

INFORMATION SHEET

PROFESSIONAL FORESTRY and MANAGED FOREST TAX INCENTIVE PROGRAM

The practice of professional forestry, unlike all the other occupations in natural resources, is regulated by provincial law in Ontario. This means that the scope of practice and the governance of professional forestry to protect the public interest is set by law and not by employers or individual workers. This law, the Professional Foresters Act, 2000, provides the Ontario Professional Foresters Association (OPFA) the authority to regulate the practice of professional forestry in Ontario. This means that anyone practising professional forestry, who is not specifically excluded under the Act, must be a member in good standing of the Ontario Professional Foresters Association.

A copy of the *Professional Foresters Act, 2000* is available on the Ontario Government's e-laws site at: <https://www.ontario.ca/laws/statute/00p18>

A Managed Forest Plan Approver (MFPA) in good standing is currently excluded from having to be a member of the Ontario Professional Foresters Association. This exclusion only applies if the MFPA works within the accepted scope of practice of the Ontario government's Managed Forest Tax Incentive Program (MFTIP). The Ontario Ministry of Natural Resources and Forestry defines this scope as the preparation and/or approval of a Managed Forest Plan developed specifically for the purposes of satisfying the requirements associated with the property tax incentive program. If a silvicultural prescription or an enhanced inventory is to be included in the Managed Forest Plan, the prescription and design of the inventory must be prepared by a registered member of the Ontario Professional Foresters Association or under the direct supervision by a member. A Managed Plan Approver cannot prepare forest inventories or silvicultural prescriptions unless the MFPA is also a licensed member of the Ontario Professional Foresters Association.

Authorization as an MFPA under MFTIP does not permit the individual to prepare and/or approve Managed Forest Plans that are not part of, or going to be part of MFTIP. MFPA's who may lose their status as an MFPA are no longer able to perform related activities afforded under the Act and regulations unless the individual is also a licensed member or working under the direct supervision of a licensed member of the Ontario Professional Foresters Association.

What is the “practice of professional forestry”?

The legal 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*. 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 that include harvest, planting, and protection activities;
- 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.

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.

Generally the practice of professional forestry does not include activities performed in the management or manipulation of forests if: 1) conducted personally by the registered owner of the land who carry out the forestry activities on their own; and (2) the activity is within the generally accepted scope of practice of a particular excluded occupation such as a MFPA. 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. 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 be licensed by obtaining a certificate of registration under the *Professional Foresters Act, 2000*.

For more information on the Ontario Professional Foresters Association (OPFA), please contact the Executive Director at executive.director@opfa.ca, or visit the OPFA website: www.opfa.ca

This document has been developed to give guidance to Managed Forest Plan Approvers, authorized under MFTIP, and their clients regarding excluded occupations under the Professional Foresters Act.