



# INFORMATION SHEET

## PROFESSIONAL FORESTRY and CERTIFIED ARBORISTS

By authority of the *Professional Foresters Act, 2000*, the OPFA regulates the practice of professional forestry in Ontario. Although the Act provides a legal definition of professional forestry in Ontario, regulating professional forestry occasionally requires an interpretation of that legal definition and how it applies to specific circumstances.

A copy of the *Professional Foresters Act, 2000* is available on the Ontario Government's e-laws site at: [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_00p18\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_00p18_e.htm)

### What is the “practice of professional forestry”?

The legislative definition of the scope of practice of the profession of forestry in Ontario is set out in Section 3 of the *Professional Foresters Act, 2000*. This definition forms the basis of the scope of practice of the profession.

The practice of professional forestry is “the provision of services in relation to the development, management, conservation, and sustainability of forests and urban forests where those services require knowledge, training and experience equivalent to that required to become a member under this Act and includes,

- The designing, specifying or approving of silviculture prescriptions and treatments, including timber harvesting;
- The appraisal, evaluation and certification of forests and urban forests;
- The auditing of forest management practices;
- The assessment of impacts from planned activities on forests and urban forests;
- The classification, inventory and mapping of forests and urban forests;
- The planning and locating of forest transportation systems including forest roads

These are examples only and do not represent an exhaustive list of what constitutes the practice of professional forestry.

The question of “what constitutes professional forestry in Ontario” results in a detailed answer and depends on several factors such as the nature of the activity being considered, who is doing it (and that person’s relevant qualifications), and whether they are being supervised while they undertake the activities in question.

Elements of the practice of professional forestry may overlap with the work performed by members of other professions, trades and occupations. The Act and the “exclusions” under Ontario Regulation 145/01 both list specific activities that will not be considered to be acts of professional forestry if conducted by certain individuals in carrying out activities associated with the excluded profession, trade or occupation.

Where it appears to the OPFA that any person does not comply with any provision of the Act or the regulation, the Association may apply under section 59 of the Act for a cease and desist order or injunction to the Superior Court of Justice.

## **CERTIFIED ARBORISTS continued:**

Certain persons will not be seen to be practising professional forestry if they are personally conducting certain activities in accordance with exclusions in the Act (Section 3(2)) or Ontario Regulation 145/01.

“The practice of professional forestry does not include acts performed in relation to the management or manipulation of forests if they are performed:

“For the purposes of section 3(2)(b) of the Act, the Act does not apply to persons engaged in another established profession, trade or occupation provided that the person is acting within its generally accepted scope of practice, including the following professions, trades or occupations:...”

### 5. Certified Arborists

The following is the OPFA’s interpretation of the circumstances under which a **Certified Arborist** may be able to claim the benefit of the exclusions in subsection 3(2) of the Act:

*Includes arborists currently certified and in good standing by the International Society of Arboriculture (ISA) while conducting acts in the generally accepted scope of practice of arboriculture.*

Definition of Arboriculture: The cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants. It is both a practice and a science. (Wikipedia: <http://en.wikipedia.org/wiki/Arborist>)

*The exclusion allows for a Certified Arborist to inventory, manage and prescribe silvicultural treatments for individual trees, and does not apply to activities on forested areas, including parks, where management is done on a scale greater than individual trees.*

Professional forestry activities are excluded if: 1) conducted personally by the specified professionals; and (2) the activity is within the generally accepted scope of practice of that particular profession. If either of these conditions are not met, the person is not able to rely on the exclusions in the Act or Regulation 145/01. Enforcement of the regulation is made more complex due to the fact that several of the excluded occupations are not regulated and do not have official scopes of practice.

However, if the activity falls within the definition of the practice of professional forestry, and is outside the scope of practice of the profession, trade or occupation in question, then the person performing the activity must obtain a certificate of registration under the Act.

For more information on the Ontario Professional Foresters Association (OPFA) and membership requirements, please visit our website at: [www.opfa.ca](http://www.opfa.ca)

*This document has been developed to give guidance on exclusions to the Professional Foresters Act, 2000, so that the public interest, and the public expectation of the profession, is served and protected. The OPFA interpretation of this exclusion has been developed to serve as guidance as to the circumstances under which persons may benefit from the exclusion. This interpretation, as noted above in italics, is not a legal definition.*