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## **Invasive Species Act, 2015**

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# Invasive Species in Ontario

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Ontario has more invasive species than any other Canadian province or territory.

440

Known invasive plant species in southern Ontario

180

Non-native and invasive species in the Great Lakes.

39

Known and potential invasive forest insects

10

Known and potential invasive tree diseases

## Risk Factors:

- International trade connections provide multiple pathways of entry
- Proximity to the Great Lakes
- Degraded natural habitat in many areas of Ontario
- Diverse geography and climate
- Climate change

# Ontario: Invasive Species Management Tools

## Partnerships

- Invasive Species Centre
- Ontario Federation of Angler and Hunters
- Ontario Invasive Plant Council



## Policy

- Ontario Invasive Species Strategic Plan
- Biodiversity: Its in Our Nature



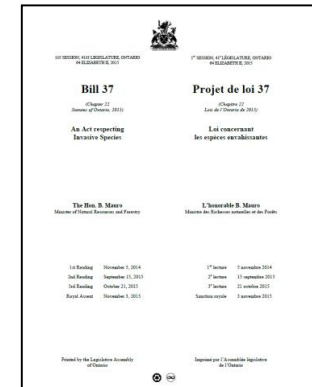
## Collaboration

- Federal Provincial Territorial Invasive Aquatic Species Task Force
- Canadian Council of Forest Ministers
- Conference of Great Lakes and St. Lawrence Governors and Premiers



## Legislation

- Ontario Invasive Species Act
- Canada Aquatic Invasive Species Regulations



# Invasive Species Act, 2015: Status

The Act and Ontario Regulation 354/16 took effect on November 3, 2016.

- <https://www.ontario.ca/laws/statute/15i22>

Decision notice for the policy document: *“Guidance for Invasive Species assessments under the Invasive Species Act, 2015”* was posted to the Environmental Registry on September 12.

- Environmental Registry number: 012-7673

# Legislation: Key Principles

## **Prevention First**

- Prevent new invaders from arriving and slow spread of existing invaders where possible

## **Science Based**

- Risk assessments will at a minimum consider the species presence in Ontario, biological characteristics, risk of harm to the natural environment, dispersal ability and social or economic impacts

## **Enabling Framework**

- Tools to support prevention, detection, control, and eradication actions by the government, partners and the public

## **Shared Accountability**

- Enable partnerships and provide authority to delegate to, and empower others

## **Cost Recovery**

- Mechanisms to recover expenses as a result of infractions under the legislation

## **Inter-government Cooperation**

- Recognition of the mandated role of federal government. ISA complements their role, does not require province to assume new responsibilities.

# Invasive Species defined in the Act?

## Definition in the 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

# Regulating Invasive Species

## Invasive Species

- May regulate 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 use of risk assessments

## Two classes

- *Prohibited:*
  - Full suite of prohibitions apply
    - No person shall - Bring into Ontario, Possess, transport, propagate, buy, sell, lease or trade
- *Restricted:*
  - No person shall bring an invasive species into Provincial Parks and Conservation Reserves; or deposit or release in Ontario
  - Additional prohibitions may be applied through regulation

# Designation of Species, Carriers and Control Areas

## Temporary Designation (Minister's Order)

- Minister may make an order to temporarily designate an invasive species under the legislation for up to **two years**.

## Carriers (Regulation)

- Carriers are things that are capable of moving an invasive species or many invasive species from one area to another.
- Examples: boats, bait, firewood, horticultural plants

## Invasive Species Control Areas (Regulation)

- May regulate areas of Ontario as control areas for one or more invasive species.
- Measures would be established to prevent the introduction or control the spread of the invasive species.



# Enabling Regulated Activities

## Authorizations

- Enable possession, transport, purchase etc. of a regulated species for the purposes of:
  - Research and Education,
  - Prevention, control or eradication of an invasive species, or
  - A purpose prescribed in regulation.

## Agreements

- Minister may enter into agreements 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;
- Plans will enable enhanced partnerships and actions to support the prevention and control of invasive species.

## Enabling Early Detection, Rapid Response and Control

- The Act provides inspector's, enforcement officers and the Minister scalable powers to enable early detection, control and eradication of invasive species.
- Provides the authority for the Minister to appoint a person or class of persons as inspectors in addition to enforcement officers (i.e., MNRF conservations officers and park wardens).
- The most intrusive powers, (e.g., destruction of private property) can only be authorized by the Minister and are intended for use only in high ecological risk situations. Compensation may be paid in specified circumstances.

# Detection

## Inspection to Survey

- To detect the presence of invasive species and monitor their spread
- May inspect anything (excluding buildings/structures) conduct tests, take measurements/specimens/samples, set up equipment.

## Unknown Species Order

- Inspector has reason to believe the species is an **unregulated** invasive species and requires time to determine the potential threat to natural environment.
- Ability to prohibit movement, isolate species/thing, set up barriers, prohibit people from moving/accessing species/thing. **Limited to 15 days**

## Stopping conveyances to inspect

- May stop a conveyance if there are reasonable grounds to believe that there is an invasive species or a carrier on the conveyance, or stopping the conveyance would assist in determining compliance.

# Compliance

## Inspection to determine compliance

- Determining compliance with the proposed Act or the regulations, or a condition or an authorization, agreement, plan or order made by an inspector or the Minister.
- Inspector may enter and inspect any land, building (not dwellings) or other place if the inspector has reasonable grounds to believe that a regulated invasive species or a carrier is present.

## Compliance Order

- Where the inspector believes the person is or is about to contravene the proposed Act or the regulations, a condition of an authorization, agreement, plan or order.
- May require the person to stop any act or activity that is prohibited; comply with any direction set out in the order to achieve compliance, prevent the continuation of the contravention.

# Control/Eradication

- Inspector may make an order declaring land, a building or structure to be an Invaded Place if there is evidence that a regulated invasive species is present and the order is required to:
  - Prevent the invasive species from spreading to areas outside of the place, or
  - To control, remove or eradicate the invasive species that is on or in the place

# Enforcement

## MNRF Conservation Officers

- Authority for officers to obtain search warrants, conduct tests, obtain documents, seize things, make arrests and issue stop orders
- The Minister may appoint a person or classes of persons as enforcement officers.

## Penalties

- **Maximum** fines of \$250,000 for individuals (plus possible imprisonment for up to 1 year) and \$1,000,000 for corporations (doubles on subsequent offences)
- Fine may be multiplied by the number of animals, plants or other organisms involved
- Fine may be increased to an amount equal to any monetary benefit obtained as a result of the commission of the offence

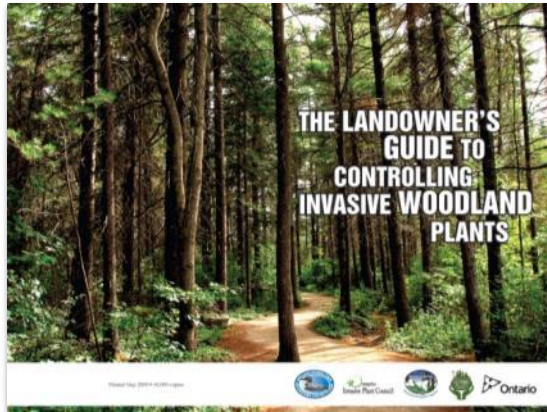
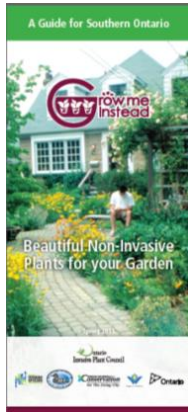
## Cost Recovery

- a person who failed to comply would be liable for control or eradication expenses incurred by the Crown

# Regulation Summary (O.Reg 354/16)

Prohibited Species			Restricted Species
<b>Fish:</b> Bighead carp Silver carp Grass carp Black carp Stone moroko Zander Wels catfish Family Channidae: Northern snakehead	<b>Aquatic invertebrates:</b> Killer shrimp Yabby (crayfish) Golden mussel	<b>Plants:</b> Hydrilla Brazilian elodea Water soldier European water chestnut Parrot feather	<b>Plants:</b> Phragmites Dog Strangling Vine Black Dog Strangling Vine Japanese Knotweed
<b>Prohibitions:</b> <ul style="list-style-type: none"> <li>No bringing into Ontario</li> <li>No deposit or release in Ontario</li> <li>No possession or transport</li> <li>No propagation</li> <li>No buying, selling, leasing or trading.</li> </ul> <b>Exceptions for:</b> <ul style="list-style-type: none"> <li>dead and eviscerated carp(s), snakehead(s), zander</li> <li>In water movement of Water Soldier and Water Chestnut</li> </ul>			<b>Prohibitions:</b> All of Ontario <ul style="list-style-type: none"> <li>No bringing into Ontario</li> <li>No deposit or release</li> <li>No propagation</li> <li>No buying, selling, leasing or trading.</li> </ul> Provincial Parks and Conservation reserves <ul style="list-style-type: none"> <li>No bringing into and no possession or transportation</li> </ul> <b>Exceptions for:</b> <ul style="list-style-type: none"> <li>Deposit and release as part of control or management activities and other activities the purpose of which is not to deposit or release the species e.g. agriculture, infrastructure maintenance</li> </ul>
<b>General Exceptions:</b> <ul style="list-style-type: none"> <li>Emergency response activities e.g., fire, policy, natural disaster etc.</li> <li>Incidental catch of fish</li> <li>Possession, storage etc. of preserved specimens</li> </ul>			

# Partners Communication and Education



Websites:

Ontario Invasive Plant Council  
<http://www.ontarioinvasiveplants.ca/>

Invasive Species Centre  
<http://www.invasivespeciescentre.ca>  
<http://forestinvasives.ca/>

OFAH - Invasive Species Awareness Program  
<http://www.invadingspecies.com/>

EDDmaps  
<http://www.eddmaps.org/ontario/>





# Questions/Discussion

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