

Bill 37: A Proposed Invasive Species Act

Ontario Invasive Plant Council - AGM

October 14, 2015

Jeremy Downe - MNRF

Purposes of Proposed Invasive Species Act

- Provide an enabling legislative framework to better **prevent, detect, respond to** and **where feasible eradicate** invasive species
- Promote **shared accountability** for managing invasive species
- Use a **risk-based** approach that considers the full range of threats, costs and benefits to the environment, society and the economy
- **Complement** the role of the federal government in managing invasive species

What are Invasive Species?



Definition in proposed Act:

A species that is not native to Ontario, or to a part of Ontario, and:

- Is harming the natural environment of Ontario or of the part of Ontario in which it is present, or
- Is likely to harm the natural environment of Ontario or of a part of Ontario, regardless of whether it is present in Ontario or in a part of Ontario

Includes:

- Plants, animals, or micro-organisms (e.g., a virus) that are not native to Ontario, or to a part of Ontario, that may harm the natural environment and negatively impact associated economic and social benefits

Listing Invasive Species and Carriers

Invasive Species

- Lieutenant Governor in Council (LGIC) may make regulations to list invasive species based on a number of considerations, including *species' biological characteristics, risk of harm to the natural environment, dispersal ability and social or economic impacts* assessed through the application of risk assessments

Carriers

- Lieutenant Governor in Council (LGIC) may make regulations to regulate carriers.
- Carriers are things that are capable of moving an invasive species or many invasive species from one area to another.
- Prohibitions would be specified in regulation on a case by case basis

Temporary Designation Order

- Minister would have the authority to make an order to temporarily designate an invasive species under the proposed legislation for up to two years.

Enabling Partners

Authorizations

- Minister's Authorizations would enable possession, transport, purchase etc. of a listed species for the purpose of:
 - Research and Education,
 - Prevention, control or eradication of an invasive species, or
 - A purpose prescribed in regulation.

Agreements

- Minister may enter into agreements with partners for the purposes of prevention, detection, control, and eradication of invasive species; monitoring and reporting; education and research; assessment of risk; and the preparation of prevention and response plans.

Prevention and Response Plans

- Minister may require that a Plan be prepared for invasive species; would enable enhanced partnerships to support the prevention and control of the species

Inspectors and Enforcement

Inspectors

- Minister may designate a person or classes of persons as inspectors
- Inspectors may conduct a range of inspection and control activities (e.g., surveys, determining compliance, issuing orders, obtaining information and stopping conveyances)

Enforcement

- Act includes a comprehensive set of enforcement provisions to reflect the importance to the environment and the economy of addressing invasive species, and to help ensure effective implementation of the Act

Additional Control Provisions

Invasive Species Control Areas

- LGIC may make regulations to designate areas of Ontario as Invasive Species Control Areas for invasive species
- Measures would be established to prevent the introduction or to control the spread of the invasive species.

Minister's Powers

- May direct actions that would result in the destruction of private property.
- Subject to the regulations, the Minister may provide compensation for property that is destroyed under certain circumstances.

Amendments to Bill 37

Classes of Species and Control Provisions

1. *Significant* and *Moderate* changed to *Prohibited* and *Restricted*
2. Enables the **full suite** of prohibitions to be applied to **both** classes of invasive species
 - *Prohibited*:
 - Full suite of prohibitions apply in legislation
 - *Restricted*:
 - In legislation: prohibit bringing an invasive species into Provincial Parks and Conservation Reserves; no deposit or release in Ontario
 - Additional prohibitions or requirements **may** be applied through regulation
3. Enables the use of control provisions for both classes of species
 - *Prohibited* class: Control Provisions enabled through legislation
 - *Restricted* class: Regulations would specify when Control Provisions may be used
4. New requirement for the Ministry to publicly report on the use of the Minister's power to control an invasive species

Amendments to Bill 37

Prevention and Response Plans

- Amendment to enable MNRF to prepare Prevention and Response Plans for all listed species.

Possession

- Administrative amendment to delete a separate sub-section on possession and incorporate possession into the list with all other prohibitions.

Personal Information

- Clarifies the authority provided to the Minister to collect and disclose personal information under the proposed Act and the purposes for which information may be collected in some cases.

Next Steps

- Bill 37 was ordered for Third Reading on October 6. Date TBD.
- The proposed Act will come into force one year after the date of Royal Assent e.g. Fall 2016.
- Existing partnerships will be maintained
- In consultation with partners, stakeholders and the general public MNRF will develop key policies to support the implementation of the proposed Act and the regulation of invasive species.
 - Examples include:
 - Invasive Species Risk Assessments
 - Use of Agreements and Prevention and Response Plans
 - Application and use of inspection and enforcement provisions
- Communication strategy will be implemented to increase awareness among government staff, partners, key stakeholders and the general public.

Questions