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# Guidance to submitters

On the modified reassessment of  
methyl bromide

JULY 2019



Environmental  
Protection Authority  
Te Mana Rauhi Taiao

New Zealand Government

## Purpose of this document

On 9 April 2019, the Environmental Protection Authority (EPA) formally received an application from Stakeholders In Methyl Bromide Reduction Inc (STIMBR) seeking a reassessment of the Hazardous Substances and New Organisms (HSNO) approval for methyl bromide. Methyl bromide is a fumigant used in the quarantine and pre-shipment treatment during the import and export of logs, produce, flowers and other goods, and the treatment of potato wart. This application is being publicly notified to enable the public to comment and to put all relevant information before the Decision Makers.

The purpose of this document is to summarise the application (APP203660) and to provide guidance on the submission process.

## Application summary

**This document is a summary of the information provided in the application only. It is not the assessment produced by EPA staff. The EPA staff assessment will be completed at a later date using information from the application, from the submissions received, and other relevant sources.**

## Submission process

This document also provides guidance to the submission process. The EPA encourages all submissions. The submission period for this application will start on 18 July 2019 and will end on 29 August 2019 at 5pm.

In a submission you can provide information, make comments and raise issues. In this way, you contribute to the EPA decision making process on specific applications. We are particularly interested in hearing from you on the following matters:

- adverse effects, especially adverse effects not identified in the application<sup>1</sup>; and
- positive effects, especially positive effects not identified in the application<sup>2</sup>.

Further information on the purpose of submissions is available from the EPA website using the link below: <https://www.epa.govt.nz/public-consultations/open-consultations/>

### If you have any questions, you can contact:

- The applicant directly for any question you may have on the technical information in the application or the information provided to the EPA. The applicant's representative, Ian Gear can be contacted by e-mail ([ian@ingearglobal.com](mailto:ian@ingearglobal.com)).
- The EPA for any question on the application and/or submission process, by email on [reassessments@epa.govt.nz](mailto:reassessments@epa.govt.nz) (including "methyl bromide reassessment" in the subject line).

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<sup>1</sup> Adverse effects can include any risks and costs associated with release of the substance.

<sup>2</sup> Positive effects can include any benefits associated with release of the substance.

## Application summary

1. Methyl bromide, is a fumigant used for quarantine and pre-shipment (QPS) fumigation. It is obtained as a compressed liquid and is volatilised at the point of use. It is used to fumigate imports and exports of logs, produce, flowers and other goods, and for the treatment of potato wart. When used for QPS, it is used at ports and within ship holds. The applicant has provided information on the use of the substance in the application form and supplementary materials.
2. Methyl bromide is an ozone depleting substance and there are requirements under the Montreal Protocol for the phase out of its use. However, QPS uses are exempt from this requirement.
3. In 2010, a reassessment of methyl bromide set additional controls. These controls included a restriction preventing use of the substance unless recapture technology is used, where recapture technology is defined as a system which mitigates methyl bromide emissions such that the residual level of methyl bromide in the enclosed space is less than the Worker Exposure Standard (currently set at 5 ppm).
4. A timeframe of 10 years from the date of issue of the reassessed approval was set for the recapture control to take effect (such that the clause takes effect on 28 October 2020).
5. During recent reforms to Health and Safety legislation, a number of controls, relating to the use of this substance in a workplace, moved from the HSNO approval set in the 2010 reassessment into the Health and Safety at Work (Hazardous Substances) Regulations. The EPA will reissue the approval for methyl bromide to reflect these changes as part of the current reassessment process.
6. Grounds for this reassessment were sought in APP203465. A decision-making committee decided, on 5 April 2018, that grounds exist under the criteria 'information showing a significant increase of use' under section 62(2)(c) of the HSNO Act.
7. The applicant has proposed the following changes:
  - a. The definition of recapture technology be revised to reflect the highest practical level of recapture, such as: "Recapture technology is a system that mitigates methyl bromide emissions from fumigation enclosures such that the residual level of methyl bromide in the enclosed space is at least 80% less than that at the end of the fumigation period."
  - b. The deadline for recapture technology be limited to on-port and container fumigations only, and a new deadline of a further 10 years be imposed on ship-hold fumigations. Under this proposal, recapture in ship-holds would take effect 20 years after the date of this approval, and 10 years after the date of this approval for all other fumigations.
  - c. That the buffer zone requirements are updated to reflect the proposed recapture definition.
8. The applicant states that the efficiency of current recapture technology is not sufficient to meet the required level of recapture (5 ppm), rather that that current technology is capable of achieving recapture of 80% of the substance in the enclosed space post-fumigation.
9. Furthermore, the applicant states that there is currently no technology or infrastructure available to undertake recapture when fumigation takes place in a ships hold.
10. The applicant has also proposed that in a recapture scenario the buffer zone required to mitigate the risks associated with methyl bromide can be changed and has provided modelling to illustrate a proposed revision to the buffer zone.
11. In support of the proposed changes to the controls, the applicant states that there is not a viable alternative to methyl bromide for fumigation. The applicant has provided information on different technologies and alternative substances that they have considered when researching alternatives.

12. The applicant asserts that as the current recapture requirements will not be achievable by the date at which they come into effect, there will be a significant impact on the ability to fumigate imports and exports and that there will therefore be a significant cost to the associated industries.
13. The EPA are processing this application as a modified reassessment under section 63A of the HSNO Act. This means that the reassessment will only consider specific aspects of the approval, such as the required controls. The approval to import or manufacture methyl bromide cannot be revoked in this type of reassessment.
14. Buffer zones and many other workplace controls for methyl bromide are now set in Part 14 of the Health and Safety at Work (Hazardous Substances) Regulations, rather than in the HSNO approval.
15. The non-confidential parts of the application are available from the [EPA website](#):
  - Application form
  - Appendix 3: Review of toxicity classifications
  - Appendix 4: Ecotoxicological review
  - Appendix 5: Customs report on fumigant risks
  - Appendix 6: Port of Tauranga volatile compounds assessment report 2018
  - Appendix 7A: Air dispersion modelling report
  - Appendix 7B: Air dispersion modelling report addendum
  - Appendix 8: Ministry of Health 2005 report
  - Appendix 9: Forestry statistics
  - Appendix 10: Methyl bromide fumigations: post-reassessment guidance for fumigators (EPA, April 2011)
  - Appendix 11: Ambient air modelling
  - Appendix 12: Minimum fumigation operations at Northport
  - Appendix 13: Fumigation procedures for Port of Tauranga v3
  - Appendix 14: Keeping safe from harmful substances while inspecting or unpacking containers (Worksafe New Zealand)
  - Appendix 15: Methyl bromide fumigation methodology v2 (International Cargo Cooperative Biosecurity Arrangement).
16. The EPA has asked for further information from STIMBR and from a number of third parties. The responses are shared with the public in addition to the application form and associated appendices. Some information is withheld as it is considered confidential information under section 57 of the HSNO Act. Those responses from third parties are available for information and do not form part of the application from STIMBR.
17. We are interested in receiving information that relates to either the positive or adverse effects of the proposed changes to the controls for methyl bromide.

**Please let us know whether you consider that there are additional adverse effects that we should be aware of or additional information related to the described effects.**

When identifying adverse effects it is important that you provide us with reasons as to:

- what other adverse effects are **likely** to result in using methyl bromide as a fumigant with the proposed control changes
- what other adverse effects are **likely** to result if the controls were to remain unchanged

- how **likely** these adverse effects are and their potential scale
- how you think the adverse effects could happen (that is, the series of events that would have to happen for the adverse effects to occur)
- options and proposals for managing the adverse effects
- any uncertainty you have on the scope of the information we will use to assess the adverse effects.

**Please let us know whether you consider that there are additional positive/beneficial effects that we should be aware of or additional information related to the described effects.**

When identifying positive/beneficial effects, it is important that you provide us with information on:

- other positive effects **likely** to be caused by using methyl bromide as a fumigant with the proposed control changes
- what other positive effects are **likely** to result if the controls were to remain unchanged
- how **likely** these positive/beneficial effects are and their potential scale
- how you think the positive/beneficial effects could happen (that is, the series of events that would have to happen for the positive/beneficial effects to occur)
- options and proposals for ensuring the positive/beneficial effects occur
- any uncertainty you have on the scope of the information used to assess the positive/beneficial effects.

### Other information

If there is other information you wish us to be aware of, please also include this in your submission.

## Making a submission

### What is a submission?

We encourage anyone to make a submission, regardless of how much detail you are able to put in to it. In your submission, you can also request a hearing if you would like to strengthen your views in person before the Decision-making Committee. Further information on submissions for a hazardous substance application is available from the EPA website using the link below:

<https://www.epa.govt.nz/public-consultations/how-to-make-a-submission/>

Submissions are publicly available and will be displayed on the application web page after submissions close. If you have confidential information you wish to provide, please contact the EPA on [reassessments@epa.govt.nz](mailto:reassessments@epa.govt.nz) (including "methyl bromide reassessment" in the subject line).

The submission period closes at 5pm on 29 August 2019.

### How to make a submission?

The EPA website provides guidance on how to make a submission. This is preferably done via the EPA submission form but may be sent as a letter or email to the EPA. This information and the submission form can be accessed from the EPA website using the link below:

<https://www.epa.govt.nz/assets/Uploads/Documents/New-Organisms/Forms/Submission-form-for-HSNO-applications.doc>

### What happens after you make a submission?

When the submission period closes, all submissions will be summarised and made available to the Decision-making Committee together with the EPA Staff Assessment Report.

You are entitled to bring witnesses who may speak to your submission at a hearing. If you choose this option, you should provide the EPA with a list of the witnesses, their areas of expertise, and the elements of the submission or application they will talk to.

You are also entitled to speak at the hearing in one of the three official languages of New Zealand: English, Māori or New Zealand Sign Language. Please advise the EPA at least two weeks prior the hearing in order for the EPA to organise for an interpreter, on [reassessments@epa.govt.nz](mailto:reassessments@epa.govt.nz) (including "methyl bromide reassessment" in the subject line) or +64 4 916 2426.

At least two weeks prior to the hearing, both the applicant and submitter(s) need to provide the EPA with copies of any information they intend to present at the hearing.

A decision will be made by the Decision-making Committee at the end of the consideration period. This will be made public on the EPA website.