

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

WGT016: Direction & Minute of the Decision-making Committee – 2 December 2021

Background

1. On 25 November 2021, the hearing for EDN was reconvened and parties presented to the Decision-making Committee (DMC).
2. The hearing was adjourned at the end of the day for the DMC to further consider the information received on the application.
3. The DMC met on Friday 26 November to discuss next steps on the application.
4. This is the sixteenth Direction and Minute of the DMC.

Legal issues

5. During the presentation for the submitter STIMBR, legal counsel Morgan Slyfield spoke to legal submissions. These submissions raised legal issues which have not yet been raised or addressed by parties to this application.
6. The DMC notes that these legal submissions were not provided prior to the hearing as required, and raised information which the DMC considers to be new.
7. As such, the DMC would like the opportunity to review these legal submissions as part of its deliberations.
8. Once these legal submissions have been received, they will be made available on the EPA's website. The DMC asks that the EPA respond to these legal submissions by way of providing legal advice to the DMC which will also be available on the EPA's website.
9. The DMC also asks that the EPA make available to all parties legal advice that was provided to it on 18 November 2021 in respect of ship's holds.

Directions

10. The DMC directs the following:

- a. Legal counsel for the submitter STIMBR to provide the DMC with a written copy of the legal submissions which were read out at the hearing by **5pm, Tuesday 7 December 2021**;
- b. The EPA to make STIMBR's legal submissions available on the EPA website;
- c. The EPA to provide a written response to these legal submissions to the DMC **within ten working days** of the written copy of STIMBR's legal submissions being provided and make the legal advice available on the EPA website;
- d. The EPA to make the legal advice provided to the DMC on 18 November 2021 in respect of ship's holds available on the EPA website by **5pm Tuesday, 7 December 2021**;
- e. Any party to the application wishing to provide legal submissions in response to the EPA's legal advice (referred to at c and d above) and/or STIMBR's legal submission (referred to at a above) are to provide this by **5pm Monday, 17 January 2022**.
- f. Any responses from parties should be provided by email to EDN@epa.govt.nz

11. The DMC directs this Direction and Minute be made available on the EPA website.

For the Decision-making Committee:



Dr John Taylor

Date: 2 December 2021

Chairperson