

**Before a Decision-Making Committee  
Of the Environmental Protection Authority**

**APP203660**

<b>Under</b>	the Hazardous Substances and New Organisms Act 1996
<b>In the matter of</b>	the modified reassessment of methyl bromide
<b>By</b>	<b>Stakeholders in Methyl Bromide Reduction Inc</b>  Applicant

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**30<sup>TH</sup> MEMORANDUM OF COUNSEL FOR THE APPLICANT**

**18 MAY 2021**

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**Counsel Acting**

M J Slyfield  
Stout Street Chambers

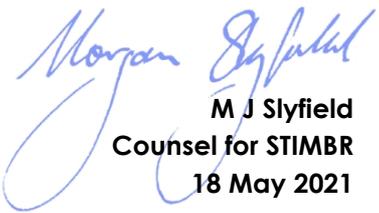
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## RESPONSE TO DIRECTION AND MINUTE WGT035

1. This memorandum responds to various matters raised by Direction & Minute WGT035.
2. For the record, STIMBR agrees that the sequence described in paragraph 8 of WGT035 is accurate. However, how the error has come to light is less important than the fact of the error and the steps taken to address it.
3. The DMC considers the error can be corrected by the EPA providing an updated report, and this updated report being reviewed by ASG, SEC and TAS by 5pm today.
4. STIMBR is unaware what attempts the DMC or EPA have made to engage with ASG, SEC and TAS to give effect to this direction.
5. STIMBR received notice of WGT035 after 4pm yesterday, and attempted to contact SEC yesterday evening to convey the DMC's direction, but so far has received no response. Given the 16-hour time difference between New Zealand and SEC's location, the lack of any advance notice of a further review requirement, and the timing of notification of WGT035 (which at best provided 1 working day, not 2, for the review); STIMBR submits it is not reasonable to assume SEC's review can be provided by 5pm today.
6. For the reasons raised above, STIMBR submits it would be reasonable to allow SEC 24 hours to review the information *after* it is confirmed that SEC has received notice of the direction.
7. Finally, STIMBR's request to delay its comments on the "additional information" was to ensure that TAS's error was addressed before STIMBR commented. The DMC's directions in WGT035 address TAS's error, but decline STIMBR's request to comment *after* correction of the error. This means STIMBR is not able to comment on the EPA Update Report or the WorkSafe Monitoring information, both of which STIMBR wishes to comment on. The DMC has not provided any reasoned basis to deny STIMBR the ability to comment on these parts of the "additional information", and STIMBR submits the only conceivable reason would be to avoid delay. However, STIMBR's comments can be ready to submit by 5pm on 19 May, so allowing STIMBR to submit them will not involve any material delay, and will ensure that STIMBR has been allowed the same opportunity to comment that all other

parties have been allowed. In those circumstances, it would be prejudicial to STIMBR if the DMC were to maintain its decision to decline STIMBR the ability to submit its comments.

8. STIMBR therefore respectfully requests the DMC to reconsider STIMBR's request, and confirm that STIMBR may submit comments on the EPA Update Report and the WorkSafe monitoring information by 5pm on 19 May 2021.



**M J Slyfield**  
**Counsel for STIMBR**  
**18 May 2021**