difficulty of associating and obtaining sufficient evidence that certain health damage was only caused by exposure to these chemical agents, since the same disease can have several causative agents, and therefore the employer may try to contest the evidence of causality presented (GEREMIA, 2011).

In view of the above, it is clear that even though many of the diseases caused by undue exposure to pesticides may have several causative agents, undue conditions in the workplace contribute directly to their onset. Thus, as a rule, the burden of proof lies with the victim.

CONCLUSION

Population growth and the demand for higher food production worldwide have already become a reality, but even though the idea of productivity requires the use of technologies to improve production, we must use them conscientiously. The indiscriminate use of pesticides in agricultural production has become a health risk for workers, and for this reason, it is necessary to create public awareness policies on this subject, always demonstrating the risks of pesticide management and ways to protect against exposure to these chemicals, since the best form of treatment is prevention. It should be kept in mind that it is not only financial profit that is important to humanity, but also the guarantee of a dignified life for every person. While prevention has not yet reached ideal levels, civil liability must be used not only to compensate victims for damages, but also to prevent future harm to others and to alert employers in general that these illegal activities are punishable, as the law plays a fundamental role in controlling aggressive economic growth.

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