



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 WGT005 of the Decision-making Committee (DMC) – 18 May 2022

Background

1. The EPA’s reassessment application for hydrogen cyanamide was formally received on 20 September 2021. The application documents were published on the EPA website and open for public submissions between 30 September 2021 and 20 December 2021. A total of 202 submissions were received.
2. In Direction & Minute WGT003, the DMC clarified that additional information could be provided after the submission period had closed. However, receipt of such information would be at the DMC’s discretion. The DMC considered several requests to provide additional information at that time, and various deadlines were set for the identified information to be provided. An indicative hearing date of **5 December 2022** was also set.

Further request to submit additional information

3. A further request to submit additional information was made by John Levers in his email received on 29 March 2022.
4. The additional information is an Environment Court decision dated 3 November 2021 relating to a Resource Management Act appeal and Topic 8 (Agrichemicals) of the Proposed Northland Regional Plan (Decision [2021] NZEnvC 171).

Requests relating to orchard visits

5. Within their respective submissions, John Levers requested that the DMC visit Northland to gain an understanding of kiwifruit orchards and Roanne Crone suggested that the DMC visit kiwifruit orchards in the Bay of Plenty. Some initial discussion of these

requests took place during the DMC's previous meetings in February and March and advice was sought on the possibility of arranging site visits in a manner that is fair and equitable to all submitters.

Consideration

6. The DMC met on 2 May 2022 to discuss the further request to submit additional information and the logistics around setting up orchard site visits.
7. The DMC considers that the additional information raised by John Levers is plausibly linked to the themes within his submission as they relate to shelter belts, buffer zones, and details of other regulatory requirements with which spray operators must comply. The amount of additional information is not excessive and admitting the information to the procedure at this stage will not affect the timeline of the reassessment. Accordingly, the DMC considers that there will be no prejudice to other submitters in admitting this information into the procedure.
8. The DMC discussed invitations from submitters to visit various sites where hydrogen cyanamide is used. Such site visits would provide the DMC with useful background information. In particular, there are several different orchard features that have been discussed in submissions which the DMC would welcome an opportunity to view in person. Any such visits would be purely for the benefit of the DMC to have some illustrative examples of industry practices and not an opportunity for submitters to present their views to DMC members. The hearing is the appropriate time for submitters to present their views to the DMC.
9. The DMC acknowledges that any such visits must be performed without undue prejudice to any submitters. Therefore, the DMC considers that all submitters should be given an opportunity to suggest locations for the DMC to visit. To provide this opportunity, the DMC intends to issue an invitation to submitters with a list of features that the DMC is interested in viewing and details regarding how the selection of proposed sites would proceed. This invitation will be issued in due course within a separate Direction and Minute.

Conclusions

10. The DMC considers that the additional information put forward by John Levers is linked to his submission and taken together, may provide useful evidence to the decision-making process. There is no undue prejudice in admitting the information at this stage of the process. Accordingly, the DMC admits the additional evidence into the reassessment procedure.
11. The DMC has noted the requests for site visits from some submitters. In the interest of fairness, all submitters will be given an opportunity to propose locations for the DMC to consider for a site visit. Submitters will be asked to identify features of particular interest that may be viewed at the site proposed. The DMC will then select a minimum number of sites, in the interest of efficiency and cost-effectiveness, to enable the DMC to view all features that they consider of particular interest. A further Direction & Minute will be issued to this effect.

Directions

12. The DMC directs the following:

- a. the additional information filed by John Levers is admitted into the reassessment procedure.
- b. all submitters will be invited to propose locations for a site visit by the DMC and further details will be given in a subsequent Direction & Minute.

For the Decision-making Committee:

 Environmental Protection Authority <i>Te Mana Rauhi Taiao</i>	18 May 2022
Dr Louise Malone Chair, Decision-making Committee Environmental Protection Authority	Date