

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 WGT032 of the Decision-making Committee (DMC) – 14 April 2021

Background

1. The hearing for the modified reassessment of methyl bromide was held between 11 and 17 August 2020, 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. Following the adjournment, the DMC requested Todoroski Air Sciences (TAS) to undertake additional air dispersion modelling to inform their deliberations (in Directions and Minutes WGT023 and WGT024). Parties to the reassessment were able to provide feedback on this modelling, with the deadline extended, upon request, to 29 January 2021.

New modelling

4. The feedback received from the applicant, as attachments to the 25th Memorandum of Counsel, included new air dispersion modelling by Sullivan Environmental Consultants (SEC) and Golder Associates (New Zealand) Limited (“Golder”).
5. In response to the Direction and Minute WGT031, the EPA provided an Update Report summarising all of the modelling received for this application.
6. The DMC note that the SEC and Golder reports have not been independently reviewed by other experts, unlike the other available modelling reports.
7. The DMC direct that the Golder report is independently reviewed by TAS and Atmospheric Science Global (ASG).
8. The DMC understand from previous reports that being able to look at the modelling files in conjunction with the report is an important aspect in the review process. The DMC, therefore, direct Golder to provide the modelling files directly to TAS and ASG.

Recapture reports

9. The DMC is aware that recapture reports have been produced, separately, by the Ministry of Primary Industries and Genera. These reports are not currently available to the DMC.
10. The DMC direct that these reports are provided so that they can be considered in the DMC's deliberations on this application.

Monitoring reports

11. The DMC acknowledge that they have received a request from the Bay of Plenty Regional Council (BOPRC) for the DMC to receive BOPRC's comments on the recent reports on the WorkSafe monitoring programme, the Golder report, and the EPA's Update Report.
12. The DMC consider that these comments may have information pertinent to their deliberations on this reassessment application, and direct the EPA to provide the BOPRC's comments to the DMC.
13. In order for these comments to be available to all parties to the reassessment, the DMC direct the EPA to make these comments available on the EPA website.

Directions

14. The DMC directs the following:
 - a. EPA is to provide BOPRC's comments to the DMC as soon as reasonably practicable.
 - b. EPA is to make the BOPRC's comments available on their website **within 2 working days** (that is, by the close of business on 16 April 2021).
 - c. Genera is to provide their recapture trial report entitled "Recapture Report July 2020" **within 5 working days** (that is, by the close of business on 21 April 2021).
 - d. Ministry of Primary Industries is to provide the report from their research trial of methyl bromide recapture technologies **within 5 working days** (that is, by the close of business on 21 April 2021).
 - e. Golder's 'Fumigation Mitigation Options Investigation' 2021 report is to be expertly reviewed by TAS and ASG, with the reviews to be provided **within 15 working days** (that is, by the close of business on 6 May 2021).
 - f. To facilitate the review of the Golder report, Golder is provide the modelling files directly to TAS and ASG **within 2 working days** (that is, by the close of business on 16 April 2021).
 - g. If TAS or ASG are unable, due to existing commitments, to provide their review in the stated time, they are to inform the DMC **within 2 working days** (that is, by the close of business on 16 April 2021) and indicate an alternative delivery date.
15. The DMC will continue to issue Directions and Minutes as necessary to advise parties to the process of further communications or procedural matters.

For the Decision-making Committee:



14 April 2021

Tipene Wilson
Chairperson

Date