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Peterborough, ON K9J 8L5

July 25, 2016

Jeremy Downe
Invasive Species Program and Policy Advisor
Ministry of Natural Resources and Forestry
Policy Division
Natural Resources Conservation Policy Branch, Natural Heritage Section
300 Water Street
Peterborough, ON, K9J 8M5

Re: Comments on Guidance for Invasive Species Assessments under the *Invasive Species Act 2015*, EBR #012-7673

Dear Mr. Downe,

Invasive plants have many impacts on the environment, economy and society. Invasive plants degrade natural areas such as forests and wetlands that provide us with many ecosystem services. They reduce forest regeneration and productivity, they also cost money to manage and reduce land values. For example, leafy spurge in Manitoba reduced land values by \$30 million (CFIA, 2008). They also largely impact agriculture and the estimated annual economic impacts of invasive plants on Canadian agriculture is 2.2 billion (Environment Canada, 2010).

The Ontario Invasive Plant Council (OIPC) applauds the province for passing the *Invasive Species Act*, and for undertaking a review of the risk assessment process to ensure informed decisions are made when regulating invasive species. We respectfully submit the following comments and recommendations for your consideration.

General

- It's unclear whether or not the focus of the assessments will only be on invasive species that have not yet arrived in Ontario, or if they will include species that are already here and causing severe impacts.
- It's encouraging to see that regional level risk assessments will be conducted.
- Consider including an assessment of closed containment facilities for aquaculture introductions and the security of research facilities and the potential for the escape of seeds or viable plant parts.

Section Three: Policy and Legislative Context

- a. It's good to see that the province is working with existing legislation, however, some existing legislation such as the *Weed Control Act*, doesn't seem to be working. For example, enforcement depends on the initiative of the local weed inspector and only species that impact horticulture or agriculture are regulated.

Recommendation

Consider working with the Ontario Ministry of Agriculture and Rural Affairs to expand the *Weed Control Act* to include species that impact areas other than horticulture and agriculture and work with local municipalities to see what actions can be taken to ensure its enforcement. In the long run, strengthening the *Weed Control Act* will strengthen the *Invasive Species Act*.

Section Four: Applying Risk Assessment to Inform Invasive Species Regulation in Ontario

- a. In this section of the document, it states that “species currently managed in Ontario for their social and economic benefits will generally not be assessed or considered for regulatory or subsequent control actions”. This raises some concerns, as many invasive plants currently being sold for their economic benefits in Ontario have demonstrated to be highly invasive i.e. some horticulture plant species. The OIPC recognizes that it’s important to protect our economy and support those working in a related industry, but certain high risk species being managed for their economic value should not be completely disregarded.

Recommendation

Species that are known or even thought to be potentially invasive, yet have social or economic value, should be assessed, and then, after this process, the values of the economy against the environment, should be weighed. Similarly, any new agricultural plants that are proposed for introduction should be assessed prior to growing in Ontario.

- b. Is this process compatible with other international agreements? For example, the World Trade Organization’s agreement on Sanitary and Phytosanitary Measures and the North American Free Trade Agreement. Although these agreements allow countries to set their own standards, countries are encouraged to use international standards where they exist, base their risk assessments on sufficient scientific evidence and calculate economic risk in terms of the potential damage or loss of production or sales in the event of the entry of a damaging species. They do not calculate the economic risk in terms of the potential economic loss from a species that’s already being used for economic benefit in a country if that species was then listed as a result of the risk assessment.

Recommendation

It seems that the proposed risk assessment process is not considering the ecological harm of certain invasive plants currently being used for their economic value, regardless if they have an impact on the environment. However, this is not in line with current international agreements and risk assessment processes. Therefore, ensure that the risk assessment process is compatible with international agreements and that the assessments are based on scientific evidence.

Section Five: Proposed Approach to Assessing Invasive Species for Regulation in Ontario

- a. In the beginning of Section Five, it discusses the development of a list of known or potentially invasive species to support a more efficient assessment process.

Recommendation

Do not develop a new list, but instead work from and update an already developed list from Stephen Smith that was presented at OIPC's AGM in 2014. It is also important to include other jurisdiction's species and watch list species as these lists provide information regarding species that may invade Ontario or arrive in trade.

- b. In Step One, it discusses conducting a coarse level assessment to identify species subject to a more detailed risk assessment.

Recommendation

Work with the CFIA to also conduct coarse level screening for plants entering through seed packets and the internet. How will the process deal with soil in nursery plants/contamination?

- c. Under Step Two, it states that "a cautionary approach will be applied where there is a high level of uncertainty regarding the potential threat." It is agreed that a precautionary approach is appropriate, however, it seems somewhat biased to take this approach when species that demonstrate invasiveness, but have social and economic value, will not be considered.

Recommendation

Consider species which have social and economic value when undertaking a cautionary approach.

- d. Step Four refers to "provincial government staff and other relevant experts" to assist with the peer review.

Recommendation

We suggest providing supplemental criteria as to how other relevant experts are chosen, to ensure that all environment, economic and social values are fairly represented.

- e. There are no timelines associated with each step of the risk assessment process.

Recommendation

Assign timelines to each step within the risk assessment to ensure an expeditious process.

- f. Under Step Four, it's encouraging to read that "a species that has been identified as a high ecological risk will be a priority for regulation, even if the species presents little risk to the economy or society." However, the following paragraph states that if the risk is considered medium, then "the magnitude of the socio-economic impacts will be used to prioritize the species."

Recommendation

Clarify whether this means that if the species has negative socio-economic impacts it will be regulated, or that if it has positive impacts, it won't be regulated. If it is the latter, we recommend that a medium risk to the environment must still outweigh the social and economic impacts.

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- g. Under Step Five it states that “regulatory proposals will be subject to regulatory impact assessments where the social and economic costs and benefits of the proposed regulation will be assessed.”

Recommendation

This should have no bearing on whether or not a species is designated as representing a risk. It is important to separate the listing of a species from the regulatory actions. It is not fair to assume that the costs of industry compliance is equal to the environmental costs. Do not let the regulatory impacts outweigh the environmental impact.

Section Six: Temporary Designation of Invasive Species

Recommendation

Clarify whether or not the two-year temporary designation can be extended if the Ministry of Natural Resources and Forestry (MNRF) has not finished its evaluation or if new data have been acquired on the species.

Section Seven: Re-evaluation of Risk Assessments

- a. There is a concern that economic or social considerations could lead to the re-evaluation and subsequent removal of a species that has negative ecological impacts.

Recommendation

The re-evaluations should be undertaken with the same peer review committee that determined the level of risk. Also, clarify if the spread of a species is brought under control, if it will remain on the list.

- b. It's positive to see that risk assessments will be updated periodically, but time frames are unclear.

Recommendation

Assign a time frame with the re-evaluations i.e. 5 or 10 years and continually gather information about each species so that when the time comes to review/update the risk assessment, all the relevant data is available to ensure an efficient timeline and process.

Glossary

Recommendation

The definition of pathway should include wind and water transport, not necessarily needing human assistance.



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The OIPC once again would like to mention how pleased we are that the Act is moving forward and that our organization will be happy to provide the MNRF with support and strong leadership as the Act is implemented. We look forward to our continued collaboration with you.

Sincerely,

A handwritten signature in black ink that reads "Iola Price".

Iola Price, President
Ontario Invasive Plant Council