

DIRECTION & MINUTE OF THE DECISION-MAKING COMMITTEE

Hazardous Substances and New Organisms Act 1996 (“HSNO Act”)

Application APP202804; to import EDN (Ethanedinitrile), a fumigant for use on timber/logs under commercial conditions

WGT011: Direction & Minute of the Decision-making Committee – 31 March 2020

Responses to Direction and Minute 9

Background

1. On 23 October 2019, the applicant sought permission to provide the DMC with further information. On 11 December 2019 the DMC stated in Direction and Minute 9 that it was open in principle to receiving further information and sought a time frame for the receipt of this information from the applicant. The DMC indicated that other submitters would be given an opportunity to respond to this further information.
2. This is the eleventh direction and minute of the DMC and addresses the information received from the applicant, and the process for parties to the process to provide their responses.

The applicant

3. The applicant was directed to provide the new information by 23 March 2020, and to seek an extension if this date was needing to be extended.
4. On 23 March 2020, the applicant contacted the EPA to advise that due to the international situation regarding COVID-19 there was a delay in receiving all the information they required, and requesting an extension until 27 March 2020.
5. The DMC received this request and noted the extraordinary circumstances around COVID-19.
6. This memo formally records the extension of time granted to the applicant for the provision of new information until 27 March 2020.
7. The information was provided to the EPA on 26 March 2020.

Next Steps

8. The DMC now invites all parties to the process to provide any responses to the new information.
9. In Direction and Minute 10, an indicative timeframe of 15 working days was proposed. In light of the COVID-19 situation in New Zealand at the present time, this timeframe has been extended.
10. Any responses to the new information are due to the EPA by **4 May 2020**. Please advise the EPA if there are issues related to the COVID-19 situation that would affect your ability to meet this timeframe.

Hearing

11. The DMC notes the importance of having sufficient information to inform their decision while recognising the implications on timeframes and procedural fairness of an extended application process. The DMC intends to reconvene the hearing at a date guided by the SWI process being undertaken by WorkSafe. A future Direction and Minute will outline the process by which all parties can participate in a reconvened hearing.
12. The DMC notes that any new information received after **4 May 2020** will impact on the timeframe for this application to progress to a hearing, and prolong the process of consideration.
13. The DMC directs the EPA to prepare a Staff Report covering all information received for this application in its totality, to be made available to the parties, no later than ten working days prior to the date the hearing reconvenes.
14. The DMC directs this Direction and Minute be made available on the EPA website with other application documents.

For the Decision-making Committee:



Dr John Taylor

Date 1 April 2020

Chairperson