

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

WGT014: Direction & Minute of the Decision-making Committee – 9 November 2021

Reconvening of the hearing

Background

1. On 1 November 2021, the Decision-Making Committee (DMC) released Direction and Minute 13 addressing the reconvening of the hearing for EDN and invited all parties to the process to confirm whether they wished to be heard on matters within the scope of the reconvened hearing.
2. This is the fourteenth Direction and Minute of the DMC. It addresses steps to be taken by the parties who have indicated that they wish to be heard at the reconvened hearing.

Next steps

3. The scope of the reconvened hearing was set out in Direction & Minute 13. 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 other relevant documentation provided to the DMC after 29 August 2018 up to 1 November 2021.
4. The following parties have indicated that they wish to be heard at the reconvened hearing:
 - a. the applicant
 - b. Bay of Plenty Regional Council (BOPRC)
 - c. NZ Forest Owners Association
 - d. Port Blakely Herby NZ
 - e. Rayonier/Matariki Forest
 - f. STIMBR
 - g. TPT Forests Limited

h. Ministry for Primary Industries (MPI)

5. Of those parties, four provided a response to the Updated Staff Report and Updated Science Memorandum in response to Direction and Minute 12. These responses were made available on the EPA website on 30 September 2021. The DMC anticipates that these parties wish to be heard on matters already addressed in those responses (to the extent that those matters are within the scope of the reconvened hearing). If parties wish to be heard on additional matters the DMC asks parties to advise the Committee via the EPA.
6. The remaining parties (including the applicant) did not provide a response to Direction and Minute 12 but do wish to be heard at the reconvened hearing. Accordingly, the DMC asks these parties to advise the Committee via the EPA which matters they intend to address at the hearing.
7. The DMC's expectation is that parties will rely on or speak to documents that are within the scope of the reconvened hearing and available on the EDN Public Consultation page of the EPA website.
8. The DMC wish to emphasise that the introduction by any party of new information or evidence at this stage in the proceedings will be at the discretion of the DMC. Should such new information or evidence be permitted, its introduction may require the DMC to adjourn the hearing for a second time in order to allow parties to consider and respond to this new information. This in turn is likely to delay a decision.

Directions

9. The DMC directs the following:
 - a. the applicant, TPT Forests Limited, Port Blakely Herby NZ, & Rayonier/Matariki Forest to provide talking points outlining the matters they wish to address at the reconvened hearing to the EPA by **2pm on Friday, 12 November 2021** (parties should email EDN@epa.govt.nz);
 - b. BOPRC, NZ Forest Owners Association, STIMBR, & MPI only need to provide talking points if they intend to speak to matters not already addressed in their response to Direction & Minute 12 that they wish to address at the reconvened hearing to the EPA by **2pm on Friday, 12 November 2021** (parties should email EDN@epa.govt.nz);
 - c. EPA to circulate the talking points to all parties no later than **5pm on Friday, 12 November 2021**; and
 - d. this Direction and Minute to be made available on the EPA website.

For the Decision-making Committee:



Dr John Taylor

Date: 9 November 2021

Chairperson