
**(IN) EFFECTIVENESS OF THE RIGHTS OF RECYCLABLE
MATERIAL COLLECTORS IN TIMES OF THE COVID-19
PANDEMIC**

***(IN) EFETIVIDADE DOS DIREITOS DOS CATADORES DE
MATERIAIS RECICLÁVEIS EM TEMPOS DE PANDEMIA DE
COVID-19***

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ABSTRACT

Objective: to bring up the ways of organizing and remunerating the work of waste pickers, and to reflect on the reverberation caused by the COVID-19 pandemic (SARS-COV-2) in their daily activities.

Methodology: the studies are carried out through bibliographic and documentary research, bringing relevant legislation - notably the National Solid Waste Policy Law -, and indexes provided by IPEA on the activities of waste pickers; making a small quantitative cut, which embraces gender and race issues.

Results: to point out situations of inequalities faced by waste pickers as well as the impact that the COVID-19 pandemic (SARS-COV-2) has had and continues to have on their activities.

Contributions: to record the realities experienced by waste pickers, at this current moment in human history, when the COVID-19 pandemic ravages the planet, claiming millions of lives and accentuating inequalities, especially among people already considered vulnerable, since before the pandemic period, as it is the case of recyclable material pickers, whose work is marked by informality and precariousness.

Keywords: recyclable waste collectors; informal and precarious work; inequalities; rights(in) effectiveness; COVID-19 pandemic (SARS-COV-2)

RESUMO

Objetivo: trazer à baila as maneiras de organização e remuneração do trabalho dos catadores e catadoras e realizar reflexões sobre a reverberação causada pela pandemia de COVID-19 (SARS-COV-2) nas suas atividades cotidianas.



Metodologia: os estudos são feitos por meio de pesquisa bibliográfica e documental, trazendo legislações pertinentes - notadamente a Lei de Política Nacional de Resíduos Sólidos -, e índices fornecidos pelo IPEA sobre as atividades dos catadores e catadoras; realiza pequeno recorte quantitativo que abraça questões de gênero e raça.

Resultados: apontar situações de desigualdades enfrentadas pelos catadores e catadoras e, também, do impacto que a pandemia de COVID-19 (SARS-COV-2) exerceu e continua a exercer sobre as suas atividades.

Contribuições: registrar realidades vividas pelos catadores e catadoras nesse atual momento da história da humanidade, em que a pandemia de COVID-19 assola o planeta, ceifando milhões de vidas e acentuando desigualdades, principalmente de pessoas já consideradas vulneráveis desde antes do período pandêmico, como é o caso das catadoras e catadores de materiais recicláveis, cujo trabalho é marcado pela informalidade e precariedade.

Palavras-Chave: catadores de recicláveis; trabalho informal e precário; desigualdades; (in) efetividades de direitos; pandemia de COVID-19 (SARS-COV-2)

1 INTRODUCTION

When the existence of the new coronavirus (SARS-CoV-2) was detected in the city of Wuhan, China, in December 2019 (OPAS,2021), few people were able to understand the seriousness of the situation brought about by COVID-19, which, quickly, ended up reaching pandemic dimensions that culminated in the global health catastrophe that, after more than a year, still ravages the world and whose limits are still unknown.

In Brazil, a country where contamination by the virus and deaths have reached their highest rates since the declaration of the pandemic by the World Health Organization in March 2020 (MOREIRA, PINHEIRO,2020), the debacles reported by the press are many, including: political leaders who are ommissive, denialist and incapable of coordinating efficient public policies which could save countless lives; copious disinformation practices designed to confuse the public and encourage them to ignore protective measures; encouraging the adoption of



treatments and drugs that are ineffective against the disease; delays and lack of investment for vaccine development and procurement, among others¹.

The global and national situation is critical, in fact, and the president of the Brazilian Republic was even denounced to the UN Human Rights Council during the pandemic (CONNECTAS,2021). It is recalled that despite the scientific guidelines taken into account by public authorities, the health of the population remains precarious and requires urgent measures from public authorities, with a daily increase in the number of deaths, as a result of the pandemic.

In the critical pandemic scenario, the worsening of violence irrefutably exposes numerous inequalities faced by the most vulnerable people. The majority of the global population and, notably, the Brazilian population, who already lived in a vulnerable situation, either lost their jobs or had to continue working and exposing themselves to the risk of contagion, in their workplace and/or on crowded public transport, making use of the emergency aid payment, offered to the unemployed, informal workers and beneficiaries of the Bolsa Família (Child Welfare Benefit) (MENDONÇA, 2021).

An even more touching situation is that of people who contracted the coronavirus, who, finding themselves in a moment of extreme gravity in facing the disease, cannot find places in the Public Health System. Their families start to fight insane battles in the search to guarantee the lives of their loved ones, a life that can be won or lost, but always accompanied by enormous and superhuman efforts by health professionals, in addition to the use of other essential public services.

The result of this period that everyone is living contemporaneously has marked global history and, notably, the Brazilian one, as a catastrophic period, in which the feasibility of measures taken in order to face the pandemic are not

¹ The largest media vehicles in the country, such as Folha de São Paulo, provide extensive coverage of the Covid-19 pandemic. Available at: <https://www1.folha.uol.com.br/cotidiano/coronavirus/>. Accessed on 18/Mar/21.



discussed on a daily basis.² For the researchers of the Oswaldo Cruz Foundation's COVID-19 Observatory, for example, the Brazilian population is experiencing the “biggest sanitary and hospital collapse in history”³, with the Unified Health System, in most states and capitals of the country, surpassing the 90% occupancy rate (by adults) of ICU beds - COVID-19.

Considering this scenario, this article, through the descriptive research method and bibliographic and documentary research, aims to bring doctrinal lessons, content of relevant legislation and some official national indexes released, mainly by IPEA, that allow reflections on the activities of recyclable waste collectors, the precarious situations in which these professionals carry out their work, especially in times of the COVID-19 pandemic, reflecting on the effects that this tragedy has caused for this category of Brazilian workers. It also reveals that pickers already exercised their craft in precarious working conditions, even before the current health crisis, despite the importance and socio-environmental and economic benefits that their work provides to society and, especially, to the public and private sectors. waste generators and those responsible for their adequate treatment and final destination.

It is in this environment that the research presents basic notions about the reality of collectors, their work, their protected rights and the (in)effectiveness of these rights, which is made of the normative content of the National Policy on Solid Waste and other legal frameworks, which reflect the recognition of the professional activity of recycling agents. It also highlights, through indexes brought to the reflections, controversial issues about gender and race in the laborious reality of the waste pickers, notably, in the COVID-19 pandemic period. Subsequently, some general considerations about the impacts of the COVID-19 pandemic on the work of these professionals are presented, as well as some actions taken to face them during this critical moment in the history of mankind. Finally, with the exception that one of the worst moments of the COVID-19



pandemic is still going on, which concretely translates into uncertainty about the future, the research deduces some preliminary lessons, which are extracted from actions carried out in favor of those who, like waste pickers, tirelessly fight for the effectiveness of their fundamental rights and guarantees, especially fundamental social rights.

2 MALE AND FEMALE RECYCLABLE WASTE COLLECTORS: SMALL QUANTITATIVE GENDER AND RACE CUT-OFF

The National Solid Waste Policy, established by Law n. 12.305/2010 and regulated by Decree no. 7,404/2010, from the perspective of the rights of waste pickers and recyclable waste pickers, and the socio-environmental and economic importance of the work of this category of workers for the management of urban solid waste, which is carried out in an integrated and inclusive manner.

Thousands of people have found their source of subsistence, work, income and social inclusion in scavenging, which is why they have been mobilizing and fighting for their rights. They are people who reframe their self-esteem and identity, “they are recyclers who have recycled their own lives” (SOUZA SANTOS, MNCR, 2008). The life stories of collectors who, for the most part, work in an informal and precarious way, in the recycling production chain designate their “most vulnerable link” (IPEA, 2013, p. 65), has already been portrayed in books and films⁴. Entire families, from different generations, coming from the “precarious layers of the urban proletariat” (WACQUANT, 2003, p. 36), without alternative work, guarantee their survival by collecting the leftovers of the tons of waste discarded by society, which are sold and turn into family income.

⁴ MNCR, 2019. Available at: <http://www.mncr.org.br/sobre-o-mncr/o-que-e-o-movimento>. Accessed on: 09 Nov. 2019. One of the best known is the documentary “Lixo Extraordinário” (Extraordinary Trash), released in January 2011, directed by Lucy Walker, produced by Fernando Meirelles, Angus Aynsley and Hank Levine, which won the Sundance Film Festival (2010) and the Grande Prêmio do Cinema Brasileiro (2012) in the categories of best documentary and best editing. The documentary portrays the work of the collectors at the sanitary landfill in Jardim Gramacho (RJ), the largest in Latin America, and the artist Vik Muniz.



The word “*catadores*”, known by the expression “waste pickers” (in English), is also expressed by the word “*recicladores*” by the Spanish. Those who consider this phenomenon of collection only as a job of garbage collection are wrong. This work goes far beyond just collecting, sorting, processing, recycling and selling materials found in waste, because recycling implies sustainable, inclusive and life-changing activity.

All over the world, thousands of people work and survive as collectors of recyclable materials, collecting in household garbage bins or public equipment, in commercial establishments, on the streets, in landfills, those residues that we “throw away” and that can be reinserted in the productive chain, thus saving natural resources. Jutta Gutberlet (2013, p.7) estimates at 1% the percentage of people involved with recycling in Latin American, Asian and African countries, where “an extensive informal sector carries out the collection and separation of recyclable materials”. The estimate of the number of collectors existing in Brazil may vary, depending on the source consulted - public or private - and the way in which the information is obtained - self-declared or not - and may also be underestimated due to informality, seasonality and / or social stigma, which permeate the activity and make it difficult to obtain data, being “subject to fluctuations in the economic environment and the demand for work in other sectors” (IPEA, 2013, p. 13 and 46).

Considering that it would be arbitrary to set a total number of collectors, IPEA suggests that a safe range is one that “goes from 400 to 600 thousand individuals, an estimate which is based only on the dispersion of the numbers cited in the different sources” (IPEA, 2012, p. 13), a margin also considered by the doctrine (BESEN, 2014, p. 252). IPEA (2013, p.65) reveals that many collectors do not have a fixed domicile, and heterogeneity - a characteristic of this social segment - what makes it difficult to conclude on the precise number of collectors, in addition to the multiple precariousness that affects the most of these people. Furthermore, the researchers responsible for the diagnosis draw attention to “the high number of children under 14 years old – more than 5,000



children” (IPEA, 2012, p. 13), who work in the collection, a fluctuating amount, depending on the school vacation period, despite the ten years of the 'Children in the garbage never again campaign' (1998), when 45 thousand children were registered in that activity (IPEA, 2013, p. 29).

The collection designates a source of subsistence and social inclusion for homeless people, revealing great tension between the Public Power and the population, since both, until recently, had difficulties in seeing the collectors as recycling workers. Sônia Maria Dias (2006) reveals that, in Belo Horizonte, along the lines defended by Henri Lefebvre (2001), the pickers' struggle was based on guaranteeing the “right to the city”, which was the “first claim” of the pickers, “ the guarantee of the right to carry out their work in the city, that is, to carry out selective collection in the city, in dignified conditions, an initial step that makes recycling viable” (DIAS, 2006, p. 68-69).

Similarly, in the city of São Paulo, the first Brazilian cooperative was formed, “Paper, Scraps and Reusable Materials Collectors Cooperative” (COOPAMARE), founded in 1989 (JACOBI; VIVEIROS, 2006, p. 32), by 20 waste pickers, supported by the Fraternal Aid Organization (OAF). COOPAMARE brings together cooperative collectors and “street collectors”, who maintain social and economic ties with the Cooperative (AYALA, 2004).

Studies by IPEA (2013, p. 48) on the 'Social Situation of Waste Pickers and Recyclable and Reusable Material Pickers' point out that men account for 68.9% of the total number of waste pickers in Brazil, while women represent 31.1%. They emphasize that the activities carried out by women, such as caring for the home and family, including reproductive work, may have contributed to the fact that the collection of waste is considered by women as a complementary activity, not a main one. Nevertheless, in the selective collection activity, women are the majority. MNCR⁵ calculates that of the 800,000 waste pickers in the country, 70% of them are women.

⁵ Carolina Orquiza Chermem (2016, p. 52) highlights that women are the majority in the context of Solidarity Economy ventures, as well as the mobilization for the realization of exclusive events for



Ioli Gewehr Wirth (2011, p. 113) explains that women work standing up, on benches or tables, where they make “a careful selection of more than 20 types of recyclable material”. Carolina Orquiza Chermem (2016, p. 48) points out that the sector does not require high categories of professional training and attracts “a wide range of unemployed women with few opportunities for training in the labor market, especially those over 40 years of age and low education”. Moreover, the racial issue is manifested in the collection, since two out of three people who work in the collection are black (IPEA, 2013, p. 49), and the percentage in the northern region of the country, which reaches 82%, is higher than that of the southern region, with 41.6% of the total. When the information on gender and race are aggregated, it is shown that black women are the majority in the work of selective collection and recycling of solid waste. However, Carolina Orquiza Chermem (2016, p. 49) says that “the large amount of the black population found in recycling cooperatives is, nonetheless, a reflection of a historical exclusion of this population from the labor market”.

Emílio Maciel Eigenheer (2009, p. 93) states in “The history of garbage – urban cleaning through the ages” that development in Brazil took place unevenly; “that its cities still keep deep regional, cultural and income differences. On the other hand, few have dedicated themselves to the memory of urban cleaning”. He recalls that understanding urban cleaning in Rio de Janeiro requires knowing the work ‘tigers’, an expression by which slaves were known, whose job was to transport filth; task incumbent upon a single slave in the family, the one of lesser value, who, after 10 pm, carried pots of excrement and garbage through the streets, on his head, until he reached the beaches, where they were unloaded (EIGENHEER , 2009, p. 93).

Stories of racism and discrimination are still present in the work carried out by the collectors (CHERFEM, 2016, p. 69), however the National Solid Waste

women with the MNCR, which on its website has a specific space for the news of women waste pickers. Available at: <http://www.mnrc.org.br/setores/mulheres-catadoras>. Accessed on: 06 Jul. 2020



Policy recognizes the historical significance of their work, their importance as an emancipatory and transforming instrument, which is why actions and programs (public and private) are built and implemented so as to integrate them (art. 7, XII). The Brazilian legislation and the data on racial and social relations brought to the reflection point out that the exclusion of collectors, by the pure and simple elimination of dumps⁶, or by structuring a waste collection system (public or private), without them being integrated as service providers, is a typical case of environmental racism⁷, given the disproportionate effects on waste pickers and their groups (BULLARD, 2000, p. 98).

3 WAYS OF ORGANIZING AND REMUNERATING THE WORK OF WASTE PICKERS

The national recycling chain is based and structured from the work of collectors, called by Sabetai Calderoni (1999, p. 298) as 'recycling agents', who carry out their activities individually or in groups (ARANTES, 2015, p. 49).

Jacques Demajorovic and Márcia Lima (2013, p. 57) structured the recycling chain in a five-level pyramid format, with the base occupied by the collectors, the top by the recycling industry; between the two, in that order, are the collectors' cooperatives and associations, together with the small scrap dealers, after which the medium scrap dealers are located, followed by the large scrap dealers and, finally, the scrap dealers.

Sabetai Calderoni (1999, p. 295), rightly includes the public sector among the segments participating in the recycling chain, which comprises the business sector, responsible for the management of its products and post-consumer

⁶ Regarding the closure of dumps, Paulo Afonso Leme Machado (2015, p. 697) highlights that "the elimination of dumps must be included at the national level, but necessarily with the social inclusion and economic emancipation of recyclable and reusable material collectors" (g.n.)

⁷ "Environmental racism refers to any policy, practice, or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color" (BULLARD, 2000, p. 98).



waste. For Calderoni (1999, p. 298), self-employed or independent pickers, who work individually, occupy the base of the pyramid; the majority are informal workers who offer little resistance to the prices offered by the small or medium-sized scrap dealers with whom they negotiate; their remuneration is “close to their subsistence level” and depends on factors such as the waste capacity they can carry, the location where they collect them and the time of year (CALDERONI, 1999, p. 298).

As informality permeates the relationship between collectors and scrap collectors, the latter make use of the services provided by the former, without having to bear the costs arising from the collectors' labor and social security rights. In this sense, Sabetai Calderoni (1999, p. 297) explains that “the saved costs are passed on to the industry in the form of low prices, established by it”.

Informality is present in the relationship existing between the collectors and the Government, which makes the collectors vulnerable, of which public administrators often take advantage, such as the collectors who carry out selective collection in the city, without the collaboration of the municipal entity, which benefits from it, free of charge, not fulfilling, in theory, the duty to indemnify the collectors⁸. The fact is that, depending on whether they are organized in cooperatives and associations, or in groups formed by these entities, such as “cooperative networks”⁹, for example, the collectors will have greater and better

⁸ Hely Lopes Meirelles (2016, p. 264) explains: “even in the case of a void contract or in the absence of a contract, payment for the work carried out for the Administration or supplies made to it, not based on a contractual obligation, absent in the kind, but in the moral and legal duty (art. 59, sole paragraph [of Law n. 8.666/93]) to indemnify the benefit received by the State, which cannot take advantage of the activity of the individual without the corresponding payment, under penalty of injury to the prohibition of illicit enrichment”. Celso Antônio Bandeira de Mello (2015, p. 681) quotes the same passage from Hely Lopes Meirelles (2016), to support his position on unjust enrichment, whose configuration would depend on three conditions, according to Bayle's (1973) lesson: “consent of the enriched public collectivity, general utility of expenditure made by the impoverished person and profit extracted without legal cause by the Administration”.

⁹ Among the measures proposed by Jutta Gutberlet (2013, p. 15) to protect waste pickers against market and price fluctuations is the strengthening of networks of social recycling enterprises, such as networks of waste pickers' cooperatives, supported by adequate public policies. . In the state of São Paulo, COOPCENT ABC is a selective collection management model with socio-productive inclusion of collectors, in a network of cooperatives and associations, which has existed since 2008, composed of four cooperatives and two associations in the cities of São



working conditions and the possibility of negotiating directly with the recycling industries, that are few and bring down the price of materials (AQUINO; CASTILHO JR.; PIRES, 2009). And, as service providers, they must be remunerated for the work they perform, their income being subject to many factors, ranging from the form of work - individual or in organizations, associations or cooperatives -, through access to recyclable waste in quantity and in conditions of use, until the formal recognition of the provision of services to the public and private sectors.

According to IPEA (2013, p. 52), two out of three collectors in Brazil work informally. The percentage of associativism is low, because only 10% of them are part of a collective enterprise, a fact that, in theory, can enable them to “earn better remuneration and greater negotiation power, either with other companies in the commercialization, or with the Public Power in the formation of partnerships”.

Also, according to the survey (IPEA, 2013, p. 53), whose estimate does not distinguish between individual collectors or those in organizations, the average income of collectors varies in different regions of the country. In the northeast region, for example, it does not reach the minimum wage, however, the national average slightly exceeds the minimum level. The remuneration of collectors only with the sale of recyclable materials and the circumstances that lead to the low value paid for the materials, make them keep in poverty, in the wake of the statement by Emílio Maciel Eigenheer and João Alberto Ferreira (2015, p. 683) that “it seems that the informal, non-cooperative collector still has an important role in supporting the recycling industries in the country”.

Ribeiro and Besen (2006, p. 14) refer to the problems that self-employed pickers face, such as the “lack of working capital, which makes it difficult to integrate them into sorting centers, modernize equipment and modernize technology”. In this context, adjustments are made, some unwritten, through

Bernardo, Diadema, Mauá and Ribeirao Pires. In all, 170 collectors are part of the COOPCENT ABC network. Available at: <http://www.coopcentabc.org.br/>. Accessed on 26 jun. 2020



which incentives are granted, such as the transfer of a shed for sorting, machinery, safety equipment or vehicles. And, proposing a greater debate on the subject, Emílio Maciel Eigenheer and João Alberto Ferreira (2015, p. 683) emphasize that “the economic viability of selective collection in the country comes at the expense of precarious working conditions, not being possible to pass on the costs of formality to the selling price of recyclables”.

The “central point” highlighted by Diogo Sant'ana and Daniela Maetello (2016, p. 37) “is that the integration of cooperatives requires investment”, whose adequacy requires that they go beyond specific adjustments, based on the sale of material collected by them. Whereas Gina Rizpah Besen et al. (2017) states that remuneration can be based on a fixed salary, equal division of income and production, Diogo Sant'ana and Daniela Maetello (2016, p. 37) highlight the existence of “remuneration mechanisms”, stating that “the most virtuous are those that fully remunerate the environmental service performed by the collector, passing on the equivalent of the values for sorting, transport, transshipment and grounding that would be paid to the contracted company to the cooperative”.

Finally, it is extracted from NUSDDEO (2012, p.82) and IPEA (2010) that the collector's remuneration can be related to the provision of the service itself, public or private, and to the environmental benefits brought by their work, in the latter case as payment for environmental services, concretizing the principle of the recipient protector “whose application corresponds to the positive externality created by an agent's conduct”.¹⁰

¹⁰ The principle of the receiving protector, as explained by Ana Maria de Oliveira Nusdeo (2018, p. 82), is “a principle of recent elaboration in Brazilian law, found in Law n. 12,305/2010, which provides for the national solid waste policy. In the case of this law, compensation would be made to waste pickers who prevent damage from occurring”.



4 RIGHTS OF MALE AND FEMALE WASTE PICKERS IN THE NATIONAL SOLID WASTE POLICY

The registration of the pickers' activity is pointed out as “the first achievement of this class of workers” (SANT'ANA; METELLO, 2016, p. 28). Code no. 5192 of the Brazilian Classification of Occupations of the Ministry of Labor indicates that among the responsibilities of workers for the collection and selection of recyclable material, in addition to collecting recyclable and reusable material are: “selling collected material, selecting collected material, preparing the material for dispatch, carrying out maintenance of the work environment and equipment, publicizing recycling work, managing the work and working safely¹¹.”

The national legislator recognized the work of collectors, a fact highlighted by Paulo Affonso Leme Machado (2017, p. 678) “the interpreter of the law cannot hide his emotion when he finds that reusable or recyclable solid waste collectors were mentioned, at least twelve times, by Brazilian legislators”. He states that twenty more times, they were cited by Law n. 12.305/2010 and by Decree no. 7,404/2010, regulator of the National Policy on Solid Waste. In addition to being abstractly provided for in federal laws and decrees, the rights of waste pickers are being implemented by committees and specific programs (BESEN, 2014, p. 253-254).

Among other achievements, the amendment introduced in 2007 in Law n. 8.666/1993 (art. 24, XXVII), by Law no. 11,445/20, authorizes waste picker organizations to be formally contracted by the Government, with no bidding process. Direct contracting of collectors' cooperatives and associations for selective collection can be understood as one of the “normative contact points

¹¹ Available at: <http://www.mtecbo.gov.br/cbsite/pages/pesquisas/BuscaPorTituloResultado.jsf>. Accessed on: 09 Nov. 2019. This classification also specifies, under the same code, but with three different digits, the following titles: “5192-05 – Recyclable Material Collector: Scrap Metal Collector, Paper and Cardboard Collector, Scrap Collector, Container Collector, Scrap baler (cooperative); 5192-10 – Recyclable Material Separator: Recyclable Material Sorter, Scrap Sorter, Recyclable Material Screener, Scrap Screener and 5192-15 – Recyclable Material Press Operator: Scrap Material Baler (Cooperative), Fastener, Pressist”.



between fundamental social rights and the fundamental right to the environment” (SARLET; FENSTERSEIFER, 2019, p. 203). While the rights to work, income, participation and citizenship of waste pickers are realized, environmental protection is promoted through the saving of natural resources and energy, fulfilling the order of priority in the management of solid waste (RIBEIRO; BESEN, 2006, p. 4). Leme Machado (2017, p. 680) highlights that “no one enlightened and well-intentioned can deny that this cooperative or association, while taking care of the interests of its members, has the purpose of protecting the environment”.

The legislator's objective in making bidding for the contracting of cooperatives and organizations of collectors for selective collection unnecessary is explained by Saint-Clair Honorato Santos (2011, p. 401) by the need to “oblige the Public Power to promote social rescue of this population through direct hiring, providing them with access to income and improvements in working conditions”¹².

Three years after the implementation of the National Solid Waste Policy, established by Law n. 12,305/2010, the rights of collectors are reinforced and expanded, highlighting the management of solid waste as “integration of collectors of reusable and recyclable materials in actions that involve shared responsibility for the life cycle of products” (art. 7th). , XII) - one of the purposes of the Law. Focusing on the principles described in article 6 of the Law of the National Policy on Solid Waste, the concreteness of the protector-receiver principle is verified through the work of the collectors and the definition of reusable and recyclable solid waste as “an economic and social value, generator of work and income and promoter of citizenship”.

Law no. 12,305/2010 provides as an instrument “the incentive to create and develop cooperatives or other forms of association of collectors of reusable and recyclable materials” (art. 8, IV); that the minimum content of the National

¹² The National Solid Waste Policy reproduced the legal provision for direct contracting: “Art. 36 [...] § 2 The contracting provided for in § 1 is not subject to a bidding process, pursuant to item XXVII of art. 24 of Law no. 8,666, of June 21, 1993”.



and State Plans must foresee “targets for the elimination and recovery of dumps, associated with social inclusion and the economic emancipation of collectors of reusable and recyclable materials” (arts. 15, V and 17, V). The legislator uses the conjunction “and”, linking the performance of the public administrator to two purposes: to eliminate the dumps and to include the collectors in a socio-productive way. In this way, before the closing of the dumps, the public administrator's linked action refers, in particular, to the previous creation of programs aimed at improving the working conditions of collectors, encouraging their organization and training, with the aim of contracting selective collection for public service, providing a dignified way of working¹³.

Thus, the minimum content of Municipal Plans must also be provided as “programs and actions for the participation of interested groups, especially cooperatives or other forms of association of collectors formed by low-income individuals, if any (art. 19, XI)”, having priority access to Union resources, municipalities that “implement selective collection with the participation of cooperatives or other forms of association of collectors of reusable and recyclable materials comprised by low-income individuals” (art. 18, § 1, II). In the waste management plans under the responsibility of the respective generators (art. 20 c/c art. 21, § 3) the need for regulation on the enforceability and content of plans

¹³ It should also be noted that, in the first half of 2019, the Federal Government launched the Zero Dump program, from which it intends to extinguish the existing dumps in the country. In Brazilian cities, there are still thousands of dumps. The latest Diagnosis of Urban Solid Waste Management, from the National Sanitation Information System (SNIS), whose information was declared by the Brazilian municipalities themselves, referring to the year 2017, published in 2019, highlights: “As for the disposal of 60.6 million tons of waste collected in 2017, the diagnosis shows that 64.2% were disposed of in 640 sanitary landfills, 8.1% in 576 controlled landfills and 9.8% in 1,091 dumps. Regarding the final disposal adopted, 2,049 municipalities (36.8%) send them to sanitary landfills – adequate disposal; and 30.1% send them in an environmentally inappropriate way: 1,067 (19.2%) municipalities send them to dumps and 607 (10.9%) to controlled landfills, leaving 1,847 (33.1%) municipalities without information”. The Zero Dump program did not mention the inclusion of recyclable material collectors, which led to the publication of a Technical Note prepared by the Collectors and Collectors Work Group of the Federal Public Defender's Office, signed, among others, by the Federal Public Defender Cláudio Luiz dos Santos, pointing out the illegality in the creation of a program without the inclusion of waste pickers. Available at: <https://www.dpu.def.br/noticias-institucional/233-slideshow/50396-nota-tecnica-programa-lixao-zero-do-ministerio-do-meio-ambiente>. Accessed on: 07 Jul. 2020.



"relating to the performance of cooperatives or other forms of association of collectors of reusable and recyclable materials".

The importance of prioritizing the actions of cooperatives or other forms of association of collectors concerning the actions of the public and private sectors, within the scope of shared responsibility for the products' life cycles is observed. Article 36, § 1 of the National Solid Waste Policy determines the priority of waste pickers, and that the holder of public services for urban cleaning and solid waste management "will prioritize the organization and operation of cooperatives or other forms of association of collectors, made up of low-income individuals and their hiring"; to the private sector, according to art. 40 of Dec. no. 7,404/2010, that the selective solid waste collection system and reverse logistics "will prioritize the participation of cooperatives or other forms of association of collectors of reusable and recyclable materials made up of low-income individuals".

5 COVID-19 PANDEMIC AND ITS IMPACT ON THE WORK OF WASTE PICKERS

The arrival of the Coronavirus (Sars-CoV-2) pandemic hit the world, impacting selective collection and the work of collectors in most cooperatives, associations, streets and dumps, many even in poverty, without access to water, basic sanitation and health services¹⁴. Although the transmission of the coronavirus occurs through the air, the very contact with surfaces on which the virus is deposited, can also trigger the infection.¹⁵

In this sense, the informality and the precarious working conditions faced by most collectors increase the risk of contagion through contact with virus-

¹⁴ Available at: <https://www.wiego.org/crisis-covid19>. Accessed on 03/20/21.

¹⁵ Available at: <http://www.mncr.org.br/sobre-o-mncr/notas-e-declaracoes/mocao-pelo-fortalecimento-da-coleta-seletiva-com-integracao-dos-catadores-contra-a-incineracao-de-residuos-solidos-domiciliares>. Accessed on 03/20/21.



contaminated waste, even more so if the usual protection measures and the use of personal protective equipment are not adopted, such as long and resistant gloves, closed shoes, long pants, closed long-sleeved shirts, sanitized and washed frequently, in addition to a PFF2 type mask, whenever they are in contact with waste, in addition to eye protection and access to facilities for frequent hand washing and use of hand sanitizer¹⁶.

The reality of the remuneration of collectors and their organizations still basically depends on the sale of collected and sorted materials to other links in the recycling chain, thus worsening the economic situation of the pickers due to the slowing down of economic activities in general. Alex Cardoso, from the Carvalhada Collectors Cooperative, in Porto Alegre, a member of the MNCR, in an interview with the newspaper El País¹⁷, expresses the difficulties of the pickers during the pandemic, stating that “before the pandemic, they paid around 350 reais for a kilo of cardboard, and now the amount doesn’t go over 200 reais”, and the situation of many pickers is dramatic, who “will work without a mask and without gloves, exposing themselves to risks, or they will starve to death. We have nowhere to go, especially those who don’t belong to cooperatives. For many, everything they have is their cart, and that is often from the junkyard”.

In the same article, Marco Antônio de Lima, president of the United Recycling Cooperative for the Environment (CRUMA), in Poá, São Paulo's metropolitan region, highlights the difficulties faced by the families of collectors, who are unable to sell the collected and sorted materials; and Alessandra Morais dos Santos Silva, one of the cooperative's collectors, declares that “it is a very sad situation we are going through, this is where I get my family's livelihood. Without producing, we don't earn any money”. It is recalled that in the face of the

¹⁶ CVS - SAMA communication number 7, of 03/25/2020, from the Technical Board of the Center for Sanitary Surveillance of the State of São Paulo. Available at: <http://www.cvs.saude.sp.gov.br/zip/COMUNICADO%20CVS-SAMA%207-2020.pdf>. Accessed on 03/20/21.

¹⁷<https://brasil.elpais.com/brasil/2020-04-14/pandemia-faz-sumir-trabalho-e-renda-de-catadores-somos-grupos-de-risco-tem-idoso-fumante-diabetico-e-cardiaco.html>



difficult situation, many waste pickers, as well as thousands of Brazilians, received the emergency aid paid by the federal government.

Some cities stand out, such as São Paulo, which face the suspension of the delivery of recyclable materials - collected from households by urban cleaning concessionaires - to collectors' cooperatives. The selective collection and manual sorting of solid waste in the collectors' cooperatives were suspended, continuing to be carried out by the urban cleaning concessionaires, which started to deliver dry recyclable materials only to the two Mega Centrals, which maintain activities in the places where mechanized separation of waste is carried out.

In this scenario of suspension of selective collection in most cooperatives in the city of São Paulo, the Human Rights Citizenship Center of the Public Defender's Office of São Paulo, together with the Federal Public Defender's Office – Waste Pickers' Work Group, issued a joint recommendation to the Municipality of São Paulo on the suspension of selective collection, emphasizing the need to guarantee the subsistence of collectors. Once the recommendation was accepted by the Municipality, payments of specific emergency aid were authorized to collectors who are members of cooperatives and associations and also to individual collectors, with emergency payments maintained.¹⁸

The debates on the feasibility and adequacy of the measure to suspend selective collection in cooperatives, which took place during the COVID-19 pandemic, generated controversies about the health of the collectors, who faced precarious situations in the performance of their activities. Currently, it seems there are thousands of single collectors, that the organizations of collectors have received little or no remuneration for the services, whether public or private, and that the "dumps" - located in many Brazilian cities - designate places where the waste and workers are abandoned¹⁹.

¹⁸ Official letter no. 72/2020/DPU/DPE/SP/NCDH of 23 Mar. 2020. Available at: [https://www.defensoria.sp.def.br/dpesp/Repositorio/31/Documentos/Of%3%adcio%20Recom.%20Cjto-NCDH%20DPU-catadores%20\(1\)%20\(1\).pdf](https://www.defensoria.sp.def.br/dpesp/Repositorio/31/Documentos/Of%3%adcio%20Recom.%20Cjto-NCDH%20DPU-catadores%20(1)%20(1).pdf). Accessed on: 04 Jul. 2020.

¹⁹ According to the 2017 diagnosis of Urban Solid Waste Management from the National Sanitation Information System (SNIS), published in 2019, there are still 1,091 open dumps in



The concrete fact is that the COVID-19 pandemic causes many articulations between different institutions²⁰, aiming that the very serious and, in theory, temporary pandemic situation, does not motivate situations of socio-environmental setbacks²¹ (SARLET; FENSTERSEIFER, 2019), arising, for example, from non-compliance with hierarchical guidelines for solid waste (article 9 of the National Policy on Solid Waste). Another fact is the dialogue that took place between public and private agents, responsible for encouraging the adoption of measures to support the most vulnerable link in recycling - waste pickers -, as in the case of the Solidarity Campaign for Waste Pickers in Brazil²², which offers them food parcels and safety equipment.

With regard to prevention measures, he recalls the guidelines provided for by the Center for Sanitary Surveillance of the State of São Paulo on the adequacy and compliance by public and private managers with the legislative content of solid waste management, which dispenses with "treatment addition to what is currently recommended", that is, Anvisa's RDC nº 222/2018 and CONAMA Resolution 358/2005 that establish safe and sufficient criteria for the

operation in 1,071 municipalities, that is, 19.2% of municipalities inappropriately allocate waste (BRASIL, 2019, p. 06).

²⁰ See the elaboration of the "Technical and Legal Guidelines for the selective collection and sorting of recyclable materials during the covid-19 pandemic" of the National Council of the Public Ministry. Available at https://www.cnmp.mp.br/portal/images/Publicacoes/documentos/2020/DIRETRIZES_COLETA_SELETIVA_E_COVID.pdf. Accessed on 03/19/21.

²¹ An example was the decision of the Court of Justice of São Paulo, of 1st April. 2020, issued by judge Soares Levada, who, because of COVID-19, granted anticipation of guardianship, which had already been denied by judge Álvaro Passos, to suspend Municipal Law n. 17.261/2020, which prohibited the supply of cups, cutlery, plates, drink stirrers and disposable plastic balloon sticks to customers of hotels, restaurants, bars and bakeries, among other commercial establishments. The direct action of unconstitutionality of the municipal law (Proc. n.2017452-91.2020.8.26.0000, of the Special Body), later dismissed, but which has not yet become final, is being filed by the Union of the Plastic Material Industry, Transformation and Recycling of Plastic Material in the State of São Paulo (SINDIPLAST), which claims, among other reasons, that the law should have been preceded by the preparation of an EIA/RIMA (environmental impact study). Available at: <https://www.migalhas.com.br/quentes/323545/justica-de-sp-suspende-lei-que-proibe-fornecimento-de-descartaveis>. Accessed on: 04 Jul. 2020.

²² <http://www.mncr.org.br/noticias/apoie/campanha-de-solidariedade-aos-catadores-do-brasil>. Accessed on 03/19/21.



management of Health Service Waste (HSW), even due to the COVID-19 pandemic²³.

It is worth remembering that, with regard to people with flu symptoms and/or in isolation at home, the population was instructed to discard tissues, towels, diapers or toilet paper in two plastic bags, placing them as waste collected during common household collection in order to maintain the separation of recyclable waste. This demystifies the idea that, because of the pandemic, urban solid waste - including household waste - should be treated as solid health waste; political risk persists to society and to integrated and inclusive management, related to solid waste that, due to opportunities envisioned by sectors of the society, can take advantage of the pandemic moment, proposing unfeasible social, economic and environmental solutions, such as the adoption of urban solid waste incineration technologies, despite its obsolescence and restrictions abroad.

Finally, it is noted that, in the management of solid waste, considering the hierarchical order of priorities, recycling is mandatory and prior to the treatment of solid waste and the final disposal of waste. Moreover, it (recycling) is not confused with and does not cover the incineration of such waste - which destroys it, wasting natural resources, energy and jobs (CONNETT, 2013, p. 48)²⁴.

6 FINAL CONSIDERATIONS

²³ CVS – SAMA #7 communication, of 03/25/2020, from the Technical Board of the Center for Sanitary Surveillance of the State of São Paulo. Available at: <http://www.cvs.saude.sp.gov.br/zip/COMUNICADO%20CVS-SAMA%207-2020.pdf>. Accessed on 03/20/21.

²⁴ On the topic of incineration, in addition to Connett (2013), already mentioned, see also Tangri (2003), who prepared a report “Waste incineration: a dying technology” on the problems of incineration, its alternatives and solid waste management systems. based on the “Zero Waste” concept.



The COVID-19 pandemic, devastating the planet, puts an end to millions of lives and exposes the most vulnerable, indelibly marking situations of inequalities and reaching fragile people and groups of people, such as the recyclable material collectors who, since before the pandemic, had already been working informally and precariously in the national socio-environmental scenario.

The severity of the spread of the coronavirus (SARS-CoV-2) was detected by few at first, which is why it was not adequately tackled, culminating in the current health catastrophe, spread in different corners of the planet. In Brazil and in several countries around the world, the contamination by the coronavirus and the deaths that have reached extremely high rates point to the chaos experienced by the States and their respective populations in these pandemic times. Among others, situations involving erroneous information transmitted by the media, silent political leaders, denialists who are incapable of coordinating efficient public policies; in addition to the presence of practices that misinform, confuse the population and foster ignorance about viable health protection measures, encouraging the adoption of inefficient treatments and lack of knowledge of effective drugs to fight the disease²⁵.

Added to this scenario is the increase in inequalities, which became evident with the arrival of the “pandemic era”. The vast majority of the global population, and notably the Brazilian one, who already lived in a situation of vulnerability, suffers more restrictions due to the pandemic, losing their jobs or, needing to keep on working, is exposed to an enormous risk of contagion from the coronavirus (COVID-19), at work, on crowded public transport, even if using the emergency aid payment offered by the federal government to the unemployed, informal workers and beneficiaries of the Bolsa Família (Child Welfare Benefit)(EL PAIS,2020).

²⁵ The largest media vehicles in the country, such as Folha de São Paulo, provide extensive coverage of the Covid-19 pandemic. Available at <https://www1.folha.uol.com.br/cotidiano/coronavirus/>. Accessed on 18/Mar/21.



The reality is even worse when people who have contracted the coronavirus (COVID-19) have their illnesses worsened and, when they are taken to hospitals or health care facilities related to emergencies for those infected by the virus, find that there are no vacancies in ICU beds of the Public Health System, starting, thereafter, insane struggles for the guarantee of life, many of them lost and many won, mainly due to the superhuman effort of health professionals, as already pointed out.

Considering this environment, the present research brought, among the partial general results, the realization of the catastrophe caused by the COVID-19 pandemic, which, in theory, is far from having been fully fought, mainly because the absence of the ideal number of doses of vaccines to be administered to the population makes it difficult to eradicate the contagion, in addition to the fact that national public policies, and those of most nations in the global system, which have been adopted to combat the pandemic crisis are ineffective and inefficient. The lack of solidarity among nations takes a disastrous toll on mankind.

Observing the general scenario, this scientific article, through the descriptive method and bibliographic and documentary research, observes the effects caused by the catastrophic COVID-19 pandemic on Brazilian recyclable material pickers, who even before the current health crisis, already exercised their job in precarious working conditions, despite the great importance of this job and the socio-environmental and economic benefits they provide to society, especially to the public and private sectors that generate waste and are responsible for their adequate treatment and final destination.

Among other objectives, the research brought basic lessons about the recyclable material pickers, their work and associations with cooperatives, their rights guaranteed by the Constitution of the Federative Republic of Brazil, the National Policy on Solid Waste Law and other legislation, which recognize and seek to make the activities of professional collectors and recycling agents viable. After offering considerations about the impacts caused by the COVID-19



pandemic on the activities of waste pickers, the article makes comments on the actions taken in order to face it in critical times in the history of global and national humanity.

A quantitative gender and race cut-off reports the existence of problems related to gender and race in the collection activity, showing indexes offered by IPEA (2013), revealing, among other data, that two out of three people who work in collection are black. In addition to the small cut-off, it brings information about the relationship among these professionals, their daily activities and recyclable materials, reflecting on the ways of organizing and remunerating the work of pickers, showing the existence of injustices and inequalities in the labor system. It also informs that men dedicate themselves to a greater percentage of waste collection, while women prefer to work in the selection of recycled waste.

Ergo, despite the fact that the world is still experiencing one of the worst moments of the COVID-19 pandemic, the reflections concretely lead to uncertainty about the future. However, it brings up examples of concrete actions taken on behalf of those who, like waste pickers, tirelessly fight for fundamental rights and guarantees in the pursuit of the realization of fundamental social rights. Likewise, in this area, three main preliminary lessons emerge, arising from the labor impacts suffered by recyclable material pickers in the tragic COVID-19 pandemic period, hereafter explained:

The first lesson points out that, in terms of public health, in normal times, much more could have been done for the population, especially the most vulnerable, in terms of valuing their personal work and the workers who belong to the most vulnerable groups. It notes that their work is essential to the public service of urban cleaning and to the private service of treatment and adequate disposal of solid waste. The work scenario of solid waste collectors is revealed to be fragile to the COVID-19 pandemic, which occurs due to the vulnerabilities that affect them in different areas, among others those explored by sectors of society that, by legislative definition, should be obliged to hire them and remunerate them dignifiedly for the services they provide.



The second lesson reveals that the articulation and the dialogue, necessary among the different social institutions, must be continuous and bear good fruits²⁶ to be used at all times – whether pandemic or not.

And the third lesson, without prejudice to countless others that could certainly be remembered, is that the research points out, at this moment, the need to continue the materialization of the National Solid Waste Policy, offering emphasis to what, in the national hypothesis, must be understood as its differential: the social inclusion of thousands of waste pickers through decent and worthily remunerated work.

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²⁶ This aspect of continuity was highlighted by the collector Valquíria Candido, president of COOPERPAC – Cocaia Park Selective Collectors Cooperative, in the city of São Paulo, in an informal conversation for the preparation of this article on 3/19/21.



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