

Dr Louise Malone
Chairperson EPA
Hearing APP203558 EXIREL
Wellington

Point of Order addressed to Chairperson at start of hearing.

Dear Dr Malone

This letter serves to advise you in advance that we would like to raise a Point of Order at the commencement of the Public Hearing for application APP203558 on December 12th.

The purpose of the Point of Order is to seek a statement from the EPA regarding two items in the Staff Report concerning confidentiality of information with respect to this hearing.

- a) Section 1.5, page 1 – states that “*Grounds were approved based on significant new information relating to the benefits of the substance, including information related to integrated pest management and spraying from a helicopter*”. This information or documents considered by the EPA that have not been named, referenced or quoted. It does not state if they were proprietary confidential information supplied by the applicant.

In discussion with the applicant we have learnt that one document is the third report from the three year research project undertaken by Plant and Food. [IPM strategy development and demonstration for forage and seed brassicas – year 3 report](#). Horrocks A, Walker M. June 2017.

This document we believe is in the public domain and is not subject to any confidentiality restraints.

It should be noted that the EPA has referenced this document on Page 16 of the Staff Report – Reference #7.

- (i) Why are the documents not referenced in Section 1.5? Clearly then the EPA Staff felt it was a public document on page 16 but not in Section 1.5.
- b) Table 4 – Page 16 – The EPA has been supplied with CONFIDENTIAL third party letters by the applicant as Submissions for consideration in this application.

The EPA has reviewed and accepted these confidential submissions ‘as reasonable’. This is a public hearing it is our understanding that all submissions (even those supporting the application) must be in the public domain. The present rules for EPA hearings allow for the contact details of the submitter to be hidden and proprietary data owned by the applicant can be considered as Confidential.

There is no documented process in the HSNO Act that prevents the publication of the detail in these third party submissions lodged. If the writer requests confidentiality of the submission they should not have been considered by the EPA.

Our Point of Order is;

The EPA has not followed the correct process as detailed in the HSNO Act with respect to the handling of publicly accessible data and submissions with respect to this application.

And that the EPA should advise what documents were provided as grounds for a new hearing and the confidential submissions received should be published.

We are happy to verbally address this Point of Order to the Authority at the commencement of the meeting.

Yours sincerely



ApiNZ Science and Research Focus Group