

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

APP203660

Under the Hazardous Substances and New Organisms Act 1996

In the matter of the modified reassessment of methyl bromide

By **Stakeholders in Methyl Bromide Reduction Inc**
Applicant

6TH MEMORANDUM OF COUNSEL FOR THE APPLICANT

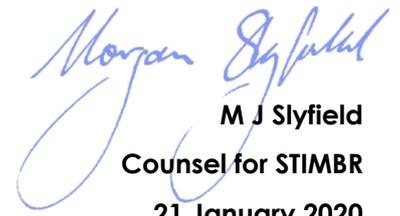
21 January 2020

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1. This memorandum concerns the agenda for the expert conference that is scheduled for 30 January 2020 (the **Agenda**). The Agenda is set out at paragraph 9 of Direction and Minute WGT002 of the Decision-making Committee (28 November 2019).
2. The Agenda does not incorporate any reference to measured data, i.e. monitoring.
3. To some extent it seems likely that the suitability (or validity) of air dispersion modelling will be assessed by reference to monitoring.
4. The Applicant therefore submits it would be appropriate and prudent to include on the Agenda an allowance for a discussion on monitoring, and on the use of monitoring to evaluate modelling. In particular, while the majority of the conference will focus on modelling, the Applicant anticipates it may be useful to the DMC (and potentially other participants) if the conference attendees can discuss:
 - (a) what reliance can/should be placed on the measured data available to date, for the purposes of assessing models;
 - (b) what methodology is appropriate for any future measurements intended to facilitate model validation, and
 - (c) any additional guidance on how validation of modelling should take place with reference to measured data.
5. The Applicant therefore seeks an enlargement of the Agenda to facilitate at least a brief discussion on these matters. The Applicant does not anticipate these are necessarily matters that can be resolved within the conference time available, and does not promote prioritising these matters over the existing Agenda items. However, in light of the obvious relationship between modelling and monitoring, the Applicant anticipates it would be useful for the experts to use a modest amount of time (say, 30 – 45 minutes) at the conference to at least commence a discussion, and if it cannot be concluded in the available time, then at least identify issues for future resolution.
6. It may assist to record that while the Applicant is fully supportive of the conference scheduled for 30 January, the Applicant considers the

conference will, at best, resolve only some of the issues before the DMC. The Applicant considers the Reassessment process to be iterative, with many potential steps yet to occur before the DMC determines what new or amended controls to impose on the approval of methyl bromide. Such steps might include directing further conferencing, commissioning additional expert advice, or receiving further expert evidence from participants. It is with this context in mind that the Applicant seeks to enlarge the Agenda for the conference on 30 January — not in expectation that the experts will have time to fully discuss the relationship between monitoring and modelling, but at least to shed some light on that subject and explore in a preliminary way what issues may need future resolution.



M J Slyfield
Counsel for STIMBR
21 January 2020