ABSTRACT

Objective: analyze the process of public regulation of organic production in Brazil, with a focus on Participatory Guarantee Systems (PGS) and Social Control Organizations (SCO).

Method: The research employed document analysis of reports produced by civil society organizations, content analysis of two webinários on the subject, and conducted 12 interviews with representatives of Brazilian PGSs.

Theoretical framework: The theoretical framework encompasses regulations and documents related to organic certification, agroecology, and social construction spaces, as well as current studies on PGS and participatory certification.

Results and conclusion: The results presented in this work are part of the research project “Sistemas de confianza, producción ecológica y garantía. Innovaciones sociales al sello oficial en el contexto de los canales cortos de comercialización” developed by the University of Córdoba, Spain, in partnership with a team from the Federal University of Viçosa, Brazil. It is noteworthy that the excess of records, notes and regulatory controls hinder the inclusion and participation of peasants and farmers in organic quality assurance processes.

Research implications: This discussion aims to contribute both to an expanded understanding of the social processes established for the regulation of organic production and to provide insights for the reformulation of current regulations in the country.

Originality/value: A revision of the methods of verification, traceability, and social control is necessary, adapting them to the diverse socio-cultural realities existing in Brazil.

Keywords: Organic Certification, Guarantee Mechanisms, Agroecology, History of Organic Legislation.
RESUMO

Objetivo: analisar o processo de regulamentação pública da produção orgânica no Brasil, com ênfase nos Sistemas Participativos de Garantia (SPG) e nas Organizações de Controle Social (OCS).

Método: realizou-se a análise documental de relatórios produzidos por organizações da sociedade civil, análise de conteúdo de dois webinários acerca do tema e 12 entrevistas com representantes de SPGs do Brasil.

Referencial teórico: normativas e documentos relacionados a certificação orgânica, a agroecologia e espaços de construção social, além de estudos atuais sobre SPG e certificação participativa.

Resultados e conclusão: os resultados apresentados neste trabalho compõem o projeto de pesquisa “Sistemas de confiança, produção ecológica y garantía. Innovaciones sociales al sello oficial en el contexto de los canales cortos de comercialización”, desenvolvido pela Universidade de Córdoba, Espanha, em parceria com uma equipe da Universidade Federal de Viçosa, no Brasil. Destaca-se que o excesso de registros, anotações e controles normativos dificultam a inclusão e a participação de camponeses e agricultores/as nos processos de garantia da qualidade orgânica.

Implicações da pesquisa: Com essa discussão, espera-se contribuir tanto com a ampliação do entendimento sobre os processos sociais que foram estabelecidos para regulação da produção orgânica, bem como trazer apontamentos para reformulação das normativas vigentes no país.

Originalidade/valor: é necessária uma revisão das formas de comprovação, de rastreabilidade e de controle social, que devem se adequar às diferentes realidades socioculturais existentes no Brasil.

Palavras-chave: Certificação Orgânica, Mecanismos de Garantia, Agroecologia, Histórico da Legislação Orgânica.

RGSA adota a Licença de Atribuição CC BY do Creative Commons (https://creativecommons.org/licenses/by/4.0/).

1 INTRODUCTION

The main debates surrounding the regulation of organic production in Brazil gained strength from the 1990s onwards, especially to meet the growing demand from international markets for certified organic products. In most countries, production is evaluated by third-party organizations, known as public or private auditors, who, through specialized technical knowledge, analyze the conformity of food production and its quality.

The Brazilian case became an international reference because the country was the first to recognize in its legislation alternative compliance systems beyond the logic of “external audit”, initially coining the bases of what became known as “participatory certification”, later called Systems Guarantee Participants (SPGs). Federal Law 10,831/2003, regulated at the end of 2007, was instituted after different processes and political influences from organizations, on the one hand, linked to the agroecological movement and, on the other, to auditors and corporations focused on organic production on a scale and, on the other, to a large extent, aimed at the international market.

According to data from the National Register of Organic Producers – CNPO (2023), in Brazil, there are 24,385 Brazilian producers, including individuals and legal entities, who have recognition of the organic quality of their products guaranteed by 418 organizations and informal groups distributed throughout the country. These quantities relate to the three forms
of organic quality assurance recognized by Brazilian legislation, the Conformity Assessment Bodies (OAC), considered certifying by audit or third party, the Participatory Organic Conformity Assessment Bodies (OPAC), which are organized through Participatory Guarantee Systems (SPG), and Social Control Organizations (OCS) formed by family farmers organized in formal or informal groups.

Audit certifiers are those with the largest number of certified producers, with a total of 10,790 individuals or legal entities distributed across 11 certifiers (CNPO, 2023). Next are the SPGs, with 31 OPACs responsible for 8,640 producers. Of these, around 85% are family farmers, according to a survey carried out by Hirata, Rocha and Bergamasco (2020).

The third form of organic quality assurance, designed only for family farming in direct sale of products, are OCS. There are 4,955 family farmers distributed in 376 formal or informal groups distributed throughout almost the entire national territory (CNPO, 2023).

It is important to highlight that of the 24,385 certified individuals and legal entities in Brazil, around 12,299 are from family farming, that is, around 50% of the certificates issued in the country. Such recognition is mostly carried out by participatory systems (SPG and OCS), which reinforces the adequacy of legislation in enabling such mechanisms, especially for family farmers. This represents the expansion of socio-technical networks and markets through healthier food production and greater proximity to the consumer in short marketing circuits.

The Brazilian trajectory and experience draw international attention due to the novelty of federal regulations and the experience of this process for more than a decade. These factors motivated the inclusion of Brazil in the research project “Systems of trust, ecological production and guarantee. Innovations socials with official seal in their context _ channels commercialization cuts”, developed by the University of Córdoba, Spain, in partnership with a team from the Federal University of Viçosa.

The broader study analyzed in depth the experiences of Spanish SPGs, which are not officially recognized by the country's legislation, and sought to understand the impacts of this process in the Brazilian and Mexican cases. In Mexico, participatory guarantee systems were also recently regulated. The results presented in this work are the result of this articulation and data collection in Brazil.

The article is organized into three more sections. The next deals with the methodological procedures and then the analysis and discussion of the results where aspects about the history of construction of organic legislation in Brazil and the implementation of these regulations are addressed. Finally, in the final considerations, some elements are presented that can contribute to the development of organic production in Brazil, the reformulation of regulations and the debate on the topic in other countries.

2 METHODOLOGICAL PROCEDURES

The research was carried out using a qualitative methodological design during the period of the COVID-19 pandemic, in 2021. Therefore, several planned instruments were adapted to the virtual format due to the need for social distancing.

As a data collection protocol, document analysis methods and semi-structured interviews were adopted with participants from two experiences, one from a Participatory Guarantee System and the other from a Social Control Organization. Webinars were held as a way to replace focus groups, with leaders linked to different organizations.

Documentary research was carried out in two groups of documents. A first group refers to primary sources such as reports and documents produced by the Brazilian Forum of SPGs and OCSs (FBSPG) and the National Agroecology Meetings (ENA). A second group of materials comprised laws, decrees, ordinances and other regulations related to the topic.
Next, a content analysis was carried out on two Webinars \(^7\) promoted within the scope of the aforementioned research project and 12 interviews with representatives of an SPG and an OCS. In total, there were five participants and two mediators, involving representatives of state institutions, such as the Organic Production Coordinator of the Ministry of Agriculture, Livestock and Supply (MAPA) and the Agricultural Inspector of MAPA, and participants of Participatory Network Guarantee Systems ECOVIDA de Agroecologia, Rede Xique-Xique and the Association of Natural Agriculture of Campinas and Region (ANC). Table participants previously received a script with the main questions that guided the debates.

<table>
<thead>
<tr>
<th>Table 1 – List of Webinar participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participant</td>
</tr>
<tr>
<td>-------------------------------</td>
</tr>
<tr>
<td>Public Manager 1 (GP1)</td>
</tr>
<tr>
<td>Public Manager 2 (GP2)</td>
</tr>
<tr>
<td>Representative SPG 1 (RSPG 1)</td>
</tr>
<tr>
<td>Representative SPG 2 (RSPG 2)</td>
</tr>
<tr>
<td>Representative SPG 3 (RSPG 3)</td>
</tr>
</tbody>
</table>

**Source:** Prepared by the authors (2023).

The individual interviews were carried out with representatives of two experiences that were already collectively organized in agroecology networks before the formalization of their participatory systems with the Ministry of Agriculture/MAPA and they are: Social Control Organization (OCS) “Group of Organic Producers of Caratinga” (OCS-GPOC) and the Participatory Guarantee System “Orgânicos do Jequitinhonha”.

In table 1, we identify the different profiles and gender diversity of the subjects interviewed in the selected organizations.

| Table 2 – Profile of the people interviewed in each of the experiences |
|-----------------------------|---------------------------------------------------------------------|
| Farmers                     | OCS GPOC   | SPG Orgânicos do Jequitinhonha                                      |
| Technicians and advisors    | gpec01     | org.jeq.04 org.jeq.05                                              |
| gpec02                       | gpec06     | org.jeq.03 org.jeq.05 org.jeq.06                                    |
| gpec03                       | gpec04     | org.jeq.01 org.jeq.02                                              |
| Consumer                    | gpec05     | -                                                                  |

**Source:** Prepared by the authors (2023).

For analysis of the webinars and interviews, all speeches were transcribed and coded in the **ATLAS.ti program**. The documents and transcriptions served to carry out what Yin (2019) calls data triangulation in which, based on evidence from multiple sources, the aim is to understand convergences and divergences regarding the results found. According to the author's instructions, the qualitative data analysis procedure occurred following five phases: 1) compilation of the database; 2) data decomposition; 3) data recomposition; 4) interpretation of data and 5) conclusion.

\(^7\) Due to the Covid 19 Pandemic, part of the research methodology had to be changed, with two webinars being held with the theme “Participatory Organic Quality Assurance Systems in Brazil: impacts of regulation and future notes”, in June 2021. Available at: https://www.youtube.com/watch?v=5dIxhrhB1Kys&t=407s and https://www.youtube.com/watch?v=a53L.yeaVnY.
After this process, based on the important elements for research on the impacts of official regulation, the following categories of analysis were organized: antecedents to certification, motivations, positive and negative aspects of participatory guarantee systems.

3 ANALYSIS AND DISCUSSION OF RESULTS

In the world, 72.3 million hectares of land are destined for organic production, of which 1.3 million are located in Brazil, a country that, despite the challenges in encouraging research and public policies in the area, is among the top ten nations with the greatest growth trends in the sector, accounting for a 300% increase in production between 2012 and 2018 (Brito; Aragão; Souza-Esquerd; Pereira, 2023). According to Abreu, Soares and Watanabe (2021), if we take into account the areas of beekeeping and unofficial organic management extractivism, with around 1.7 million hectares, the Brazilian numbers could be even higher.

Among the factors involved in the emergence of organic products in the Brazilian market are advances in certification processes and the demand for healthy and ethically responsible foods. For some people, choosing organic food is related to an “awareness” about the production chain and its influence on society and the environment (Krischke; Tomiello, 2009).

In theory, organic foods tend to be more sustainable, as they exclude from their agricultural practices “the use of high-solubility synthetic fertilizers, pesticides, growth regulators and additives for animal feed” (Brito et al., 2023, p. 2), whose uses have been presented by science in recent years as harmful to nature and traditional communities (indigenous, quilombolas, riverside communities, peasants, among others).

Consisting of a set of scientific and social technologies, the organic production system dates back to low-energy impact agriculture, practiced for thousands of years by indigenous peoples around the globe. As an organized social movement, it emerged in the 20th century as a form of resistance to the Green Revolution, spread after the First and Second World Wars (Brito et al., 2023). Below we will delve deeper into this regulatory trajectory in the Brazilian case.

3.1 Processes for Regulating Organic Production in Brazil

The first technical regulation for organic agriculture in Brazil came from the demand of farmer organizations, NGOs and certifiers who experienced production and certification based on international rules. However, due to the lack of Brazilian legislation, there were difficulties in exporting organic products, generating commercial demands, especially international ones (Laurindo; Dias, 2020; Fonseca, Leite e Almeida, 2020).

As there was no institutionalized space that would allow dialogue with organizations that worked with organic production in the country, the Ministry of Agriculture created an internal Special Committee in 1994, which in the following year decided to create the National Committee for Organic Products composed of organizations and collectives that supported alternative agriculture and also by organizations that worked with organic production and certification, in addition to members of public authorities linked to the Ministry of Agriculture.

The group's main disagreements comprised, in short, two issues: whether or not certification was mandatory and the model to be adopted to guarantee organic quality. On the one hand, there was pressure to recognize only third-party certifiers and, on the other, organizations more linked to agroecology guided the possibilities of certification based on participatory social processes inspired by experiences that were already taking place in Brazil.
In this context, the fight for the recognition of different forms of certification began in the South of Brazil with the perspective that not only the “third party” would have competence for conformity analysis, as one of the Webinar participants points out:

We understood at that time that certification could be everywhere, it didn't need to be just the third party. All parties, the first and second as well, that is, those who produce, those who consume and those who advise could be together, generating the credibility of organic production. (...) But it is good to say that this regulation of participatory certification also took place with a lot of effort, a lot of struggle, because it was not something understood at first. (RSPG 1).

As a result of the work of this commission, in 1999, Normative Instruction/IN No. 07 was approved and provided for standards for the production of organic plant and animal products. The objective of the regulation was to be inclusive and to express the different realities present in organic, ecological, agroecological agriculture and its different forms of quality assurance (LAURINO; DIAS, 2020).

In addition to recognizing the need for certification, joint bodies were created between government and civil society, such as the National Collegiate of Organic Production (CNPOrg) and the State Collegiates of Organic Production (CEPOrg-UF), responsible for regulating, promoting organic production, registering and supervision of Certification Bodies (OC). The creation of these joint committees aimed to help ensure that the procedures and criteria of the OCs were put into practice. CEPOrg in São Paulo, as it concentrates the largest contingent of organizations active in organic production, was the one that most discussed the need for this regulation and, therefore, the collegiate decided to prepare a proposal for the accreditation of OCs. Based on the standards of the International Federation of Organic Agriculture Movements (IFOAM) and Guide 65 of 1997 of the International Organization for Standardization (ISO), the text was prepared and sent to CNPOrg without discussion or consultation with other State Collegiate bodies already constituted.

Even without public debate and with some adjustments made by CNPOrg, the proposal went to public consultation in 2001 and published as Normative Instruction SDA/MAPA nº 06/2002, which did not express the advances of IN nº 07/1999, especially in the recognition of different forms existing organic quality assurance systems in the country. The IN only contemplated certification by audit/third party, which caused great indignation from other CEPOrg and agroecology and organic production networks that operated within the logic of participatory guarantee systems.

The articulation of organizations linked to agroecology in the country made it possible to hold, in 2002, the 1st National Agroecology Meeting (I ENA), in Rio de Janeiro, considered a milestone for the movement due to the various debates held, among them, on agroecological certification (MONTEIRO; LONDRES, 2017). After the event, analyzes were prepared that highlighted the importance of spaces for social participation and the need to resume collective discussion on the process of building legislation on organic agriculture.

Meetings and meetings involving different actors were held in the subsequent period and the GAO (Organic Agriculture Group) became the main space for civil society dialogue on the topic (FONSECA, 2005; LAURINO; DIAS, 2020; FONSECA, LEITE E ALMEIDA, 2020), with the Ministry of Agriculture, Livestock and Supply (MAPA) also officially

---

8Currently, the inspection role is an exclusive action of MAPA's Agricultural Inspectors and not of collegial bodies such as CPORg-UF.

9Several trust-based certification processes had already been established in Brazil linked to NGOs that provided advice on agroecological transition processes and promoted debates on guarantees of the quality of organic production. These organizations worked in a network and from now on formed the National Articulation of Agroecology/ANA, which has been organized as a network since 2002.
participating. Despite the differences, a bill was prepared considering the specificities of family farming, such as the close relationships between those who produce and those who consume, with certification being optional. Furthermore, the text highlighted the recognition of different quality assurance systems. The proposal was processed in the Senate and was published in December 2003, as Federal Law No. 10,831 (FONSECA, LEITE E ALMEIDA, 2020). The text presents the definition of organic production systems and their guarantee mechanisms, highlighting:

Art. 3 For their commercialization, organic products must be certified by an officially recognized body, according to criteria established by regulation.

§ 1 In the case of direct marketing to consumers, by family farmers, included in their own processes of organization and social control, previously registered with the supervisory body, certification will be optional, once the traceability of the product is assured to consumers and the supervisory body. Product and free access to production or processing sites.

§ 2º The certification of organic production referred to in the caput of this article, focusing on systems, criteria and circumstances of its application, will be a matter of regulation of this Law, considering the different certification systems existing in the Country (Law no. 10831, 2003, p.2, authors’ emphasis).

In this way, the clashes and spaces of collective construction, presented previously, are considered important for the recognition, initially, of the different forms of certification. The dispute also revolved around understanding the diversity of productive, economic and social relationships in the Brazilian countryside, especially considering family farming and the risk of excluding this public from access to audit certification.

In 2003, the Law came out and I always say the following, in the Law we were not yet ready for participatory certification or participatory guarantee systems to enter. In the Law, with great effort, we obtained a paragraph that said that all forms of certification would be respected in the country. This was the most we could achieve, because we did not include in the law that in the country there was something called participatory certification (RSPG 1).

In the context of the government of President Luiz Inácio Lula da Silva, in 2003, there was greater openness regarding the participation of organizations representing family farming and agroecology in this process, which made it possible to carry out the project “Building participatory certification in a network in Brazil (CPR)”. The proposal was financed by the Ministry of Agrarian Development (MDA) and aimed to build and consolidate the bases for the functioning of Participatory Guarantee Systems (SANTOS; FONSECA, 2004; FONSECA, 2005). In this context, the principles of this certification were defined, as organized in the following table:

Table 3 – Principles of Participatory Network Certification elaborated in the local workshops of the CPR/MDA Project in 2004.

<table>
<thead>
<tr>
<th>Principle</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust</td>
<td>It is the basis of the process. It assumes that farmers, technicians and consumers carry out their actions in a responsible and truthful manner, with the aim of improving agroecology. Everyone, duly aware and trained, has the necessary conditions to attest and improve the quality of ecological products.</td>
</tr>
<tr>
<td>Participation</td>
<td>Certification can be carried out in a participatory way, that is, the principles and standards created are put into practice and verified with the effective involvement of farmers and their organizations, technicians, local and regional organizations, consultants and consumers. This work is not restricted to specialist technicians.</td>
</tr>
<tr>
<td>Decentralization</td>
<td>Respects and prioritizes local initiatives and organizations, by valuing their particularities and their own capacity to assume the main roles and responsibilities in certification and quality assurance.</td>
</tr>
</tbody>
</table>
The connection with the base, with groups and associations of farmers and consumers is fundamental. The greater the number of actors, the better the understanding and practical organization of the process. The more dynamic and organized the group, the easier it will be to work with it and generate credibility.

When it shows itself without hierarchies, it respects regional initiatives and seeks to establish connections between them, through the construction of common guidelines and principles and mutual compliance with rules and procedures established in a participatory manner.

The information is available and is not confidential in the certification and quality achievement process.

It guarantees the presence of people and organizations not directly involved with the production process, which will be certified by a Commission or Ethics Council whose composition is established by the community group/municipal articulation/Regional Center.

It is appropriate to the reality and characteristics of agriculture and family enterprises, as it encourages associative work and small processing and marketing initiatives, in addition to simplifying records, making the practice on the property or agribusiness “speak louder” than than reports and papers.

Participatory certification can be an important educational and pedagogical process, as it is carried out by people and organizations close to the local reality, who know the situation better and can contribute to the necessary changes. It is important that certification contributes to improving the understanding of all actors who participate in the construction of agroecology. Thus, we can have it as a partner in the multiplication of agroecological initiatives and the offer of healthy products.

| Base Organization | The connection with the base, with groups and associations of farmers and consumers is fundamental. The greater the number of actors, the better the understanding and practical organization of the process. The more dynamic and organized the group, the easier it will be to work with it and generate credibility. |
| Network Formation | When it shows itself without hierarchies, it respects regional initiatives and seeks to establish connections between them, through the construction of common guidelines and principles and mutual compliance with rules and procedures established in a participatory manner. |
| Transparency | The information is available and is not confidential in the certification and quality achievement process. |
| External look | It guarantees the presence of people and organizations not directly involved with the production process, which will be certified by a Commission or Ethics Council whose composition is established by the community group/municipal articulation/Regional Center. |
| Suitability for Family production | It is appropriate to the reality and characteristics of agriculture and family enterprises, as it encourages associative work and small processing and marketing initiatives, in addition to simplifying records, making the practice on the property or agribusiness “speak louder” than than reports and papers. |
| Process Pedagogical | Participatory certification can be an important educational and pedagogical process, as it is carried out by people and organizations close to the local reality, who know the situation better and can contribute to the necessary changes. It is important that certification contributes to improving the understanding of all actors who participate in the construction of agroecology. Thus, we can have it as a partner in the multiplication of agroecological initiatives and the offer of healthy products. |

Source: adapted from Santos and Fonseca (2004).

After the creation of the Brazilian Forum of SPGs and OCSs (FBSPG), in 2009, which replaced the GAO in representing civil society, these principles underwent changes. Elements such as knowledge dialogue and gender and generation equity were also included as principles of the SPGs and OCSs, the latter being included in the FBSPG meeting in 2019.

With the enactment of the Law in 2003 and considering the need for its regulation, the Organic Agriculture Sector Chamber (CSAO) was created in early 2004, formed by representatives from the GAO and other organizations responsible for production, storage, transportation, among other sectors, related to organic agriculture, becoming the main institutional consultative space for the construction of regulation at the federal level.

In the following period, several debates and events were held and, on December 27, 2007, regulatory Decree No. 6,323 was published, which defined the rules relating to SPGs and OCSs following the creation of the Brazilian Organic Conformity Assessment System. However, only from 2010 onwards was it possible to accredit the different assessment bodies, the OAC/certifier, the OPAC/SPG and the OCS. The first OPACS accredited were ABIO based in Rio de Janeiro, the ECOVIDA Network in the three southern states and the Association of Natural Agriculture of Campinas and Region (ANC).

The regulatory decree and normative instructions contributed to defining the mechanisms of compliance of Participatory Guarantee Systems and Social Control Bodies, which were the result of this entire process of social construction in a positive political context for these innovations.

10The Sector Chambers, as well as the Thematic Chambers, are spaces for MAPA to interact with the different agricultural sectors. Currently, due to its transversality, it has become the Technical Chamber of Organic Agriculture (CTAO), which is equal and has no limit on the number of members. The Brazilian Forum of Participatory Guarantee Systems and Social Control Organizations (FBSPG) replaced the representation of the former GAO. More information at: https://www.gov.br/agricultura/pt-br/assuntos/camaras-setoriais-tematicas.

11In 2009, the II Meeting of the Latin American Forum of the SPGS was held, which also created the Brazilian Forum of SPGs (FBSPG), which replaced the GAO in representing civil society in the CTAO, becoming the main space for articulation and representation of the SPGs in the Brazil.
Because in fact this collective construction resulted in a legal framework that is different, that is innovative for the entire planet. Because other countries that work on regulating organic production consider certification by audit or third-party certification as the way to control this organic quality, while other concepts and control mechanisms were introduced into Brazilian legislation, which actually absorbed what already existed. (GP1).

According to regulatory instructions, the assessment of organic conformity by SPGs must use methods that adapt to different territorial, cultural, organizational realities, among others. The generation of credibility, inside and outside the system, occurs through the active participation of members in SPG actions, based on social control and joint responsibility in guaranteeing organic quality. Members are classified into suppliers, those who participate in some stage from production to consumption, that is, those who produce, and collaborators, who can be technicians, consumers, public and/or private organizations, among others (Instruction Normative nº19, 2009).

The members of the system are organized into an OPAC, a legal entity that formally assumes responsibility for the set of actions carried out by the members of the SPG. The OPAC must have at least one Evaluation Committee, responsible for verification visits and an Appeals Council in case there are disagreements in decisions. For the quality assurance process, at least two annual visits are carried out at each production unit. Firstly, peer visits are carried out between members of the same group, followed by a verification visit involving other members of the SPG. If the supplier has been approved, that is, it is complying with the organic production standards defined by the SPG/OPAC, it will receive a certificate of organic compliance valid for one year (Normative Instruction No. 19, 2009). In addition to visits, the social relationships established between the different subjects of the system at fairs, joint efforts, meetings and other activities are also considered important mechanisms of social control.

OCSs are also a participatory way of guaranteeing the organic quality of products sold, but only directly between family farmers and consumers. Despite following the same technical standards and regulations related to the production, processing and transportation of organic products, whether of plant or animal origin, fresh or processed, there is no use of the seal for indirect sales as in audit certification and SPGs.

OCSs can be formal groups organized in a legal entity (associations or cooperatives) or informal groups, both constituted exclusively by family farmers officially recognized through the PRONAF Aptitude Declaration (DAP) or the National Family Farming Registry (CAF), which came into operation at the end of 2021. Therefore, they are authorized to directly sell their organic products, but they do not have certification, as they are not part of SisORG, which prevents them from using the “ORGÂNICO BRASIL” seal 12 in your products.

According to the National Register of Organic Producers (CNPO, 2023), there are 376 (Three Hundred and Seventy-six) OCSs spread across the country, totaling 4,955 family farmers. Most of them are local organizations that have little mobility in the circulation and commercialization of organic production because they do not have certification/seal. Resende (2020) points out that OCSs can be a mechanism for family farmers to enter the world of production and circulation of organic products, as it is a less complex and bureaucratic guarantee mechanism than the others, based on trust and in the active participation of those who produce and those who consume.

The table below presents the main differences between the three forms of Organic Quality Assurance.

12 The seal identifies, differentiates and guarantees the conformity of certified organic products to the technical regulations for organic production controlled by SisORG. Therefore, only products from suppliers linked to OPACs and OACs are permitted to use the seal.
Regulation of Organic Production in Brazil: Notes for its Adaptation to Participatory Guarantee Systems

Table 4 – Main characteristics between certification by audit, SPG and OCS.

<table>
<thead>
<tr>
<th></th>
<th>AUDIT/OAC</th>
<th>SPG/OPAC</th>
<th>OCSs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who certifies the organic guarantee of the products?</td>
<td>Formal groups/legal entities, for-profit or non-profit, under public or private law, previously accredited with MAPA.</td>
<td>Evaluation Committee and Appeals Council formed by system members.</td>
<td>Formal or informal groups registered as OCS with MAPA.</td>
</tr>
<tr>
<td>Who participates in the processes?</td>
<td>Inspectors of certification bodies and those responsible for production units.</td>
<td>Any interested party (farmers/producers, technicians, consumers, traders, among others).</td>
<td>Family farmers with DAP or CAF.</td>
</tr>
<tr>
<td>Who makes decisions regarding certification?</td>
<td>The decision is centered on the inspector of the company responsible for certification.</td>
<td>SPG members, organized into groups, evaluation committee and resources council.</td>
<td>OCS family farmers.</td>
</tr>
<tr>
<td>Who controls and supervises?</td>
<td>INMETRO and MAPA.</td>
<td>MAPA accredits OPACs and carries out inspection and control.</td>
<td>MAPA carries out inspections.</td>
</tr>
<tr>
<td>How to recognize organic products and producers?</td>
<td>By the national seal of SisOrg - Brazilian Organic Conformity Assessment System.</td>
<td>By the “Declaration of Producer Registration linked to OCS” issued by MAPA.</td>
<td>All individuals and legal entities are on MAPA’s National Register of Organic Producers (CNPO).</td>
</tr>
<tr>
<td>What forms of marketing are permitted?</td>
<td>Direct and indirect sales such as supermarkets, restaurants, hotels, grocery stores, websites, among others.</td>
<td>Direct sales: fairs, deliveries to home, directly at ownership, institutional purchases (PNAE, PAA, among others).</td>
<td></td>
</tr>
</tbody>
</table>

Source: adapted from Almeida et al. (2020).

In summary, the recognition of participatory systems was the result of different incidences, mainly considering the need to adapt regulations to the reality of the Brazilian countryside and the principles that guide the agroecological movement. Although this path is long, with comings and goings and different political incidences, it is possible to affirm that the SPGs and OCSs, after more than 10 years of their implementation, have been configured as important spaces for agroecological-based family farming, involving different actors and social actresses.

3.2 Review of Participatory Certification in Brazil

Understanding the importance of the process of regulating organic production in Brazil, which stands out for more than a decade of the accreditation of the first OPACs and OCSs, it was possible to prepare a brief overview of this trajectory from different perspectives, especially those debated in the circuit of Webinars under the theme “Participatory Organic Quality Assurance Systems in Brazil: impacts of regulation and future notes”, carried out in June 2021,

---

13 National Institute of Metrology, Quality and Technology (INMETRO), accredited body for the international accreditation of certification processes in Brazil.

14 Public access via the link: https://www.gov.br/agricultura/pt-br/assuntos/sist\%C3\%A9ncia/or\%C3\%A9nicos/cadastro-nacional-produtores-\%C3\%A9rganicos
by the University of Córdoba, Spain and the Federal University of Viçosa, in Brazil and, not least, through of the interviews carried out in the research.

Among the first results, the collective construction of legislation stands out, which enabled the incorporation of participatory systems and social control bodies. At this point, there is agreement that such mechanisms are the most appropriate for the agroecological proposal, both in terms of adapting to the diversity of Brazilian family farming and in the principles of participation, horizontality, dialogue of knowledge and autonomy. In this sense, it is evident in some statements that participatory systems can be considered participatory methodological processes that provide the construction of knowledge, in which adaptation to different realities and horizontality between the different participating actors is sought.

But is third-party certification different from peer certification? The normative instruction is the same, the difference is the methodology. It's the methodology, and I believe that the social aspects, the economic aspects, there are other aspects! But the law applies to everyone. If it is “third party”, if it is “participatory”, you have to follow that normative instruction. The methodology is different, which we adapt to each region based on what we believe as a political project. (RSPG2).

This is also a principle that I think is part of the SPG's way of thinking. We even had a meeting of the Latin American forum there in Ecuador and there we had a discussion about the SPG and this social methodology. And I stated and affirm that the SPG is a left-wing methodology because it is not hierarchical, it is always horizontal, always social. So, in her mind, she has an issue that is more on the educational and non-punitive, non-exclusive side. (RSPG3).

This is reflected in the understanding of the norm from an educational perspective and the SPGs and OCSs as pedagogical spaces, both in relation to the appropriation of the rules that must be understood by the collective involved, as well as in the spaces for peer visits and verification in which it is possible to exchange and build knowledge and learning between farmers and other participants, as a “guide to good practices” in which the exchange of experiences is consolidated in a more systematic way and the construction of solutions is collectivized.

In this sense, it was stated that participatory certification provided greater understanding and, consequently, a certain autonomy in relation to legislation, as there is a need to understand the standards of the entire group that participates in the different conformity analysis processes.

One thing we also notice is that farmers have become much more empowered by legislation, because when you are certified by a third-party certifier, the certifier knows the rules. He comes to tell you “this can, this cannot”. Not in the case of the SPG. We try to understand the legislation, understand what we call the spirit of the Law, what that law means. So, you don't leave it up to the certifier to tell you what can and can't. You go after it and these discussions are very enriching and thus empower producers over legislation. (RSPG 3).

On the other hand, it is noted that the legislation is still difficult to understand and implement due to the processes and documentation required, such as the registration of all phases of the production system - from the entry of inputs, harvesting, handling and marketing. And this difficulty may be one of the reasons for non-compliance and not necessarily compliance with the regulations itself.

Most of the difficulties are actually related to paperwork. So, for example, you have to have a input record. You have to have a harvest record, a sales record, a management record that you made in the field. (RSPG 3).
A lot of difficulty in documenting, field notebooks, that sort of thing. We even tried during the accreditation visit, trying to see “look, whoever has difficulty, we will do this part”, record video, do things... Because, like, we have many, many of our farmers, there are still many, many are illiterate. There are many...And there are children who can contribute. There is this educational part of the family, of involvement, of youth, with the strength of some women, but the majority... So this documentary part is, still is, our biggest difficulty. (RSPG 2).

Such issues may even reflect on access to the organic system by this segment of agriculture, which is characterized by specificities both from an educational point of view and in relation to access to appropriate public policies. Such negative aspects may imply the loss of the essential characteristics of these systems, which are largely aligned with the agroecology movement and networks.

But the spirit that I hope remains alive in all SPGs is to work towards agroecology in all its dimensions, which means much more than just a process of producing and selling. (...) We are losing a little essence. And in fact, what has the capacity to give credibility to the work that emerges or the products and processes that emerge from the SPG is this spirit, this soul, it is not the papers. So we have to look for a way where regulation is increasing, so I will say, IN19 has been the same for ten years, but the demands have become increasing. Every year we notice that the Ministry of Agriculture's audits become a little more demanding. Things that used to pass no longer pass. (RSPG1).

In this context, in relation to the review of regulations that deal with SPGs procedures, especially organic quality control and information mechanisms, there is the idea that they should become “lighter”, seeking in fact not to exclude and at the same time not lose the credibility of the system.

(...) We cannot lose the credibility of the organic conformity assessment system, or the Brazilian consumer cannot stop having confidence in organic products, much less can producers who work honestly stop having confidence in the institutional environment in which they do the production. (...) What we are going to try is to transform, to have the lightest possible regulations, which simplify all systems and reduce bureaucracy, but without compromising the credibility of the products in the eyes of the consumer. (GP2).

Brazil of ours, is taken into account. What seems very simple to some is not simple to others. (RSPG 1).

Finally, there is an emphasis on the need for supportive public policies, especially for those with the most difficulties.

I still believe that everyone who produces organically has the right to be on the market calling their product organic. If the state took this word upon itself and prohibits it from being used unless it goes through one of the three processes that we have in our legislation, the State has to guarantee that these women and family farmers in this very diverse country of ours have access to one of these ways that enable its presence in the market. (RSPG1).

In general, the importance of, at the same time that we have a law and a decree that guarantee other forms of quality assurance in addition to auditing, that other standards and especially processes respect the principles of these different existing guarantee mechanisms is evident. To achieve this, it is necessary to constantly update its content and the way in which it is checked by the responsible bodies.
4 FINAL CONSIDERATIONS

As observed in the history of the construction of legislation regarding organic products in Brazil, the participation of civil society and different sectors of agriculture, together with the positive actions of the State, was and continues to be of utmost importance not only in this, but in different themes such as family farming, traditional peoples and communities, the protection and conservation of nature, sovereignty and food and nutritional security, among others. Brazil is a global reference in relation to participatory systems, and in recent years the Brazilian State has not fulfilled its constitutional duty in these different themes. In 2023, with a new government, civil society must continue fighting, at least, for the resumption and continuity of what has already been achieved previously.

The excess of records, notes and controls, that is, the demand more focused on documents and papers, makes inclusion and participation in organic quality assurance processes difficult, especially for peasants and family farmers excluded from formal education, despite many already have very consolidated practical management and actions. Therefore, a review of the forms of proof, traceability and social control is necessary, which must adapt to the different sociocultural realities existing in Brazil. All these reviews and changes to regulations must continue to guarantee the integrity and increase the credibility of these participatory systems before consumers, both in Brazil and in other countries, as occurred with Chile, which recognized the organic production of SPGs in Brazil.

There is a fear on the part of the SPGs that the inspections carried out by responsible bodies such as MAPA have become very similar to audit certification, moving away from the founding principles of participatory guarantee systems. Not that the registration, monitoring and traceability of products, whether organic or conventional, are not important, as the population increasingly demands information about products, but they must guarantee the implementation of the principles of participatory systems already disseminated by IFOAM and by Civil Society Forums such as the Latin American and Brazilian Forums of SPGs and OCSs.

Between the years 2019 and 2022 during the mandate of former president Jair Bolsonaro, the participation of civil society in collegiate bodies and commissions, among other actions to support and defend the environment, agroecology and organic production, which were not foreseen in Laws, were extinguished. Among them the creation of a working group through Ordinance No. 352/2021 with the purpose of outlining the management, implementation and strengthening model of PLANAPA, without the participation of civil society in a process eminently demanded and debated by it. During this period, the country broke the record for the release of pesticides since the historical series started in 2000, many of which were already banned in European countries.

Even with the changes in the national executive after the 2022 elections, a strong lobby from agribusiness multinationals can be seen in the legislature regarding the production and sale of bio-inputs, aiming for a monopoly in this market. In relation to pesticides, Bill No. 1,459/2022 is being processed in the Senate, which deals with research, experimentation, production, commercialization, import, export, final destination and inspection of pesticides, dubbed Poison PL. Among the controversial points of this PL, the concentration of decisions related to the topic in the Ministry of Agriculture and Livestock and no longer shared with Ibama and Anvisa stands out. In addition, the softening of the classification of products harmful to the environment and human health and the change in the definition of "pesticides" which would now be "pesticides and environmental control products and the like".

Specifically in relation to the regulation of organic production in Brazil, the participatory construction process of the reformulation of IN 19 announced for 2021 has not progressed so far. This format would open up the possibility of greater participation by organized civil society.
in the construction of public consultations to update standards as provided for in the legislation. However, at the beginning of President Lula's third term in 2023, important spaces for participation were resumed. Decree No. 11,397/2023 recreated collegiate bodies such as the National Council for Food and Nutritional Security/CONSEA and the National Commission for Agroecology and Organic Production/CNAPO. Ordinance No. 10/2023 established the Technical Working Group/GTT, with the participation of civil society, responsible for presenting proposals for changes in the management of the National Agroecology and Organic Production Policy/PNAPO.

Despite this, changes in legislation that came into force in March 2022 through MAPA Ordinance No. 52/2021 and its amendments, which establishes the Technical Regulation for Organic Production Systems and the lists of substances and practices for use in these systems, have hampered the advancement of agroecology and organic production, despite the constant global increase in demand for these products. Among them, the exclusion of the possibility of organic cultivation in elevated structures, which has had a major impact mainly on strawberry production, the deadline for the exclusive use of organic seeds and seedlings, which was spread over a period of five years by Ordinance 404/2022, but which nevertheless points to a difficulty and lack of government incentives in the production of organic seeds and seedlings in the country.

Finally, some restrictions on the conditions necessary for the use of inputs in organic systems such as chicken litter, rock powders and bio-inputs produced and used by farmers, whether they are already in force by Ordinance 52/2021 or under debate through public hearings and in the processing of PLs, point to future difficulties for producers in organic systems.

Therefore, it is important that formal and informal civil society organizations linked to agroecology and organic production are aware of this and other constructions. The strengthening of CTAO, CNAPO and other dialogue bodies at federal level and CPOrgs in the federation units, as organic production management structures provided for by Law nº 10,831/2003, must be strengthened in order to guarantee the determinations of itself, with the mandatory participation of civil society being one of them.

REFERENCES


