

**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

8TH MEMORANDUM OF COUNSEL FOR THE APPLICANT

14 February 2020

Counsel Acting
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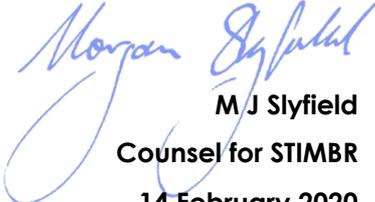
1. In its Direction and Minute WGT008 (dated 5 February 2020 and issued on 10 February 2020) the Decision-making Committee directed STIMBR to indicate by 5pm on 14 February 2020 the timeframe required for the preparation of an additional air dispersion modelling report. This memorandum responds to that Direction, and raises an additional issue of concern.
2. STIMBR has conferred with Mr Sullivan, who will undertake the work to prepare the new air dispersion modelling report.
3. Mr Sullivan's estimate is that once the parameters and scope are agreed by the expert panel, it will take up to 8 weeks to run the model, and 2-3 weeks following that to prepare a report. This makes no allowance for further input from the other three members of the expert panel.
4. The additional issue of concern to STIMBR is the timing for reconvening the expert conference.
5. The purpose of reconvening the conference is for the experts to agree parameters for "log and ship hold emissions" in the near, mid and far field. This is because they did not have sufficient time to refine the details for these parameters at their first conference convened on 30 January 2020.
6. Their Joint Statement records that the experts all agreed that the parameters for "log and ship hold emissions" rely, at least in part, on "measured 2019 data".¹ The Joint Statement records that the experts did not have access to the same existing data, and they requested the DMC to direct that WorkSafe, BOPRC and Genera provide all relevant existing data.²
7. Since then, STIMBR has taken steps to ensure the existing data held by Genera is shared with the expert panel, and STIMBR is in the process of making similar requests directly to WorkSafe and BOPRC, though it is not within STIMBR's control whether data from the latter parties will be provided.
8. In email correspondence today, Mr Sullivan has proposed to Mr Deeble at the EPA that the conference be reconvened between 2 and 4 March 2020, to allow time for the measured data to be obtained and reviewed by the

¹ Row 9 of the table at paragraph [17].

² At [13].

expert panel ahead of the conference. Mr Deeble has responded that the DMC considers the parameters for log and ship hold emissions can be discussed by the experts without the measured data.

9. That position appears to be inconsistent with the consensus of the experts, namely that measured data would be used to determine what the log and ship hold emissions parameters should be. It is not for STIMBR to speak for the experts, but based on their Joint Statement STIMBR is concerned that proceeding with the conference in advance of full disclosure of existing measured data may hamper or, at worst, preclude attempts to agree the necessary parameters.
10. In STIMBR's view, it may be prudent for the conference to be delayed — particularly if the delay is very short — if that will allow the experts to obtain the measured data necessary for them to reach agreement. STIMBR notes Mr Sullivan's view is that delaying the conference to 2 – 4 March would allow for this, which is effectively a delay of 1 week beyond the 2- week period presently proposed for the conference; though STIMBR also notes that in the absence of DMC directions it is uncertain how long is needed for the WorkSafe and/or BOPRC measured data to be shared.


M J Slyfield
Counsel for STIMBR
14 February 2020