

# 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 WGT034 of the Decision-making Committee (DMC) – 6 May 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.
4. In their Direction and Minute WGT032, the DMC directed TAS and Atmospheric Science Global (ASG) to independently review a new air dispersion modelling report by Golder Associates (New Zealand) Limited (“Golder”) provided with the 25th Memorandum of Counsel.
5. In addition, the DMC agreed in WGT032 to accept comments provided by the Bay of Plenty Regional Council (BOPRC).
6. In their Direction and Minute WGT033, the DMC invited parties to the reassessment to provide comments on the Sullivan Environmental Consultants Inc (SEC) and Golder modelling reports (provided by the Counsel for the Applicant), WorkSafe’s monitoring results, and the EPA’s Update Report. This feedback was due on 6 May 2021.

### 28th Memorandum of Counsel

7. In the 28<sup>th</sup> Memorandum of Counsel for the Applicant, received on 5 May 2021, the applicant requested access to four monitoring reports from the WorkSafe monitoring programme that they could not identify on the EPA’s website.

## Monitoring reports

8. The DMC acknowledge receipt of the 28<sup>th</sup> Memorandum of Counsel.
9. The DMC notes that the monitoring reports being requested are appendices to the February 2020 Pattle Delamore Partners Ltd (PDP) report for WorkSafe New Zealand (“WorkSafe”), which is available on the Application Register for the reassessment of methyl bromide. These reports were also discussed by WorkSafe during their evidence at the hearing.
10. However, the DMC appreciates that the monitoring reports were not in the July 2020 version of the PDP report and that this could have led to some confusion as to their location.
11. The DMC direct the EPA to collate the missing reports in to one place, or direct parties to the relevant parts of the website.
12. To allow parties to the hearing time to incorporate the information from the four monitoring reports in question in to their feedback, the DMC have decided to give a further five working days for the responses to be provided to the EPA.
13. Parties are requested to focus their feedback on the additional information. There is no need to repeat evidence already provided in the 2019 written submissions or at the 2020 hearing.

## Directions

14. The DMC directs the following:
  - a. The EPA is to collate the four monitoring reports requested by the Counsel to the Applicant with the other reports available, or direct parties to the relevant part of its website.
  - b. Feedback from all parties on the additional information discussed in WGT033 and above is now due **within 5 working days** (that is, by the close of business on 13 May 2021).
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:



6 May 2021

**Tipene Wilson**  
Chairperson

**Date**