



# INFORMATION SHEET

## PROFESSIONAL FORESTRY and MUNICIPALITIES

The OPFA has prepared this information sheet to better inform municipalities and their staff of the importance of utilizing members of the Ontario Professional Foresters Association (OPFA) in planning and implementing good forestry practices within their municipality. Members of the OPFA are professional foresters that municipalities in Ontario employ or contract to undertake forest inventories, develop management plans, help implement tree conservation and tree removal/cutting by-laws and a host of other forest related activities.

The *Professional Foresters Act, 2000*, provides the OPFA the authority to regulate the practice of professional forestry in Ontario. This means that anyone practising professional forestry, and that is not specifically excluded under the Act, must be a member in good standing of the OPFA. Municipalities must comply with this legal requirement when assigning forestry work to staff and contractors.

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)

### **Benefits of employing a professional forester**

The major benefits that municipalities obtain are the assurance of standards of professional competency and that complaints regarding conduct or actions of a professional forester are considered and investigated by the OPFA at no cost to ratepayers. Here are some additional benefits:

- 1) Professional foresters, like all provincially regulated professions, must protect the public interest in addition to meeting the requirements of their client or employer.
- 2) Professional foresters must adhere to an enforceable Code of Ethics, a mandatory professional development program, and are accountable for their actions and decisions. This protects the public interest by ensuring Ontario's forests, including those on private land and in urban centres, are managed by capable, ethical and accountable professionals.
- 3) Professional foresters apply objective evidence-based information and documented experiential knowledge in the work they undertake. They are trained to work with experts in different disciplines and the public and understand how to manage for a multitude of objectives for the long term.
- 4) Public oversight is safeguarded as the OPFA is governed by a board made up of elected members and members of the public appointed by the Government of Ontario. The OPFA must also report its activities annually to the Minister of Natural Resources and Forestry.

### **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.

Municipalities often hire people with different skill sets and job titles to conduct their work. To help ensure your municipality complies with provincial law and also protects ratepayers, the following interpretations are provided for the circumstances under which these noted professions, trades and occupations may be able to claim the benefit of the exclusion in subsection 3(2) of the Act or Ontario Regulation 145/01.

#### **Certified Arborists**

*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. Also includes arborists that are regulated by provincial law working within their scope of practice defined by the Ontario College of Trades*

*The exclusion allows for a Certified Arborist to inventory, manage and prescribe 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.*

#### **Certified Tree Marker**

*Tree Marker Certification must be current and in good standing as conveyed by the Ontario Tree Marker Program governed by the Ontario Ministry of Natural Resources and Forestry.*

*Level I – may mark trees in accordance with a prescription prepared by a registered and competent OPFA member; or as prepared personally by the landowner. No revision to the prescription is allowed.*

*Level II – may mark trees as per Level I Tree Markers (as above), and may audit tree marking marked by another tree marker. This audit may only be an assessment of tree marking in accordance with a prescription prepared by an OPFA member. prior to harvest activities being implemented (if applicable) and does not include revising a prescription, assessing the prescription against planned objectives, auditing tree marking after harvest activities have commenced, or any such other assessment of impacts of planned forest management activities.*

#### **Landscape Architect**

*Member in good standing of the Ontario Association of Landscape Architects and working within the scope of practice permitted by membership in that organization.*

**Professional Planner**

*Member in good standing of the Ontario Professional Planners Institute and working within the scope of practice permitted by membership in that organization.*

**Natural Resource Technician and Technologist**

*Graduate of a post-secondary Forest Technician, Forest Technology or Natural Resource Technician diploma program and undertaking work in the forest that is within the generally accepted scope of practice of a Forest Technician.*

*Examples of the scope of practice of technical level forestry includes implementing forest inventories, implementing or supervising the implementation of silvicultural prescriptions (as prepared by a professional forester), including individual forestry activities such as timber harvesting, site preparation, tree planting, regeneration surveys, juvenile thinning, assessment for forest insect and disease, herbicide application, compliance assessment, etc.*

**Certified Managed Forest Plan Approver**

*Current certification as a Managed Forest Plan Approver (MFPA) in good standing is required for this exclusion to apply. Certification is conferred and registered by the Managed Forest Tax Incentive/Improvement Program (MFTIP), administered by the Ontario Ministry of Natural Resources and Forestry. The generally accepted scope of practice includes preparation and/or approval of a Managed Forest Plan for the purposes of satisfying the tax benefit plan associated with the 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 OPFA or under the direct supervision (and certified) by a registered member. Certification as a Managed Forest Plan Approver does not allow for preparation of enhanced inventories or silvicultural prescriptions unless the MFPA is also a licensed member of the OPFA.*

Generally the practice of professional forestry does not include activities performed in the management or manipulation of forests if: 1) conducted personally by the landowner 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. 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](mailto:executive.director@opfa.ca), or visit the OPFA website: [www.opfa.ca](http://www.opfa.ca)

*This document has been developed to give guidance to municipalities in implementing good forestry practice and provide clarification regarding excluded occupations. This interpretation, as noted above in italics, is not a legal definition.*