

# REGULATION OF THE PALEONTOLOGIST PROFESSION IN BRAZIL: REINFORCING THE PROTECTION OF THE PALEONTOLOGICAL HERITAGE AND PROMOTING SCIENTIFIC EXCELLENCE

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Paleontology – the study of ancient life through geological time – holds significant scientific and cultural value. Brazil, endowed with diverse fossiliferous deposits, faces the challenge of balancing the conservation of its paleontological heritage with scientific research, public engagement and mining. Regulation of the paleontologist profession plays a pivotal role in achieving this balance by establishing standards of practice, ethical guidelines, and legal frameworks.

The performance of paleontologists in Brazil has evolved over time in response to growing concerns about the preservation and management of fossil sites and specimens. Early efforts focused on conservation laws and regulations aimed at protecting natural resources, including fossils, from illegal exploitation and destruction (e.g. Decree-Law of 1942). Subsequent actions led to the establishment of professional associations (e.g. Brazilian Society of Paleontology in 1958) and licensing requirements for paleontologists, further outlining the profession and its responsibilities.

The law framework in Brazil is primarily governed by a combination of federal, state, and municipal laws, as well as ethical conduct of professional associations and academic institutions. Federal laws provide overarching legal frameworks for the protection of fossil sites and specimens (see <https://sbpbrasil.org/legislacao-brasileira/>). State and municipal regulations may supplement federal laws with specific provisions tailored to local paleontological contexts.

Important regulatory provisions governing the practice of Paleontology in Brazil include licensing requirements for researchers, permits for fieldwork and specimen collection, guidelines for fossil excavation and documentation, and protocols for the curation of paleontological collections and making them available to researchers. These provisions aim to ensure the responsible conduct of paleontological research while mitigating potential threats to fossil heritage, such as looting, vandalism, trafficking and illegal trade.

Despite the existence of regulatory measures, challenges persist in the effective implementation and enforcement of paleontological regulations in Brazil. These challenges include limited resources for monitoring and enforcement, inadequate public awareness of paleontological laws and ethics, and competing interests in land use and development. However, regulatory efforts also present opportunities for collaboration between government agencies, academic institutions, non-governmental organizations, mining companies, and local communities to address these challenges collectively.

It is essential to recognize that the Federal Constitution, in Article 5, lists a set of fundamental rights and guarantees for citizens. Among these, Section XIII highlights the guarantee of the free practice of any work, trade, or profession, subject to the professional qualifications established by law. This ensures that every individual has the right to freely choose their profession, without intervention or limitation by the State. Therefore, it is understood that choosing a profession is an individual and sacred right. However, this freedom of choice does not necessarily imply the freedom to practice a profession without restrictions, as various professions require specific prerequisites defined by legal regulations. When such conditions are imposed, professional freedom is, to some extent, restricted, since the legal practice of a profession demands adherence to these criteria.

In this context, to regulate the profession of a paleontologist, Bill 791/2019 is currently being processed in the Chamber of Deputies, aiming to establish the parameters for its practice. During the debates on the regulation of this profession, divergent opinions emerged. Understanding regulation involves recognizing that it legally defines the necessary criteria for professional practice, including the required competencies and skills. Therefore, to regulate means that the State grants a legal and public identity to the profession, formalizing it both *de facto* and *de jure*.

The regulation of paleontology seeks to legitimize the social and legal role of the paleontologist, establishing specific responsibilities and rights. The relevant legislation not only adheres to the principles of Article 5 but also clarifies the qualifications necessary for those interested in the profession. Furthermore, a broad interpretation of Article 5, Section XIII, allows for the professional freedom to be restricted in the interest of social welfare, to prevent harm to the community. The potential damages related to the activities of unregulated professionals in paleontology are significant, given that this profession deals with the Brazilian cultural heritage. As per Article 216 of the Federal Constitution, sites of paleontological value are recognized as part of the country's cultural heritage, which must be preserved by the public authority, as established in Article 24, which provides for concurrent jurisdiction among the Union, the States, and the Federal District.

Thus, regulation of the paleontologist profession in Brazil is essential for preserving fossiliferous deposits, promoting scientific research, and safeguarding national natural/cultural heritages. By upholding standards of practice, ethical conduct, and legal compliance, regulatory measures contribute to the responsible stewardship of Brazil's paleontological resources, enriching scientific knowledge, cultural appreciation, and public engagement. Continued support and enforcement of regulatory frameworks are imperative to ensure the long-term sustainability and integrity of Brazil's paleontological heritage.

## REFERENCES

Brasil. Projeto de Lei da Câmara dos Deputados nº 791 de 2019. Dispõe sobre a regulamentação da profissão de paleontólogo e dá outras providências. Disponível em: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2192097>. Acesso em 02 de abril de 2024.

Sociedade Brasileira de Paleontologia. Legislação brasileira. Disponível em: <https://sbpbrasil.org/legislacao-brasileira/>. Acesso em 1º de abril de 2024.