

File ref APP203660



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Dear Ms McTavish

### **Reassessment of methyl bromide**

The Environmental Protection Authority (EPA) has received an application from Stakeholders in Methyl Bromide Reduction Inc (STIMBR) to reassess methyl bromide, which we have decided to process as a publicly notified, modified reassessment. Public notification (pursuant to s53 of the Hazardous Substances and New Organisms Act 1996 (the Act)) will occur when the EPA has received further information as requested from the applicant (having extended the statutory time frame for public notification pursuant to s59 (4) of the Act). In the meantime, we seek any existing, relevant information the Bay of Plenty Regional Council hold in response to the questions below. This request is made under section 58(1)(b) of the Act.

Following the publication of the EPA's decision to grant grounds for the reassessment of methyl bromide in April 2018, on 13 June 2018 the EPA received a letter from the Bay of Plenty Regional Council which raised a number of issues relating to controls that it considered to be unworkable or inadequate. Please note that many of the controls mentioned in that letter are set out in Health and Safety at Work Act (HSWA) and regulations (Health and Safety at Work (Hazardous Substances) Regulations 2017, Part 14) and associated safe work instruments, which are administered by the Ministry for Business, Innovation and Employment, and Worksafe New Zealand. The EPA does not have the statutory mandate, under HSNO, to make changes to the HSWA regulations.

As mentioned above, please can you provide any existing, relevant information you might hold that will assist us with the following questions? If you only have information to answer parts of the questions, we appreciate you providing those parts.

1. Does the Bay of Plenty Regional Council set any specific controls for the management of methyl bromide fumigations under the Resource Management Act (RMA)? Have you accepted or set an alternate to the 5 ppm HSNO requirement in the enclosed space beneath sheets for when recapture is used? Do you have a view, as to what would be an acceptable alternative to you for the purposes of the RMA?
2. What is your experience with the rate of compliance of methyl bromide fumigations to the current HSNO, HSWA and RMA controls?

3. What is your experience with the process of recapture and the efficiency of the recapture techniques you have observed and/or regulated?
4. If the recapture control definition were to change as a result of this reassessment, please can you expand on how the issues you raised in your letter of 13 June 2018 would impact the health of neighbours, and your ability to regulate methyl bromide fumigations under the RMA?
5. Do you have any other issues when regulating methyl bromide fumigations specific to log stacks, containers and/or ship holds?
6. Does the Bay of Plenty Regional Council have any other information relating to the controls on the use of methyl bromide which may facilitate the evaluation and consideration of this application?

The EPA requests the above information to aid in the evaluation of the reassessment application. It will be used by the EPA to prepare a report, containing a summary of the application and advice to a decision-making committee.

In addition, we intend to share any information you provide when we publicly notify the application. This is to provide a comprehensive information pack on which any public submission can be made. If you consider that any part of the information you provide should not be made public, please can you include a justification for this, taking into consideration the requirements of section 57 of the Act.

We have asked the applicant to provide further information on their application and have agreed a deadline of 28 June 2019 for provision of that that information. In order to collate all relevant information prior to public notification, we ask that the information we are seeking from the Bay of Plenty Regional Council be provided in the same timeframe; that is, by close of business on 28 June 2019.

If you do not wish to make a comment in response to the above questions, then please can you confirm this by 28 June 2019.

Yours sincerely

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