

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 WGT036 of the Decision-making Committee (DMC) – 20 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 response, the 25th Memorandum of Counsel provided, as attachments, new air dispersion modelling by Sullivan Environmental Consultants (SEC) and Golder Associates (New Zealand) Limited (“Golder”).
5. In their Direction and Minute WGT032, the DMC directed TAS and Atmospheric Science Global (ASG) to independently review this Golder modelling.
6. During the review it was discovered that there was an error in the TAS 2020 modelling which was subsequently carried through in to the Golder modelling. TAS and ASG noted this could be corrected by dividing the outputs by a correction factor of 2.43.
7. In the Direction and Minute WGT035, the DMC directed the EPA to provide an Update Report which provides corrected values for the Golder report outputs. The DMC subsequently directed in the same Direction and Minute that TAS, ASG and SEC review the update report and the corrected figures.
8. The applicant has, via the 30th Memorandum of Counsel, requested additional time for their modeller (SEC) to provide the comments on the EPA Update Report 2 as directed in WGT035, and for further time for them to provide comments on the additional information in WGT033.

30th Memorandum of Counsel

9. The DMC acknowledge receipt of the 30th Memorandum of Counsel relating to the issues discussed above.
10. The DMC note that Counsel has asked for the deadline for comments (as directed in WGT035) to be delayed to account for time differences between New Zealand and the United States and to allow SEC 24 hours to review upon receipt of the information.
11. The DMC notes that the EPA when communicating WGT035 noted an extension to the response time to 20 May 2021 to account for a delay in release and reception of the direction.
12. The applicant's Counsel also asks the DMC to reconsider their request to provide further comment on the previous Update Report, following the corrections in the modelling errors as noted in WGT035, and the WorkSafe Report, noting that they would be able to submit these comments by 5pm on 19 May 21.
13. The DMC agree to grant the requests of the applicant, such that the applicant submit their comments. (including SEC as the applicants modelling expert) by 5 pm 21 May 2021.

Directions

14. The DMC directs the following:
 - a. SEC is to provide its comments on the EPA Update Report 2 (as directed in WGT035) by 5pm New Zealand time on 21 May 2021.
 - b. STIMBR is to provide its comments on the WorkSafe New Zealand monitoring information and the EPA Update Report by 5pm 21 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:



Tipene Wilson
Chairperson

20 May 2021

Date