

What's Next for Brazil's Environmental and Climate Agenda Under President Lula?

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On Sunday, October 30, 2022, Brazil's Superior Electoral Court pronounced Luiz Inácio Lula da Silva ("Lula") the winner of Brazil's 2022 presidential election. Lula succeeds current President Jair Bolsonaro and will assume the Presidency on January 1, 2023, for the third time, after prior terms from 2003 to 2006, and from 2007 to 2011.

Lula takes office with the mission of reactivating and advancing the country's leadership and enforcement on environmental and climate agendas, having promised, during the campaign, a "Sustainable Brazil, through the fight against illegal mining, fires and deforestation." He vows to "recover preservation and inspection agencies in charge of the environment, especially the Amazon biome, and to adopt a fair, humanitarian and sustainable development strategy," On Tuesday, November 1, Lula confirmed his plans to attend the United Nations (UN) COP27 Climate Change meeting taking place from November 6 to 18 in Sharm el-Sheikh, Egypt, two months before his inauguration. A delegation of governors from the Amazon region will accompany President-elect Lula on the trip to Egypt, where Lula is confirmed to meet with UN Secretary-General António Guterres.

Most observers expect significant regulatory changes in the environmental and sustainability agendas from Lula. Despite not being seen as a supporter of Brazil's ascension to the Organisation for Economic Co-operation and Development (OECD), many of Lula's policies may lead to more alignment with OECD standards for the environment.

For example, in the chemicals space, the long-awaited Brazilian "RoHs-inspired" regulation on the restriction of hazardous substances in electronics will regain traction at the Ministry of Environment under Lula and is expected to be finalized and approved within the first year of the Lula administration. Another key draft regulation expected to advance is the chemical safety REACH-like Bill 6120/2019, which gained traction in the Chambers of Deputies last July. It will require manufacturers, exporters, and importers of chemicals to report the amount of chemical substances annually produced and imported and the contents of material safety data sheets (MSDS) in accordance with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

While it is clear that Brazil's involvement in the international environmental and climate arena will likely change significantly after a decrease during the Bolsonaro administration, the new President's

biggest challenge will be in-country, in Brasilia. Much of Brazil's newly elected Congress aligns with Bolsonaro, and they are expected to challenge the advancement of Lula's environmental and climate policies.

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