

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

WGT013: Direction & Minute of the Decision-making Committee – 1 November 2021

Reconvening of the hearing

Background

1. On 31 August 2021, the Decision-Making Committee (DMC) released Direction and Minute 12 addressing key developments since Direction and Minute 11 and invited all parties to the process to comment on the updated EPA Staff Report 2021 and the updated EPA Science Memorandum 2021 which were made available on the EPA website on 23 August 2021.

Current status

2. The DMC acknowledges the receipt of responses to Direction and Minute 12 by the following parties and notes the responses are publicly available on the EPA website:
 - Bay of Plenty Regional Council
 - New Zealand Forest Owners Association
 - Ministry for Primary Industries
 - STIMBR
3. This is the thirteenth Direction and Minute of the DMC and addresses the scope of a reconvened public hearing for APP202804 and next steps.

Next steps

4. The DMC will reconvene the hearing for EDN on Thursday 25 November, 2021.
5. The scope of the reconvened hearing will be confined to information before the DMC that has been substantially updated or revised since the adjournment of the first part of the hearing in 2018. This information includes changes to any technical parameters under which EDN may be used, the updated EPA Staff Report 2021 and updated Science Memorandum 2021, as well as

other relevant documentation provided to the DMC after 29 August 2018 up to today's date, which are available on the EDN public consultation pages of the EPA website.

6. If they wish, parties can be heard on matters within the scope of the reconvened hearing. The DMC thanks the applicant and submitters for their previous submissions. If a party wishes to be heard, a brief contextual summary of the party's current position may be shared before matters within the scope of the hearing are addressed. Previous submissions should not be re-presented at the reconvened hearing.
7. The DMC reminds all parties that the draft Safe Work Instruments (SWIs) that have been approved in principle are the result of a separate statutory process carried out by WorkSafe under the Health and Safety at Work Act 2015 (HSWA). Accordingly, other than the draft SWIs themselves, matters relating to that statutory process or HSWA more broadly (including matters relating to compliance and enforcement) are outside the scope of the reconvened hearing.
8. The reconvened hearing will be held remotely via Zoom or another videoconference function which will be confirmed in the formal hearing procedures when they are issued.
9. For those parties who do not wish to be heard, the hearing will be available to view online via a link on the EPA website. This link will be available to the public.
10. The hearing will be transcribed, and transcriptions made available on the EPA website.
11. Further hearing procedures and details will be issued at least 10 days prior to the reconvened hearing.

Directions

12. The DMC directs:
 - a) the EPA to confirm with all parties to the application whether they wish to be heard on the matters that fall within the scope of the reconvened hearing; and
 - b) all parties to respond to the EPA by 5pm, Sunday 7 November, 2021 on whether they wish to be heard at the reconvened hearing. Parties should respond via email to EDN@epa.govt.nz
13. The DMC directs this Direction and Minute be made available on the EPA website.

For the Decision-making Committee:



Dr John Taylor

Date: 1 November 2021

Chairperson