

# 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 WGT029 of the Decision-making Committee (DMC) – 15 January 2021

### 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. These reviews have been completed and are available on the EPA website.
4. On 3 December 2020, the DMC issued a Direction and Minute WGT027, in which the DMC directed parties to the reassessment hearing to provide comments on this modelling work and the associated reviews within 10 working days (that is, by 17 December 2020).
5. Following WGT027, Counsel for the Applicant provided the 23rd Memorandum of Counsel asking for all of the files created for the TAS modelling to be provided to an external modeller for review. The applicant noted the manner in which the files were directly shared limits their ability to be shared further to other parties commenting on the application. They also asked for the 10 working day period to be further extended so as to commence upon receipt of these files.
6. The DMC accepted that this is a reasonable request, and issued Direction and Minute WGT028 which asked for the modelling files to be made available to the applicant and extended the due date for response until January 22 2021.

### Request to extend feedback timeframes

7. Following WGT028, the DMC received further correspondence from the applicant asking for all of the files created for the TAS modelling to be provided to an external modeller for comment.
8. The applicant noted that these files were provided as requested, on the 4th of January. The applicant then requested that the 10 working day period for comments on the modelling be further extended to commence upon receipt of these files. They repeated this request in the 24th Memorandum of Counsel.
9. The HSNO Act definition of 'working days' means that a new 10 working day period would actually begin at 5pm 15 January 2021, rather than 4 January 2021 (as the date the files were received).
10. The DMC accepts that the applicants request for a further extension from the date the files were received by their reviewer is a reasonable request. Therefore the deadline for comments set out in WGT028 should be extended further in line with the applicant's request in paragraph 7, and taking the HSNO definition of working days as set out at paragraph 9 into account.
11. The DMC highlights that the modelling files that have been available by request to parties to the reassessment hearing since the 28th Direction and Minute were issued on 10 December 2020. The DMC considers that there has been reasonable time for all parties to request the files in aid of preparing comments. Therefore they wish to indicate that while all requests will be considered, parties should not expect further extensions of the deadline for comments beyond that which has already been provided for in this Direction and Minute.

### Directions

12. The DMC directs the following.
  - a. Comments from parties to the reassessment hearing are now due by 5pm on 29 January 2021.
  - b. The EPA is to continue to provide the TAS modelling files to interested parties to the reassessment hearing or their nominated experts upon request. However unless otherwise indicated no further extension should be expected by any party.
13. 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:



15 January 2021

**Tipene Wilson**  
Chairperson

**Date**