

October 6, 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 Regulation of invasive species under the Ontario *Invasive Species Act* 2015, EBR #012-8310

Dear Mr. Downe,

The Ontario Invasive Plant Council (OIPC) applauds the province for passing the *Invasive Species Act*, and for considering further recommendations regarding the species that are proposed for regulation under the *Act*. We respectfully submit the following comments and recommendations for your consideration.

1. Species Selection Timeline

- a. The OIPC feels that the current list of species to be prohibited or restricted is a great start to regulating invasive species in Ontario, however, the notice does not describe when additional species will be added to the prohibited or restricted lists.

Recommendation

Provide a timeline of when additional species could become prohibited or restricted.

2. Restricted Species

- a. The OIPC fully supports Japanese knotweed (*Fallopia japonica*), dog-strangling vine (*Cynanchum rossicum*) and invasive *Phragmites* (*Phragmites australis* subsp. *australis*) being listed as restricted.

Recommendation

The OIPC recommends that the Ministry of Natural Resources and Forestry (MNRF) expand the list of restricted species to include all knotweed species including Japanese knotweed (*Fallopia japonica*), bohemian knotweed (*Reynoutria x bohemica*), giant knotweed (*Reynoutria sachalinensis*) and Himalayan knotweed (*Persicaria wallichii*). These species pose as much risk to our environment, economy and society as Japanese knotweed, including reducing available habitat and increasing soil erosion potential.

The OIPC also recommends that the MNR expand the list of restricted species to include giant hogweed (*Heracleum mantegazzianum*), wild parsnip (*Pastinaca sativa*), common and glossy buckthorn (*Rhamnus cathartica* and *Frangula alnus*) and garlic mustard (*Alliaria petiolata*). These species are also very widely established aggressive terrestrial invasive plants that are continuing to spread rapidly throughout Ontario. They are causing a wide range of negative impacts to our environment, economy and society, including but not limited to, invading forest habitats and displacing important native understory plants like trilliums, harming human health by causing rashes and burns from being exposed to toxic sap and affecting the yield and quality of oats by hosting oat rust, a fungus that causes leaf and crown rust.

Other aquatic invasive plants to consider restricting include European frog-bit (*Hydrocharis morsus-ranae*) and yellow-floating heart (*Nymphoides peltata*). Both of these species are becoming more and more established in Ontario. They develop thick mats that shade out native species, degrade fish habitat and create stagnant waters, increasing mosquito breeding habitat. They and the other restricted species should not be sold in or imported into Ontario.

3. Prohibited Species

- a. The OIPC fully supports the proposal that hydrilla (*Hydrilla verticillata*), Brazilian elodea (*Egeria densa*), water soldier (*Stratiotes aloides*), European water chestnut (*Trapa natans*) and parrot feather (*Myriophyllum aquaticum*) be listed as prohibited.

Recommendation

Further to the species listed above, the OIPC recommends listing kudzu (*Pueraria montana* and *P. phaseolides*), water hyacinth (*Eichhornia crassipes*) and water lettuce (*Pistia stratiotes*) as prohibited.

Kudzu (*P. montana*) has been introduced to or has spread to a number of US states which border Ontario. The single known kudzu population in Ontario has not yet been removed and it should be. Although it might not survive in Ontario, tropical kudzu (*P. phaseolides*) has been introduced to Hawaii, the Virgin Islands and Puerto Rico and could be imported into Canada/Ontario unless import of all species of *Pueraria* is prohibited. Once established, kudzu can grow at a rate of one foot per day. This plant kills and damages other plants by smothering them under a solid blanket of leaves and uprooting entire trees and shrubs. Water hyacinth and water lettuce both form very thick mats that prevent the growth of native aquatic plants. As the plants die and decompose, they remove oxygen from the water, which can disrupt fish communities. The dense mats also hinder swimmers and boaters. As our climate changes and temperatures increase, the potential for water hyacinth and water lettuce to become established in Ontario, also increases. This is already being seen from the most recent citing of an extensive infestation of water hyacinth in a drain in Tilbury leading into the Thames River. Water hyacinth has also been seen to overwinter and establish itself in Norfolk County. Neither water lettuce nor water hyacinth should be sold in Ontario.

4. Enforcement

- a. As stated in the notice, a number of restrictions and prohibitions are attached to the proposed species. Section 31 of the *Act* states “The following persons are enforcement officers for the purposes of this *Act* by virtue of their office:
1. A conservation officer appointed under subsection 87 (1) of the *Fish and Wildlife Conservation Act, 1997*.
 2. A park warden designated under subsection 12 (1.2) of the *Provincial Parks and Conservation Reserves Act, 2006*.”

It also states that “The Minister may appoint or designate persons or classes of persons as enforcement officers for the purposes of this *Act*”.

However, due to the number of other regulations conservation officers and park wardens are responsible for enforcing, and their relative low numbers throughout the province, it’s unclear the type of enforcement this *Act* will actually have.

Recommendation

Enforcement is a critical part of prevention and control. MNRF does not have the capacity to deliver this role, so the regulation should be written to clarify what existing additional partners will be enlisted (i.e. Conservation Authorities (CAs), municipal Weed Inspectors etc.) and what new support may have to be enlisted (i.e. certified people that can be contracted, like private security people are now). Ideally, the province would hire more conservation officers as well. Clarify who will be enforcing the *Act* and its associated regulations, specifically, who will be monitoring borders, sales outlets and the internet to ensure the prohibited species are not transported into Ontario.

- b. Municipalities and CAs play a large role when it comes to invasive species prevention and management and are often the first organizations to have to deal with new regulations and legislation in Ontario. It’s unclear what role they will play when it comes to managing invasive species under the *Act* and if they will be required to ensure these species are also being managed within their community.

Recommendation

MNRF needs to be clear about the role municipalities and CAs will play when it comes to invasive species management under the *Act*. We suggest that the MNRF work with municipalities and CAs to further identify invasive species in their communities and design a proper management plan for restricted species. This includes working with municipal Weed Inspectors to encourage and assist them to conduct more monitoring for the prohibited and restricted species and to manage them where they can. Municipalities should be required to list the prohibited and restricted species in their work plans and initiate communication to homeowners to ensure management of these species on private property. CAs work on a watershed basis, and due to their close ties to the municipalities within them, CAs are

becoming more aware of the threat to Ontario's lands from invasive species, especially invasive plants and the public concern about them. Their close ties with municipalities are what put CAs in a unique position to work together with them to control invasive plants. OIPC would embrace the opportunity to partner with MNRF, municipalities and CAs on this (see the reference to Regional Invasive Species Identification and Control Plans).

- c. There are a number of large federal departments in Ontario, on whose land the Act cannot be enforced.

Recommendation

Work closely and communicate with Federal land-owning agencies such as the National Capital Commission in Ottawa, Transport Canada etc. to ensure they will enforce these regulation on their lands.

5. Section 23 Declaration of an Invaded Place and Section 27 Actions to Control or Eradicate Invasive Species

- a. The MNRF is seeking feedback on whether the above sections should be prescribed for the restricted species listed.

Recommendation

It is unclear that if these sections were applied to the restricted species, how and when the MNRF would use these powers. It's also unclear if the MNRF would identify specific areas for eradication of these species. The OIPC is concerned that there would be negative feedback from landowners, as it seems that it would be up to the landowner to pay to eradicate the infestation. Depending on the size of the infestation, this could be extremely costly and time consuming, considering some of these species require years of management. Applying Sections 23 and 27 to the prohibited species is understandable, since they aren't well established.

The OIPC agrees that there are some situations where these Sections needs to be applied to the restricted species. However, we recommend that the MNRF provide further information and examples to stakeholders of how and when an enforcement officer would use these powers. This information and another opportunity to comment needs to be provided before a final decision is made.

In addition to potentially applying section 23 and 27 to the restricted species, we recommend focusing on enforcement of the regulations associated with the restricted species, to limit their spread to areas where they don't exist, specifically sensitive habitats and protected areas. We also recommend increasing education efforts around the restricted species, to inform those who may have these species on their property that they are invasive and that there are best management practices they can undertake to limit their spread and impacts. Most importantly, and on a larger scale of investment, outreach needs to be accompanied by a strong, well-orchestrated and financially supported stewardship effort that is guided by regional invasive species identification and control plans. Landowners currently

waste thousands of hours of time and unknown amounts of money trying to control invasives, without adequate knowledge of Best Management Practices, without the ability to use effective herbicides, and without coordination and collaboration of others in the area (to minimize re-infestation). When this *Act* was proposed, OIPC recommended the development of ***Regional Invasive Species Identification and Control Plans***. The species that are important enough to be identified as regulated can only be “controlled” with a widespread collective effort. The concept of addressing large complex environmental problems with large long term investments has been recognized by the Trillium Fund, and OIPC will be applying for their Collective Impact Grant in order to be able to lead this type of initiative. Therefore, again, we bring forward the recommendation that this regulation indicate that Regional Invasive Species Identification and Control Plans will be developed to guide the collective control of priority invasive species.

- b. Regardless of which species are proscribed under Sections 23 and Section 27, it is important to provide guidance on proper disposal. There is a considerable amount of confusion around disposal methods for invasive plants and if more and more people are going to be required to control these species, they need to know how to properly dispose of seeds and plant parts, to avoid further spread.

Recommendation

We recommend that the MNRF fund research to determine the best disposal methods for invasive species and to ensure that if municipal composting is one of the options, that municipalities are following the guidelines under the Ministry of Environment and Climate Change to ensure their compost temperatures are sufficient to kill viable invasive species.

6. Stakeholder Engagement

Recommendation

The OIPC encourages the MNRF to consult more often with its stakeholders, like the OIPC, the Invading Species Awareness Program, and the Invasive Species Centre. When the *Act* was first introduced, this was mentioned as a priority for the MNRF, however, there has been very little consultation since its passing. In regards to listing species for regulation, it might be worthwhile to have separate stakeholder engagement sessions prior to posting on the Environmental Registry to discuss in more detail the result of the risk assessments, what feedback the MNRF is looking for when something is posted on the registry, and for stakeholders to ask questions. This could also include hosting regional meetings to further expand on the invasive plant list developed by Stephen Smith in 2014 to support the risk assessment process.

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,



Iola Price, President
Ontario Invasive Plant Council