

DIRECTION & MINUTE OF THE DECISION-MAKING COMMITTEE

Hazardous Substances and New Organisms Act 1996 (“HSNO Act”)

Application APP203660: modified reassessment of methyl bromide

Direction & Minute WGT028 of the Decision-making Committee (DMC) – 10 December 2020

Background

1. Between 11 and 17 August 2020, the hearing for the modified reassessment of methyl bromide took place, in which the DMC heard from the applicant, Environmental Protection Authority (EPA), submitters, and the associated witnesses nominated by those parties.
2. On 17 August 2020, the DMC adjourned the hearing to consider all of the evidence before it including the information provided at the hearing.
3. The DMC considered that there were aspects regarding the dispersion of methyl bromide through the air that it would like additional information on to inform its deliberations. In the Directions and Minutes WGT023 and WGT024, the DMC directed Todoroski Air Sciences (TAS) to conduct additional air dispersion modelling, and for Sullivan Environmental Consultants (SEC) and Atmospheric Sciences Global (ASG) to undertake reviews of this modelling.
4. On 3 December 2020, the DMC issued a further Direction and Minute (WGT027), in which the DMC directed parties to the reassessment hearing to provide comments on this modelling work within 10 working days (that is, by 17 December 2020).

Memorandum of counsel

5. In response to WGT027, the Counsel for the Applicant provided their 23rd Memorandum of Counsel asking for all of the files created for the TAS modelling. They also asked for the 10 working day period to start upon receipt of these files.
6. The DMC accepts that this is a reasonable request and ask for the modelling files to be made available to the applicant.
7. The DMC note that the HSNO Act definition of ‘working days’ means that the end of the 10 working day period will now be in January 2021. For clarity, the DMC has extended this feedback deadline until the end of the first working week of 2021 (as defined by the HSNO Act).

8. The DMC acknowledges that third parties may be interested in engaging their own specialists to review this data also. Although the DMC does not expect other parties to the hearing to go into this level of detail when providing their comments, the DMC asks that the EPA provide the modelling files to any parties to the reassessment hearing who request these in order to provide comments.

Directions

9. The DMC directs the following.
 - a. The EPA is to make the TAS modelling files available to the applicant.
 - b. The EPA is to provide the TAS modelling files to interested parties to the reassessment hearing or their nominated experts upon request.
 - c. Comments from parties to the reassessment hearing are now due by 5pm on 22 January 2021.
10. The DMC will then consider all evidence provided at that point, and advise on the next steps in the process. This will be communicated in a further Direction and Minute.

For the Decision-making Committee:



10 December 2020

Tipene Wilson
Chairperson

Date