



# INFORMATION SHEET

## PROFESSIONAL FORESTRY and CERTIFIED TREE MARKERS

The practice of professional forestry is regulated by provincial law in Ontario. This law, the Professional Foresters Act, 2000, gives 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 Ontario Professional Foresters Association.

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)

A Certified Tree Marker in good standing is excluded from having to be a member of the Ontario Professional Foresters Association. This exclusion only applies if the Certified Tree Marker works within the accepted scope of practice of the Certified Tree Marker Program.

The generally accepted scope of practice is determined by the level of certification as outlined below:

- Level I Certified Tree Markers are trained to implement tree marking prescriptions developed by a registered member of the Ontario Professional Foresters Association.
- Certified Tree Markers decide which trees are marked for removal or retention during forest harvest operations.
- Certified Tree Markers cannot modify the prescription nor can they conduct other forestry work such as forest inventories.
- Level II Certified Tree Markers may audit tree marking done by another tree marker. This audit may only be an assessment of tree marking in accordance with a prescription prepared by a registered member of the Ontario Professional Foresters Association prior to harvest activities commencing 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.
- Level III Certified Tree Markers recognizes those persons certified as Tree Marker course instructors. They may do all activities referenced for Level I and Level II tree markers

### **What is the practice of professional forestry?**

The legal definition of the scope of practice of the profession of forestry in Ontario is described in Section 3 of the *Professional Foresters Act, 2000*. 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 inventory, 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. Tree marking certification does not provide authority for certified tree markers to undertake any of the above activities

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 individuals 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:

- conducted personally by the landowner who carry out the forestry activities on their own; and
- the activity is within the generally accepted scope of practice of a particular excluded occupation such as a Certified Tree Marker. 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 provide guidance to Certified Tree Markers and their clients regarding professional forestry activities.*