



February 04, 2021

Fred Pinto
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Re: Conservation Ontario's comments on the Ontario Professional Foresters Association's Review of the *Professional Foresters Act, 2000*

Thank you for the opportunity to provide comments on the Ontario Professional Foresters Association's (OPFA) review of the *Professional Foresters Act, 2000*. Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit consideration of comments shared individually with the OPFA by CAs during this review process.

As the Province's second-largest landowners, CAs protect and manage a considerable amount of forested area in Ontario on their privately-owned lands. Many CAs have established partnerships and deliver programs in their watersheds related to forestry, including tree planting services, nursery services, and woodlot management. These are undertaken in collaboration with watershed stakeholders and organizations and include helping landowners restore and improve their properties, protect and improve water quality and quantity, and reduce erosion.

Conservation Ontario offers the following comments in response to the OPFA's questions included in the information sheet for the OPFA's review of the *Professional Foresters Act* and its regulation.

Question 1: Are you supportive of making improvements to the *Professional Foresters Act* and its Regulation?

Overall, Conservation Ontario is supportive of making improvements to the *Professional Foresters Act* and its Regulation (O. Reg. 145/01). Many of these proposed amendments will offer greater clarification to the scope of practice of professional forestry in Ontario, which will be helpful for individuals and agencies to better understand where the use of professional foresters is required and why it is important to the sustainable management and stewardship of Ontario's forests. Overall, the proposed changes would improve accountability of professional foresters, which will contribute to the quality of forest management across Ontario.

While Conservation Ontario agrees with the proposal to remove existing exemptions for the eight unregulated professions outlined in O. Reg. 145/01, CO anticipates that it will be necessary for further

consultation to occur on the activities which constitute professional forestry, and what activities can be undertaken by these unregulated professionals without being in contravention of the Act. Additional comments on this topic are offered in response to the questions below.

It is our interpretation that CAs would not necessarily be required to employ a professional forester for works which meet the scope of practice for professional forestry on lands they own. Subsection 3(2) of the *Professional Foresters Act* states that the practice of professional forestry does not include acts performed in relation to the management or manipulation of forests if they are performed personally by individuals on land which they own, among other exclusions. As such, CAs would be able to set their own land use and forest resource objectives on their lands, however, in many cases it is recognized that CAs will engage a Registered Professional Forester (R.P.F) given the benefits associated with the professional competencies and accountabilities of such registered individuals.

Question 2: Have you had any experience of issues in forestry-related work due to unclarity in the scope of practice between professional foresters (OPFA registrants) and other occupations (not registrants of OPFA)?

CAs have a strong history of working collaboratively with external partners, stakeholders, landowners and the general public on a number of forestry-related projects, including community planting events, restoration, tree planting, endangered species, hazard tree and invasive species management on CA and private lands. It is noted that many consultants, as well as CAs, offer tree planting services, including planting plans and implementation. Based on section 3 of the *Professional Foresters Act*, it is our interpretation that for tree planting activities, the development of planting prescriptions and plans would constitute professional forestry, whereas the implementation (planting of trees) generally falls outside of this scope of practice. Given the breadth of forestry works undertaken by CAs, as well as other individuals and organizations engaged in forestry related works, it is recommended that clarity should be provided through the development of supplemental guidance to assist with interpretation of the Act.

A supplemental guidance document which outlines common forestry works which would require an R.P.F or R.P.F supervision would be helpful for implementation, as well as to assist with clarifying the scope of practice, for instance, where there is intersection between the work of urban foresters and arborists. While some CAs may employ a R.P.F, others may not have an R.P.F on staff, and may currently utilize employees in some of the “unregulated professions” to develop planting prescriptions and plans (e.g. ecologists or biologists). The proposed amendments to O. Reg. 145/01 would require those CAs without an R.P.F on staff to work under the direction of a professional forester or seek Full or Associate R.P.F membership when performing work that is considered professional forestry. It should be noted that it is already the current practice for many CAs without an R.P.F on staff to have R.P.F’s at neighboring CAs review and stamp/sign-off on planting prescriptions and plans

Question 3: Are there other improvements you would like to see added to the OPFA’s proposal?

Conservation Ontario offers the following additions and amendments for consideration in the OPFA’s proposal:

1. Conservation Ontario recommends that a review of section 3 *Scope of practice* of the *Professional Foresters Act* be undertaken to further clarify the scope of professional forestry. For instance, subsection 3(1)(e) states that “the classification, inventory and mapping of forests and urban forests” would fall under the scope of professional forestry. Given the amendments

proposed by the OPFA which recommend removing eight non-regulated professions from the list of exempt professions under O. Reg. 145/01, Conservation Ontario is requesting clarification as to whether this proposed amendment would limit the abilities of CA staff (e.g. ecologists), who are responsible for forest inventory work such as monitoring and Ecological Land Classification, to complete this work? With the amendments proposed by the OPFA, would this work then need to be completed by, or completed under the supervision of a R.P.F? We note that this work does not necessarily involve the manipulation of forest cover or forest management, and would request that the amendments put forward by the OPFA would not result in this work becoming the exclusive domain of R.P.Fs. Other areas where similar clarification is requested include whether the design of forest health monitoring programs (invasive species and pests) would be classified as professional forestry, in addition to other common CA stewardship and restoration activities such as endangered species habitat management and vegetative plantings within stream restoration projects.

2. Conservation Ontario recommends that through this review, the OPFA consider a more robust set of definitions under the *Professional Foresters Act*. For example, both “forest” and “urban forest” should be clearly defined such that the parameters of the scope of practice can clearly be interpreted and understood. An updated definition for “urban forestry” should consider the impact on professions such as arboriculture, which are non-regulated but have a vested interest and reasonable claim to the management of urban forests. For example, it would not be recommended that activities such as street tree inventory in the urban forest be the sole domain of a R.P.F.

Summary

Thank you for the opportunity to review and provide comments on OPFA’s review of the *Professional Foresters Act* and its regulation. Given that the OPFA is undertaking a scoped review of the *Professional Foresters Act* at this time, we anticipate that the OPFA and Ministry of Natural Resources and Forestry (MNRF) will be undertaking additional consultation on any proposed changes to the Act and its regulation in the future. Conservation Ontario would welcome the opportunity for the OPFA and/or the MNRF to host an information session for CA staff to provide greater clarity on the proposed changes and the questions raised in this submission. Should you have any questions about this letter, please feel free to contact myself at jrzadki@conservationontario.ca; 905-717-0617.

Sincerely,



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Business Development & Partnerships Coordinator

c.c. All CA CAOs/GMs