



Environmental  
Protection Authority  
*Te Mana Rauhi Taiao*

## Notice of Hearing

### APP203660 - Methyl bromide

Note: These arrangements are provisional, based on the intentions of the parties to appear as advised to the EPA, and hence are subject to amendment if those intentions change, and are subject to the directions of the Chair.

Application code:	APP203660
Application category:	Hazardous Substances, Notified, Reassessment
Applicant:	Stakeholders in Methyl Bromide Reduction Inc.
Applicant contact:	Ian Gear
Purpose:	To reassess methyl bromide
Date application received:	9 April 2019
<b>Hearing dates:</b> (locations indicate remote access facilities)	11 August: 8.30am – 2.30pm (remote only) 12 August: 8.30am – 3.30pm (remote & facility in Auckland) 13 August: 8.30am – 5.00pm (remote & facility in Tauranga) 14 August: 8.30am – 5.00pm (remote & facility in Wellington) 17 August: 8.30am – 5.00pm (remote only)
Time:	(see above)
	<b>Auckland</b> - Ellen Melville Centre, Betty Wark room, 2 Freyberg Place <b>Wellington</b> – Terrace Conference Centre, Te Aro room, 114 The Terrace <b>Tauranga</b> – Hotel Armitage and Conference Centre, Harbourview room, 9 Willow Street
Contact for Hearing:	Marree Quinn, Applications Administrator, Hazardous Substances, Environmental Protection Authority, Wellington DDI: 04 474 5472

#### Decision-making Committee

Tipene Wilson (Chair)

Dr Ngaire Phillips

Dr Derek Belton

## Sequence of Events

Introduction and explanation from the Chair

Order of business and procedures

- Applicant presents application
- EPA staff to present the Staff Report
- Submitters present submissions and any witnesses
- Final questions from the Committee
- Adjournment of hearing

The above is a guide only and the conduct of the hearing will be at the Chair's discretion and in accordance with the guidelines provided.

## HEARING PROCEDURES:

### Timeline

1. Please see the schedule below for each day of the hearing.

<b>APP203660 Hearing Schedule</b>		
<b>Virtual, Tuesday 11 August 2020</b>		
<b>8.30am – 8.35am</b>	Mihi whakatau	Julian Jackson, EPA representative
<b>8.35am – 8.50am</b>	Introduction and explanation Record of appearances	Tipene Wilson, Chair, Decision-making Committee
<b>8.50am – 10.20am</b>	Applicant presentation	Ian Gear, Executive Officer / Research Director STIMBR - Stakeholders in Methyl Bromide Reduction Inc. Witnesses <sup>1</sup> : <ul style="list-style-type: none"><li>• David Sullivan</li><li>• Mark Pemberton</li><li>• Kieran Murray</li><li>• Ian Gear</li><li>• Jack Armstrong</li><li>• Don Hammond</li><li>• David Fletcher</li></ul> (1hr 30mins)
<b>Morning Tea break, 10.20am – 10.35am (15mins) If required</b>		
<b>10.35am – 11.35am</b>	Opportunity for questions	DMC, others at the DMC's discretion (1hr)
<b>11.35am – 12.10 pm</b>	EPA Staff Assessment Report	EPA <ul style="list-style-type: none"><li>• Lee Bailey, Senior Advisor</li><li>• Ben Deeble, Advisor</li><li>• Aleks Todoroski (Todoroski Air Sciences, witness)</li></ul> (45mins)

<sup>1</sup> Witnesses clarified 28 June 2020

<b>APP203660 Hearing Schedule</b>		
<b>Virtual, Tuesday 11 August 2020</b>		
<b>12.10pm – 12.55pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (45mins)
<b>Lunch break, 12.55pm – 1.40pm (45mins)</b>		
<b>1.40pm – 2.10pm</b>	WorkSafe	WorkSafe <ul style="list-style-type: none"> <li>• Philippa Gibson, WorkSafe</li> <li>• Paul Moenboyd, WorkSafe</li> <li>• Chris Benner (Pattle Delamore Partners, witness)</li> </ul> (30mins)
<b>2.10pm – 2.40pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (30mins)

### Hearing adjourns until 8.30am Wednesday 12 August 2020 – Auckland

<b>APP203660 Hearing Schedule</b>		
<b>Auckland Venue and Virtual, Wednesday 12 August 2020</b>		
<b>8.30am – 8.35am</b>	Introduction to day's proceedings	Tipene Wilson, Chair, Decision-making Committee
<b>Presentations by Submitters</b>		
<b>8.35am – 8.50am</b>	Submission 127536	Chris Rayes, Rayonier Matariki Forests (15mins)
<b>8.50am – 9.05am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.05am – 9.35am</b>	Submission 127540	Anne-Marie Arts – United Fresh New Zealand Inc. (15Mins)
<b>9.35am – 9.50am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.50am – 10.05am</b>	Submission 127580	Duncan Park – T&G Global Ltd. (15Mins) <sup>2</sup>
<b>10.05am – 10.20am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)

### Hearing adjourns until 8.30am Thursday 13 August 2020 – Tauranga

<b>APP203660 Hearing Schedule</b>		
<b>Tauranga Venue and Virtual, Thursday 13 August 2020</b>		
<b>8.30am – 8.35am</b>	Introduction to day's proceedings	Tipene Wilson, Chair, Decision-making Committee
<b>Presentations by Submitters</b>		

<sup>2</sup> Submitter missed off original Notice in error, with subsequent alteration of times (added 28 June 2020)

**APP203660 Hearing Schedule**

**Tauranga Venue and Virtual, Thursday 13 August 2020**

<b>8.35am – 8.50am</b>	Submission 127571	Matt Hill, Genera Science & Innovation (on behalf of Genera Ltd) (15mins)
<b>8.50am – 9.05am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.05am – 9.35am</b>	Submission 127599	Bay of Plenty Regional Council <ul style="list-style-type: none"> <li>• Sam Weiss</li> <li>• Jennifer Barclay (Witness)</li> </ul> (30mins)
<b>9.35am – 9.50am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.50am – 10.05am</b>	Submission 127544	Ngāi Tahu <ul style="list-style-type: none"> <li>• Stephanie Dijkstran, Te Rūnanga o Ngāi Tahu</li> <li>• Karen Coutts, Te Rūnanga o Ngāi Tahu</li> </ul> (15mins)
<b>10.05am – 10.20am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>Morning Tea break, 10.20am – 10.35am (15mins) If required</b>		
<b>10.35am – 10.50am</b>	Submission 127546	Emma Jones, on behalf of Clear the Air Mt Maunganui (15mins)
<b>10.50am – 11.05am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>11.05am – 11.35am</b>	Submission 127550	Ngāi te Rangi <ul style="list-style-type: none"> <li>• Piatarihi Bennett, Ngāi te Rangi Iwi Runanga</li> <li>• Joel Ngatuere, Ngāi te Rangi Iwi Runanga</li> <li>• Josh Gear, Lawyer</li> </ul> (30mins)
<b>11.35am – 11.50am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>11.50am – 12.05pm</b>	Submission 127574	Nicole Smith <sup>43</sup> (15mins)
<b>12.05pm – 12.20pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>Lunch break, 12.20pm – 1.05pm (45mins)</b>		
<b>1.05pm – 1.20pm</b>	Submission 127577	Mark Bendall , Operations Manager, Tenco Limited (15mins)
<b>1.20pm – 1.35pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)

<sup>3</sup> Day submitter speaking updated as directed in Direction and Minute WGT019

<b>APP203660 Hearing Schedule</b>		
<b>Tauranga Venue and Virtual, Thursday 13 August 2020</b>		
<b>1.35pm – 1.50pm</b>	Submission 127565	Andrew Parkinson (15mins)
<b>1.50pm – 2.05pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>2.05pm – 2.20pm</b>	Submission 127594	Catherine Stewart (15mins)
<b>2.20pm – 2.35pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>Afternoon Tea break, 2.35pm – 2.50pm (15mins) If required</b>		
<b>2.05pm – 2.35pm</b>	Submission 127593	Michael Sharp – Tauranga Moana Fumigant Action Group <sup>45</sup> Witnesses: <ul style="list-style-type: none"> <li>• Joel Ngatuere – Chair, Whareroa Marae</li> <li>• Kate Barry-Piceno – Barrister</li> <li>• Joe Falco - General Manager, Nordiko (Witness)</li> <li>• Ian Dustin – Businessman (Witness)</li> </ul> (30mins)
<b>2.50pm – 3.05pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)

**Hearing adjourns until 8.30am Friday 14 August 2020 – Wellington**

<b>APP203660 Hearing Schedule</b>		
<b>Wellington Venue and Virtual, Friday 14 August 2020</b>		
<b>8.30am – 8.35am</b>	Introduction to day's proceedings	Tipene Wilson, Chair, Decision-making Committee
<b>Presentations by Submitters</b>		
<b>8.35am – 8.50am</b>	Submission 127590	Dr Melanie Miller, Montreal Protocol specialist, Touchdown partnership (15mins)
<b>8.50am – 9.05am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.05am – 9.20am</b>	Submission 127591	Leanne Stewart, Deputy Chief Executive Officer, Horticulture New Zealand (15mins)
<b>9.20am – 9.35am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.35am – 9.50am</b>	Submission 127542	Peter Beech, The Guardians of The Sounds (15mins)

<sup>4</sup> Speaker and witnesses clarified 28 June 2020

<sup>5</sup> Day submitter speaking updated as directed in Direction and Minute WGT019

**APP203660 Hearing Schedule**  
**Wellington Venue and Virtual, Friday 14 August 2020**

<b>9.50am – 10.05am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>Morning Tea break, 10.05am – 10.20am (15mins) If required</b>		
<b>10.20am – 10.35am</b>	Submission 127587	Kevin Nalder, CEO, New Zealand Fresh Produce Importers Association Inc. <ul style="list-style-type: none"> <li>• Jade Reeves, Imports Manager, MG Marketing Ltd (Witness)</li> </ul> (15mins)
<b>10.35am – 10.50am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>10.50am – 11.20am</b>	Submission 127588	Steffan Browning, Soil & Health Association <ul style="list-style-type: none"> <li>• Dr Dave McLean, an epidemiologist of Massey University Centre for Public Health Research on health effects of methyl bromide (Witness)</li> <li>• Dr Olaf Morgenstern, Principal Scientist - Atmosphere and Climate at NIWA on methyl bromide effects on the ozone layer (Witness)</li> </ul> (30mins)
<b>11.20am – 11.35am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>11.35am – 12.05pm</b>	Submission 127589	Shane Olsen, Ministry for Primary Industries <ul style="list-style-type: none"> <li>• Witness (tbc)</li> </ul> (15mins)
<b>12.05pm – 12.20pm</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)

**Hearing adjourns until 8.30am Monday 17 August 2020 – Virtual**

**APP203660 Hearing Schedule**  
**Virtual, Monday 17 August 2020**

<b>8.30am – 8.35am</b>	Introduction to day's proceedings	Tipene Wilson, Chair, Decision-making Committee
<b>Presentations by Submitters</b>		
<b>8.35am – 9.05am</b>	Submission 127555	New Zealand Apple and Pears <ul style="list-style-type: none"> <li>• Gary Jones, Trade and Strategy Manager, New Zealand Apples &amp; Pears Inc.</li> <li>• Danielle Adsett, Market Access Manager, New Zealand Apples &amp; Pears Inc.</li> <li>• Rachel Kilmister, R&amp;D Manager, New Zealand Apples &amp; Pears Inc.</li> </ul> (30mins)

<b>APP203660 Hearing Schedule</b>		
<b>Virtual, Monday 17 August 2020</b>		
<b>9.05am – 9.15am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.15am – 9.30am</b>	Submission 127576	Philip Taylor, Port Blakely Ltd (15mins)
<b>9.30am – 9.45am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>9.45am – 10.00am</b>	Submission 127552	Kevin Bartolo, EIM Research Pty Ltd (15mins)
<b>10.00am – 10.15am</b>	Opportunity for questions	DMC, others at the DMC's discretion (15mins)
<b>Morning Tea break, 10.15am – 10.30am (15mins) If required</b>		
<b>10.30am – 11.30am</b>	Applicant's response to matters raised (if necessary)	Ian Gear, Executive Officer / Research Director STIMBR - Stakeholders in Methyl Bromide Reduction Inc. (60mins) <sup>6</sup>
<b>11.30am – 12.00pm</b>	Final questions	Decision-making Committee (30mins)
<b>12.00pm approx.</b>	Closing Karakia	Julian Jackson, EPA representative
<b>Hearing adjourns</b>		

### Communication with DMC (to and from)

2. Any public communication from the DMC will generally take the form of a Minute. Minutes may include:
  - A **Direction** – a general directive of the DMC advising or requiring a response from one or more parties;
  - A **Decision** – a finding on a particular issue (for example on a pre-hearing dispute); and
  - An **Advisory Notice** – information applying to one or more of the parties.
3. Communications from the DMC will be issued by the EPA (on the DMC's behalf) by email unless the EPA has been advised that another form of communication is required.
4. The documents will also be posted on the EPA website and where appropriate will be circulated to the applicant and submitters by email link to the website.

### All Evidence

5. Applicants, submitters and their witnesses are expected to pre-circulate to the Authority and to all other parties attending the hearing, copies of any information they intend to present at the hearing, at least 10 working days prior to the hearing. Parties should work on the basis that members of the DMC will have read the application, submissions and other circulated information prior to the hearing. It is therefore not necessary to read this information verbatim at the hearing. Parties should instead use their allotted time at the hearing to highlight their key points and be prepared to answer any questions which the DMC may have.

<sup>6</sup> Right of reply extended as directed in Direction and Minute WGT019

6. If information is presented at a hearing that has not previously been disclosed to the EPA or to the other parties, the Chair may adjourn the hearing to allow other parties, including staff of the EPA, to assess and respond to the new information.
7. Witnesses should state in their evidence if they consider themselves to be expert witnesses and provide a statement about their qualifications and expertise to support this. An expert witness has an overriding duty to impartially assist the DMC on matters within the expert's area of expertise, and not advocate for a position regardless of who has hired them.
8. Information will be provided to parties by being made available on the EPA website, from where it can be downloaded. If any party is unable to download copies of the evidence, they can request the EPA to provide the evidence in soft copy or in hard copy. The EPA may charge for hard copy material.

### **Applicant's evidence**

9. The applicant's evidence will be presented on the first day of the hearing only.
10. The applicant will have the opportunity to provide right of reply evidence at the end of the last day of the hearing.
11. If the applicant is having a witness appear for them, the applicant is required to provide their written statements of evidence to the EPA 10 working days prior to the hearing date.
12. Any presentation by a witness appearing for the applicant will need to occur during the presentation time allocated to the applicant's presentation.

### **Submitter's evidence**

13. If a submitter is having a witness appear for them, the submitter is required to provide their written statements of evidence to the EPA 10 working days prior to the hearing date.
14. Any presentation by a witness appearing for a submitter will need to occur during the presentation time allocated to the submitter's presentation.
15. Submitters may refer to published material authored by others as part of their evidence. Sources of such material should be clearly identified. Submitters presenting such information are expected to be able to justify their use of such information and to be questioned on their analysis and conclusions relating to such information

### **Questions for Applicant and Submitters**

16. For the purposes of making a decision on the application, the DMC may ask any question of the applicant, any submitter, representative, legal counsel, or witness. Questions will generally be after, but may be at any point in the presentation by that person.
17. There will be no cross-examination of parties or their witnesses at the hearing.
18. At the conclusion of each person's evidence, the members of the DMC may ask questions of that person. The Chair will then invite any other party to put questions of clarification or explanation to the witness. Such questions may be put only with the leave of the Chair who has the discretion to disallow any question.
19. There will be limitations on questioning of submitters by the applicant or by other submitters.
20. Questions must be questions of clarification. At the end of the hearing the applicant has the opportunity to respond to issues raised during the hearing in the time allocated for their right of reply. Other than this, responses, which are not genuine questions of clarification, will not be permitted.

### **Expectations**

21. The DMC will pre-read the application, submissions, the evidence, and any other material provided in accordance with the timetable.



22. The hearing will be a public hearing where the applicant and submitters (and their respective witnesses) who have advised that they wish to present at the hearing can speak.
23. All parties are required to behave in a manner that assists the DMC in their decision-making process, and seeks to make efficient use of the hearing time available.
24. At the request of the DMC, presentations from the applicant, EPA staff, and submitters on similar topics may be scheduled to be heard on the same day/s, so as to provide the DMC with the best practicable opportunity to understand the issues related to that topic.

### **Opening the hearing**

25. The hearing may open with a mihi whakatau and opening statement from the Chairperson.

### **Opening presentations**

26. Opening presentations will be made after the hearing has been opened and any process, administrative and/or jurisdictional matters have been addressed.
27. The DMC may ask questions associated with any opening presentation.

### **Opening presentations from the applicant**

28. Opening presentations by the applicant are expected to provide a succinct overview of their application, identification of the relevant issues and the applicant's position on these, the legal context, an outline of the evidence to be presented and the likely length of time to present the case.

### **Submitters appearing at the hearing (making their representation)**

29. All submissions will be read and considered by the DMC. Submitters do not have to attend the hearing if they do not wish to, their views will be considered by the DMC regardless of their attendance.
30. Submitters wanting to speak to their submission at the hearing should have reconfirmed their wish to do so by the date specified by the EPA. The EPA will publish a hearing schedule accordingly.
31. Submitters can speak to their submission themselves, or they can choose to be represented by a lawyer, an advocate or other person (e.g. a friend or family member). If not representing themselves the submitter must advise the EPA who will present their submission.
32. When speaking at the hearing, a submitter can address the matters raised in their submission but must not introduce new topics. Evidence will be taken as read, unless the DMC directs otherwise.
33. A limit of 15 minutes will be placed on the time submitters have to make their representation, unless otherwise directed by the DMC.

### **Witnesses appearing at the hearing (providing evidence)**

34. Submitters wanting to call witnesses at the hearing must indicate who those witnesses are and the topics they will cover at least 10 days prior to the hearing.
35. Witnesses will not read out their evidence at the Hearing unless requested to do so by the DMC.
36. Witnesses may:
  - present a concise summary of their evidence; this summary should cross reference back to the evidence;
  - explain relevant figures, plans and tables; and
  - summarise any changes to their evidence as a result of facilitation or conferencing.
37. The DMC may direct that a witness need not appear at the hearing. This may occur where the witness's evidence is not contested by any other party, but may also, at the discretion of the DMC, be for any other reason.

38. A limit may be placed on the time witnesses have to present their evidence. Any such time limits will be determined and directed by the DMC.
39. Any presentation by a witness will need to occur within the time allotted to the submitter unless otherwise directed by the DMC.

### Health and safety

40. EPA staff will take all reasonable steps to ensure the safety of all parties attending the EPA facilities to participate in the hearing. If you have concerns about your safety at the venue, please raise it with EPA or venue staff.
41. Hazards or potential hazards at the venues should be raised with EPA or venue staff as soon as practicable.
42. In the event of an emergency during the hearing, parties are to adopt the emergency procedures specific to the venue and follow the instructions of EPA or venue staff should evacuation be required.

### Media

43. The hearing will be made public via remote access technology (except to the extent that any protection of sensitive information applies). Representatives of the media are free to attend and report the proceedings.
44. Cameras, video-recorders and audio recorders (outside of EPA commissioned equipment) can only be used by media or any other person in the hearing with prior permission from the DMC. Applications for recording can be made to the DMC in advance by writing to the EPA. However please note that because the hearing will be conducted via Zoom, it will be available online to the public, and recorded both audio visually and transcribed.
45. Media interviews are not allowed in the hearing room. The DMC are not available for media interviews. The EPA will be available to provide process information to the media. All media enquiries should be directed via [media@epa.govt.nz](mailto:media@epa.govt.nz)

### Transcript

46. The DMC will have the hearing proceedings recorded and transcribed. The video recordings and transcripts will be made available on the EPA website.

### Final decision

47. At the end of all the presentations the DMC will adjourn the hearing to enter deliberations in private. Once the DMC has deliberated, it will formally close the hearing by issue of a minute.
48. A final decision will be published within 30 working days from the close of the hearing. This may be longer if further information is sought by the DMC. Parties will be notified of the decision and it will also be available on the EPA website at [www.epa.govt.nz](http://www.epa.govt.nz).

### Appealing the decision

49. Parties have the right to appeal the decision of the DMC. If any party is considering an appeal on the decision, they should contact their solicitor, the New Zealand High Court or visit [www.justice.govt.nz](http://www.justice.govt.nz) for details. It is recommended that any parties considering appealing take legal advice. A fee is required for filing an appeal.

### Housekeeping Details

Parties are responsible for their own food arrangements

Cell phones should be turned off

No food will be permitted in the hearing room

No filming or photos of proceedings to be taken

Please refer to the maps for directions to the remote access facilities.

## Locations for remote access

### Hearing Venues

#### Auckland

Ellen Melville Centre,  
Room: Betty Wark Room  
2 Freyberg Place, Auckland CBD  
Auckland 1000



## Tauranga

Hotel Armitage and Conference Centre

Room: Harbourview room

9 Willow Street

Tauranga 3110



**Wellington**  
Terrace Conference Centre House, Level 4  
Room: Te Aro 1  
114 The Terrace  
Wellington 6011

