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# DECISION TO AMEND APPROVAL

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## Summary

Substance	Methyl bromide
Amendment application number	APP203953
Type	Minor or technical amendments to approvals under Section 67A of the Hazardous Substances and New Organisms Act 1996 ("the Act")
Purpose	To amend the approval for methyl bromide to correct a minor or technical error
Consideration date	19 November 2019
Considered by	The Chief Executive <sup>1</sup> of the Environmental Protection Authority ("the EPA")
Decision	Error is minor and technical in nature <b>Amend the reissued approval</b>
Affected application numbers	HRC08002, APP203660
Affected approval number	HSR001635

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<sup>1</sup> The Chief Executive of the EPA has made the decision on this application under delegated authority in accordance with section 19 of the Act.

## Background

- 1.1. The approval for Methyl Bromide issued following the 2010 reassessment contained the following definition for recapture technology:

Recapture technology means a system that mitigates methyl bromide emissions from fumigation enclosures such that the residual level of methyl bromide in the enclosed space is less than the Worker Exposure Standard set under section 77B.
- 1.2. This definition currently remains on the EPA website under the additional controls for methyl bromide.
- 1.3. During the reissue process in July 2019 to remove the Health and Safety at Work controls from the approval and include reference to the EPA Notices, the definition of recapture technology was overlooked and in error it was not included in the additional controls for the reissued approval.
- 1.4. The reissued approval also incorrectly refers to the EPA's predecessor, ERMA, in the additional controls.

## Proposed amendment

- 1.5. To include the definition of 'recapture technology' from the initial approval into the reissued approval, and to replace the reference to ERMA with the EPA.
- 1.6. The proposed changes are shown in the Appendix<sup>2</sup> to this Decision.

## Evaluation under s 67A of the Act

- 1.7. The Authority may, of its own motion, amend any approval given by it if it considers that the alteration is minor in effect or corrects a minor or technical error.
- 1.8. In this case, the proposed change corrects an administrative error and does not alter the obligations under the approval, or the risk associated with the substance.

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<sup>2</sup> The Appendix only displays the control to be amended, and is not a comprehensive list of all controls that apply to approval HSR001635.

## Consideration

1.9. I consider that the amendments will correct an administrative error that is minor and technical.

## Conclusion

1.10. The proposed amendments are approved under s 67A of the Act

Signed by: 	Date: 19/11/2019
Dr Allan L Freeth Chief Executive, EPA	

## Appendix: Amendment of control applying to methyl bromide (HSR001635)

### HSNO additional controls and modifications to controls for other quarantine and pre-shipment uses of methyl bromide

Control code	HSNO Act	Control
Recapture	Section 77A	<p>(1) Clause (2) takes effect 28 October 2020.</p> <p>(2) A person must not apply methyl bromide unless recapture technology is used.</p> <p>(3) A person who applied methyl bromide in the preceding calendar year must provide a report to <del>the EPA</del> ERMA New Zealand by 30 June each year setting out that person's progress in introducing recapture technology.</p> <p><u>Recapture technology means a system that mitigates methyl bromide emissions from fumigation enclosures such that the residual level of methyl bromide in the enclosed space is less than the Worker Exposure Standard set under section 77B.<sup>1</sup></u></p>

<sup>1</sup> This definition was included in the approval issued after the 2010 reassessment, however was omitted in error during the reissue process.