Invasive Species in Ontario

• Ontario has more invasive species than any other province or territory.
• More than 180 aquatic non-native and invasive species in the Great Lakes.
• Estimated there are 500 invasive plants in Canada. At least 440 of those are in Southern Ontario.
• 39 known invasive forest insects
• 10 invasive tree diseases

Risk factors include:
• Geography
• Cultural Diversity
• Economy
• Condition of Ontario’s ecosystems
Ontario’s Biodiversity Strategy, 2011
- The guiding framework for biodiversity conservation across the province
- Recognizes invasive species as the second most important threat to biodiversity

Target 7:
- By 2015, strategic plans in place to reduce threats posed to biodiversity by invasive species

Key Actions:
- Continue and enhance measures for prevention, early detection, rapid response to and effective management of invasive species

Biodiversity: It’s in Our Nature Ontario Government Plan to Conserve Biodiversity 2012-2020
- Ontario government’s policy and implementation plan for advancing biodiversity conservation
- Invasive species recognized as an important threat to biodiversity

Action 12:
- Reduce the threat posed to biodiversity by invasive species

Supporting activities:
- Implement the Ontario Invasive Species Strategic Plan

Ontario Invasive Species Strategic Plan, 2012
- Objectives are to prevent new invaders from arriving and surviving, slow, and reverse the spread of invasive species, and reduce the harmful impacts of existing invasive species

Key Actions:
- Examine provincial legislation and policy framework
- Support and strengthen existing legislation
- Review and enhance policies
- Increase capacity for risk assessments
Legislative Drivers

Growing Impacts/Economic Costs

- Globally, costs to the environment, agriculture and communities from invasive species are estimated to be $1.4 trillion — equivalent of 5% of the global economy and seven times the cost of natural disasters
- Control costs for Zebra Mussels between $75 - $91M per year in Ontario

Fragmented Legislation/Lack of policy direction

- 2013 legislative review determined the regulatory framework is fragmented and uncoordinated, with gaps in the taxonomic and regulatory coverage of invasive species, coordination among government agencies, and a general lack in capacity for implementation and enforcement.

Increasing Public Awareness, Political and Stakeholder support

- Media coverage e.g. Asian Carp in the Great Lakes
- Concern from a broad range of stakeholders, the general public and municipalities
- All three political parties supported the need to increased action
Invasive Species Act, 2015: Status

• The Act received Royal Assent on November 3, 2015 and will come into force in November 2016.

• No species or carriers have been proposed for regulation under the Act. Decisions to regulate species under the Act will be based on risk assessments that consider environmental, social and economic impacts.

• Public consultation will occur prior to the finalization of regulatory proposals.
Purposes of the ISA

• Provide an enabling legislative framework to support prevention, detection, response and where feasible eradication of invasive species

• Promote shared accountability for managing invasive species

• Use a risk-based approach that considers the range of threats, costs and benefits of invasive species

• Complement the role of the federal government in managing invasive species
What are Invasive Species under the Act?

**Invasive Species** means 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.

**Species** means a species or subspecies of animal, plant, or other organism, including bacteria or viruses, that may or may not be native to Ontario.
Regulating Invasive Species

Prohibited:
• No person shall - Bring into Ontario, deposit or release, 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 in regulation

Temporary Designation (Minister’s Order)
• Minister may make an order to temporarily designate an invasive species for up to two years.
Regulating Carriers and Control Areas

Carriers
Carriers are things that are capable of moving an invasive species or many invasive species from one area to another.

- Examples: watercraft, bait, firewood

Invasive Species Control Areas
- May designate areas of Ontario as control areas where measures may be established to control the spread of the invasive species.
Enabling Beneficial Activities

Authorizations

- Enable prohibited activities 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 would enable enhanced partnerships and actions to support the prevention and control of invasive species.
Inspectors

• The Bill includes a suite of powers that inspectors may use to enable prevention, detection, response and control of invasive species.

• Powers applied based on the threat to the natural environment, classification and management approach for a given species or carrier.

• Minister may designate a person or classes of persons as inspectors

• Limited to MNRF enforcement officers at this time
Detection Provisions

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 (Limited to 15 days)

• 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.

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/Control Provisions

**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.

**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.

**Invaded Place Order**

- Inspector may make an order declaring land, a building or structure to be an Invaded Place
- Actions may be taken to prevent the spread and to eradicate the invasive species
Minister’s Powers

• Ministerial approval required for actions that would result in the destruction of private property.

• Subject to the regulations, compensation may be provided for property that is damaged or destroyed.
Enforcement and Penalties

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)
• May be multiplied by the number of animals, plants or other organisms involved
• 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 costs or expenses incurred by the Crown
Thank You

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Invasive Species Act

www.ontla.on.ca/bills/bills-files/41_Parliament/Session1/b037ra.pdf

#invasionON