



Direction and Minute of the Decision-making Committee

Hazardous Substances and New Organisms Act 1996 (“HSNO Act”)

Application APP203974: Reassessment of hydrogen cyanamide

Direction & Minute WGT004 of the Decision-making Committee (DMC) – 14 April 2022

Indicative Procedural Directions

Purpose of the Procedural Directions

1. This document describes how the Decision-making Committee (DMC) intends to conduct the post-submission phase and hearing for the hydrogen cyanamide reassessment. The purpose of these Procedural Directions is to set the requirements and timeframes by which this reassessment process is run.
2. The Procedural Directions do not limit the DMC from updating the procedural directions or from issuing further Direction and Minutes to deal with specific matters but provides all parties to the process an overview of how things are likely to progress.

Introduction

3. The reassessment application was prepared by the EPA and formally received on 20 September 2021. The reassessment application was published on the EPA website and opened for public submissions on 30 September 2021, and the submission period ran from 30 September 2021 to 20 December 2021. Since the close of submissions, the DMC has set an indicative hearing date along with other relevant dates for providing additional evidence. The DMC has also discussed initial details of the hearing such as location and the possibility of site visits and/or expert conferencing prior to the hearing.

Information on the reassessment application

4. It is the submitters' responsibility to check the [website](#) regularly to remain up to date with announcements, deadlines, further Direction and Minutes from the DMC and the decision. The EPA will only notify submitters of documents being posted on the website where there is legal requirement to do so, or otherwise as the DMC directs.
5. Parties are encouraged to ensure the EPA has their current contact details.
6. Generally, all correspondence will be made available on the EPA website, unless otherwise directed by the DMC, or if it is of an administrative nature. Parties submitting correspondence should be mindful that the documents they submit will, unless the DMC directs otherwise, be published to the EPA website.

Reassessment application timeline

7. The application timeline (as at 14 April 2022) is as follows:

Date	Action
20 September 2021	Application formally received
30 September 2021	Public submission period opens
20 December 2021	Public submission period closes
31 January 2022	Deadline for informing the DMC about additional information that parties intend to file and dates when it will be available
29 April 2022	Submit to the DMC additional reports that do not require further scientific studies
13 May 2022	Submit to the DMC detailed summaries of the planned methodology of any scientific studies that submitters intend to carry out
31 May 2022	Submitters to advise whether they want to speak at the hearing (if they have not already done so)
May / June 2022	EPA to publish Submissions Analysis Report
30 September 2022	Submit to the DMC final reports of scientific studies
30 September 2022	Submitters to provide a list of witnesses (if applicable)
30 September 2022	Submitters to inform the EPA if they intend to use Te Reo Māori or New Zealand sign language at the hearing
October / November 2022	EPA to publish hearing notice
October / November 2022	EPA to publish updates to the Science Memo and Update Report
5 December 2022	Indicative start date for the hearing

Please note that some of the dates may be subject to change.

Communication with the Decision-making Committee

8. All communication, requests, and documents in relation to this reassessment are to be directed to the DMC via the EPA. Parties can contact the EPA by:

Email: reassessments@epa.govt.nz

Mail: Reassessments, Environmental Protection Authority, Private Bag 63002, Wellington 6140, New Zealand

Phone: on Freephone 0800 225 537

9. The DMC sends out its communications via Direction & Minutes. These are published to the [Application Register](#) and can be accessed through the Direction & Minute [webpage](#).

Additional information from submitters

10. The DMC communicated in Direction and Minute WGT003 the decision to accept additional information in the upcoming months and extend the timeframe for starting the hearing to accommodate this. The relevant dates for submitting additional information set by the DMC are as follows:
 - a) additional reports that do not require further scientific studies should be submitted by **29 April 2022**,
 - b) a detailed summary of the planned methodology of any scientific studies that submitters intend to carry out should be submitted, in advance of the study commencing, and no later than **13 May 2022**,
 - c) final reports of scientific studies should be submitted by **30 September 2022**.
11. The DMC may direct that expert witnesses within a particular field talk together with a view to resolving differences, narrowing and/or clarifying issues and avoiding repetition at the hearing. The DMC will make the final decision about whether expert witnesses should conference and where appropriate, will make directions about which expert witnesses and/or parties should attend any conferencing sessions.
12. The DMC may decide to carry out one or more site visits. These would be for the sole purpose of providing the DMC with illustrative examples of sites where hydrogen cyanamide may be used. These would be intended to provide the DMC with a general understanding of the horticultural industry and particular aspects that may be discussed at the hearing. Site visits are not a further opportunity for submitters to present their arguments or engage in discussion with the DMC.
13. The DMC will make the final decision about whether site visits will be carried out and, where appropriate, will provide further directions in this regard.

Additional information from the EPA

14. The EPA will prepare a Submissions Analysis Report setting out the key points and themes raised within submissions and any commentary from the EPA. This report will be provided to the DMC and published on the EPA website.
15. The EPA will review the additional information provided by submitters. Any updates to the Science Memo based on new scientific information will be published as a separate report which will be provided to the DMC and published on the EPA website.

16. The EPA will prepare an Update Report containing a summary of any changes to its human health and environmental risk assessments, Māori impact assessment and benefits assessment and any resulting changes to proposals. The Update Report will be provided to the DMC and published on the EPA website.

Hearing processes

The following sections provide general advice on procedural matters relating to the planning, scheduling, and running of the hearing. Please note that the dates are indicative at this stage and are subject to change if deemed necessary. Similarly, the DMC may decide that parties to the hearing require further directions as the hearing date approaches. Therefore, an updated version of the following points will be published in a hearing notice which will be issued closer to the hearing date.

17. A hearing notice will be issued in due course on the EPA website confirming hearing dates, times and locations. These details are yet to be finalised, but the current intention is that there will be a physical location with remote online access available.
18. Parties who have not already indicated that they wish to be heard should advise the EPA by **31 May 2022** that they want to speak at the hearing.
19. Parties who have indicated that they wish to be heard may make a presentation at the hearing. When speaking at the hearing, a submitter can address the matters raised in their submission but must not introduce new topics, subject to leave of the DMC.
20. Parties should work on the basis that DMC members will have read the application, submissions, and other circulated information prior to the hearing. It is therefore not necessary to read this information at the hearing. Parties should use their allotted time at the hearing to highlight their key points and be prepared to answer any questions which the DMC may have.
21. Submitters' presentations are expected to be concise (normally no more than 15 minutes). If any party believes they have good reason why they should have a longer time to make their presentation, this should be submitted in writing to the EPA at least 10 working days prior to the hearing. Any such extensions will be at the discretion of the DMC.
22. Parties are entitled to bring witnesses who will speak to their submission. Witnesses should be able to bring expertise or special knowledge to bear on the matters raised in the submission.
23. Parties wishing to bring witnesses are required to submit a written list of the witnesses they propose to call, their areas of expertise, and the elements of the submission they propose to talk to by **30 September 2022**. If this information is not provided the witness may only be called at the express leave of the DMC Chair. If additional time (beyond the allocated 15 minutes) is required for witnesses, this should be raised at the time the details of the witnesses are submitted.
24. Parties are to pre-circulate to the EPA 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.

25. The hearing will proceed on the basis that all parties have read the information relevant to them.
26. The hearing notice will include an indicative schedule of speakers. However, all parties should be aware that their scheduled hearing time may be subject to change as the hearing progresses.
27. The presentation of evidence at the hearing will generally follow the order of:
 - a) Applicant;
 - b) Submitters in support;
 - c) Submitters who are neutral;
 - d) Submitters in opposition; and
 - e) Applicant right of reply.
28. There will be no cross-examination of parties or their witnesses at the hearing. At the conclusion of each person's evidence, the Chair and members of the DMC may ask questions of that person. The Chair may, at their discretion, 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 allow or disallow any question. Questions should be focused on ensuring the DMC has the relevant information to enable their decision-making.
29. Catering is not provided at the hearing.
30. Parties are requested to have cell phones turned off or on silent during the hearing.
31. When using remote technology to participate in the hearing, parties are requested to have their computer on mute unless invited to speak.
32. The hearing may be recorded in some form.
33. The hearing will be available for the public to view who are not party to the hearing. The provisions for this will be advised closer to the time, but subject to health and safety requirements at the time, it is likely to be via a separate remote access link, or provision for the public to attend in person.

Health and Safety at the hearing

34. Parties are responsible for their own health and safety at the hearing.
35. EPA staff will take all reasonable steps to ensure the safety of all parties attending the hearing. If you have concerns about your safety at the hearing, please raise it with EPA staff. Hazards or potential hazards should be raised with EPA staff as soon as practicable.
36. Parties must follow any Covid-19 guidelines, or other health and safety requirements, in place at the time of the hearing. Any such requirements will be advised within the hearing notice where possible.

Special Requirements at the hearing

37. To ensure facilities are available, parties are requested to contact the EPA if they have any special requirements for the hearing e.g. requests to present via video or data projector.

38. Any party can speak in Te Reo Māori or New Zealand sign language at the hearing. To enable arrangements to be made for a translator, parties are asked to inform the EPA by **30 September 2022** of their intention to use Te Reo Māori or New Zealand sign language.
39. If written material is provided in Te Reo Māori, an English translation must also be provided. If material is provided by means of a New Zealand sign language signed video recording, English subtitles or an English transcript must also be provided.
40. If you have any other accessibility requirements needed to enable your participation in the hearing, please contact the EPA on reassessments@epa.govt.nz to ensure that these can be facilitated.

Media

41. The hearing will be in public (except to the extent that any protection of sensitive information applies). Representatives of the media are free to attend and report the proceedings.
42. Recording (photos, video or audio) of the hearing, including for personal use, is not permitted without prior approval from the DMC. Anyone seeking permission to record at the hearing should contact media@epa.govt.nz at least ten working days before the hearing.
43. Media interviews are not allowed in the hearing room. Members of the DMC are not available for comments or interviews.
44. The EPA will be available to provide process information to the media. All media enquiries should be directed to media@epa.govt.nz.

Consideration and Decision

45. At the end of all the presentations the DMC will adjourn the hearing and will make its decision in private. A final decision on this reassessment will be published within 30 working days after closing the hearing but may be longer if further information is sought by the DMC.
46. Any party may appeal to the High Court against the decision on a question of law.

Requests to apply for a variation from the Procedural Directions

47. If any party wishes to apply for a variation to any of these procedures, a written request must be made to the DMC. Any request must contain a full explanation of why the variation is required. The DMC will identify any people to be informed of the request and, if appropriate, invite them to comment before the DMC makes a decision.
48. All written requests to vary from the procedures should be sent to the DMC via the contact information for the EPA found above, under “Communication with the Decision-making Committee”.

Directions

49. The DMC directs the following:

- a. the reassessment process is to follow the procedural directions as set out in this document.
- b. any variations to these procedural directions and any further directions regarding expert-conferencing and proposed site visits will be made in a subsequent Direction & Minute.
- c. the hearing notice advising of the details, location, date, and time will be issued separately and published on the EPA website.

For the Decision-making Committee:

 <p>Environmental Protection Authority Te Mana Rauhi Taiao</p>	14 April 2022
Dr Louise Malone Chair, Decision-making Committee Environmental Protection Authority	Date