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PETITION

Whereas health is a right upheld by the Federal Constitution;

Whereas diesel fuel sold in Brazil has high sulfur content (500 – 2,000 parts per million);

Whereas burning of sulfur by diesel-powered vehicles causes the emission of fine particulate matter into the atmosphere, being this pollutant responsible for thousands of cardiopulmonary-related illnesses and casualties every year, according to scientific studies published by the University of São Paulo Pollution Laboratory;

Whereas CONAMA Resolution no. 315 has been in force since 2002, establishing the time frame of seven years for the full implementation of P6 phase of PROCONVE;

Whereas this time frame expires on January 1st, 2009, date from which the new vehicles shall be adapted to use diesel fuel with a sulfur concentration of up to 50 parts per million (Diesel S50), and the fuel stations shall offer it to all users;

Whereas the National Oil Agency adopted on October 17, 2007 an ill-defined and clearly belated ANP Resolution no. 32/2007;

Whereas PROCONVE's P6 phase is nothing more than a Brazilian adaptation of the EU EURO-4 phase and, for this reason, it has always been possible for automakers to fully know the content of ANP Resolution no. 32/2007;

Whereas ANFAVEA – National Automotive Vehicle Manufacturers Association has stated the manufacturers would still have three more years to develop the engines, as of the issuance of ANP Resolution no. 32/2007;

Whereas the automakers have had, since January 1, 2006, the appropriate legal instruments to demand from oil refineries and distributors the S50 diesel to carry out tests, and whereas the failure to use such instruments has been a unilateral decision from these automakers;

And whereas the defense of the population's human right to health and life is not conditioned to the issuance of a belated and ill-defined ANP resolution;

The undersigned entities state the following:

1 – ANP's delay in issuing Resolution no. 32/2007 does not exempt automakers and distributors from complying with the terms and conditions established by CONAMA Resolution no. 315.

2 – Automakers must adapt their vehicles to use the S50 diesel as of January 1, 2009.

3 – Oil refineries must produce S50 diesel for full commercialization as of January 1, 2009.

4 – Oil distributors must supply all fuel stations with S50 diesel as of January 1, 2009.

5 – The Brazilian population has the right to breathe a cleaner air, with lower level of fine particulate matter as of January 1, 2009.

6 – The non-compliance with the time frame set by CONAMA Resolution no. 315/2002 due to delay by any of the parties involved in its implementation process may cause them to be held civilly, criminally and administratively liable by the competent authorities, from the perspective of the victims' individual rights, the right of entities comprising the SUS to public expenses with promoting the health of such victims and, last but not least, the universal right to an ecologically balanced environment, for the cardiopulmonary-related illnesses and casualties that could be avoided and that have not been due to the non-reduction in the fine particulate matter in the atmosphere in the levels expected by the full compliance with the applicable environmental rule.