


The Professional Forester

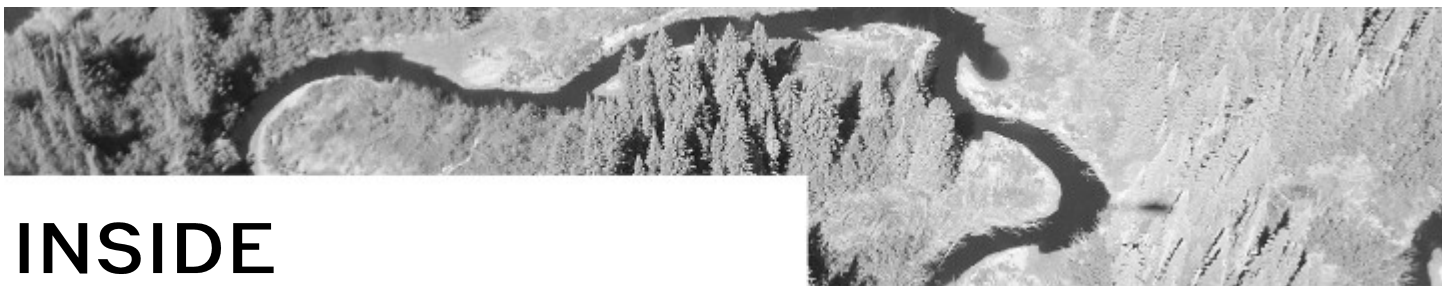
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Marketing, Economic
Development and Trade

ALSO INSIDE

OPFA Conference and AGM postponed, details on page 33



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Letter to the editor

23 December, 2019

As a former member of the Editorial Board, many years ago, I wish to compliment you as Editor and the Board for maintaining the traditional high standard of content and publication.

The article by Colin Bowling (December, 2019 issue) is a fascinating account of the relatively recent history and ways in which the MANDO CFI permanent sample plots have continued to provide a wealth of growth and yield and other information employing technologies that were never imagined by the originators of the MANDO CFI. The one important piece of history is the omission of who those originators were: Don Start and George Garner. They are no longer with us but as professional foresters they were key innovators in the early years of forest management in northwestern Ontario. I first met Don Start who was the company's Chief Forester in 1953 when he was interested in using Angus Hills' site classification system in forest inventory. George Garner succeeded Don and became another forester friend and it was during our negotiations for the Forest Management Agreements (FMA's) that the unique importance of

the CFI and related plots became apparent because the Ontario Ministry of Natural Resources (MNR) was responsible for providing the provincial inventory system for FMA holders. As a result Dr. John Osborn who then headed the Forest Resource Inventory (FRI) and I met with George Garner to try to arrange a means of maintaining the plot system.

The benefits that can accrue particularly in forestry where we are dealing with tree and forest life spans in decades, from the maintenance of forest management records and the rationale for forest activities on the state of the forest are invaluable as Bowling's article makes clear.

It may be of interest to OPFA members that the Forest History Society of Ontario, founded ten years ago, is dedicated to a wide range of activities and publishes a biannual journal, "FORESTORY" containing articles on various aspects of forest history, primarily in Ontario – new members are most welcome!

Sincerely,

Kenneth A. Armson, O.C., R.P.F. (ret.)


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Forest History Society of Ontario website — ontarioforesthistor.ca

Urban Forest Certification

Michael Rosen, R.P.F., Past President, Tree Canada

Third party certification is now an entrenched principle of 21st century forest management. Canada leads the world, with over 48% of its publicly owned forests certified under one of the three regimes: Forest Stewardship Council (FSC), Sustainable Forestry Initiative (SFI) and Canadian Standards Association (CSA). Certification can therefore be theoretically applied to the eight Forest Regions in Canada, including the three found in Ontario. All three certification systems are oriented towards the commercial forest and assess a forestry operation's planning, procedures, systems and performance against predetermined standards.

But what of Canada's ninth Forest Region, the Urban Forest – the one that is home to over 82% of its population (despite being only about 2% of its land mass)? Well, for these forests (which includes wooded parks, street trees, shopping mall parking lots, hospital grounds and residential backyards) the techniques of management and of certification are quite different and complex.

Both forests (commercial and urban) saw greater investment in management in the 1980's although it really was not until the 2000's that "strategic urban forest planning" became accepted practice, especially in big city Canada. Here, professional foresters, arborists, technicians and landscape architects were increasingly hired, principally by municipalities, to usher in a new era of urban forest management. As citizens demanded better tree preservation, bylaws, planting and maintenance, municipalities developed "urban forestry departments".

Definitions of "sustainability" abounded in the

2000's with efforts directed towards establishing "criteria and indicators" (C & I) of sustainability for the "natural forest". Similarly, in urban forests, the paper which established the C & I platform was [*Criteria and Indicators for Sustainable Urban Forest Planning and Management*](#), Kenney et al. (2001) which continues to form the base for urban planning and certification in Canada. In it there are 25 criteria and indicators outlined within three broad categories: Vegetation Resource (7 criteria), Community Resource (7 criteria) and Resource Management Approach (11 criteria). Each category uses key objectives and performance indicators in



Tree lined street - Winnipeg. Photo credit: Michael Rosen.

which managers (or auditors) can rate the meeting of the specific objective as being low, moderate, good and optimal. An example would be the "Species Diversity" objective under "Vegetation Resource" which is to, "Establish a genetically diverse tree population city-wide as well as at the neighbourhood level". Here, "Low" is defined as, "Fewer than five species dominate the entire tree population city-wide" with "Optimal" being, "No species represents more than 10% of the tree population at the neighbourhood level".

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In urban communities motivation for forest certification originates from the following factors: communities are increasingly in competition for a better lifestyle for their citizens, the attraction of international capital, recognition of the work and creating a source of pride amongst municipal staff while offering elected officials something meaningful

Similarly, the program (which in Canada is being promoted by *Tree Canada*) is based on five similar type core standards: Establish Responsibility (through a department or citizen tree board), Set the Rules (the legal or policy framework for urban forest management), Know What You Have (basing management on an inventory), Allocate the Resource (ensuring that funding is in place for management) and Celebrate Achievements, by which the community actively and formally celebrates the wonder of trees. Currently 10 Canadian cities are enrolled, five of which are in Ontario.

The North American-based *Society of Municipal Arborists* (SMA), affiliated with the *International Society of Arboriculture* (ISA) has established the [Accredited Urban and Community Forest Program](#) which utilizes 7 criteria: having at least one ISA Arborist on staff with an ISA Certified Municipal Specialist preferred, a local forest management plan, Tree City USA status (or equivalent outside US), a Tree City USA Growth Award within the past five years (or equivalent outside US), demonstrated preference for the Tree Care Industry Association accredited tree care companies (or equivalent outside US) when private arborists are contracted, adherence to ANSI Z133.1 safety standards and ANSI A300 tree care performance standards (or equivalents outside the US) and a pledge of adherence to the SMA Code of Ethics and to promote SMA objectives. There is currently one Canadian city (Surrey, BC) enrolled in the program.

to boast about.

The [Tree City USA](#) program was established by the US-based *Arbor Day Foundation* in 1976 with 1000's of municipalities enrolled. *Tree City* is based on four criteria: the formation of a Tree Board or Department (ensuring professionals are in charge), a Tree Care Ordinance (or by-law) on at least publicly-owned trees, a Community Forest Budget with a designated amount of \$2/citizen (most Canadian municipalities exceed this by 5X plus), and the observance and declaration of Arbor Day. Funding and technical guidance comes through the *US Forest Service* and its system of State Foresters (it should be noted that unlike Canada, the US supports urban forest practices at the federal and provincial levels).

From this model emerged the [Tree Cities of the World](#) program, launched in 2018 through the *Arbor Day Foundation* but with the *Food & Agriculture Organization* (of the UN) as a major partner.

Finally, at least one of the certification systems (FSC) has certified woodlots in an "urban" or "peri urban" setting including those in Oakville and York Region. Although not a full accreditation of an urban forest program per se, this accreditation stands as a substantial way that sustainability can be demonstrated particularly in those municipalities who actively "manage" their woodlands for timber (and many other) products.

All this to say that certification is alive and strong in the urban forests of Ontario as a movement of demonstrating pride, good workmanship, attracting business and support going forward into the future.



Aerial view - Vancouver. Photo credit: Michael Rosen.

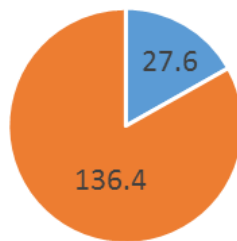
Certifying Ontario's Forests and Products

Betty van Kerkhof, R.P.F.

Do the pros offset the cons?

Forest certification systems were introduced in the mid-1990s. Since that time, levels of certification have increased such that Canada now leads the world in the area and in the proportion of forests certified (Natural Resources Canada).

Hectares Certified (Millions)



■ Ontario ■ Remainder of Canada

December 2018 (FPAC 2019)

Certification provides an independent and respected means to demonstrate that Canadian forests are managed to very high standards of sustainable forest management. Nationally the area certified has been relatively stable over the past ten years with most companies maintaining their certification through the downturn in the economy (Forest Products Association of Canada (FPAC), 2019).

The certification systems used throughout Canada and Ontario are those developed by the Sustainable Forestry Initiative (SFI), Forest Stewardship Council (FSC) and the Canadian Standards Association (CSA). Accreditation to the ISO 14001 Environmental Management System is also maintained for woodlands operations by some forest managers, such as Resolute Forest Products. Certification to these third-party systems is facilitated by the robust regulatory framework that exists in Canada and Ontario.

Forest managers may choose to certify their land base to attain Forest Management (FM) certification. In addition, forest product facilities may choose to attain Chain of Custody (CoC) certification so they can make declarations regarding responsible sourcing to help sell their products. The chain of custody process tracks wood from its place of origin to its final product. It demonstrates that a company is able to track the source of certified or uncertified fibre in their products and that any product declared certified is sourced from sustainably managed forests. The majority of Ontario's managed forests are certified to one or more FM certification standards and almost all large mills are certified to one or more CoC standards.

Pros and Cons of Certification

Ontario is an undeniable leader in forest certification. Professional foresters and mill managers across Ontario are deservedly proud. Forest managers and mill owners realize a number of benefits from certification but the degree to which these benefits sufficiently offset costs can vary. The benefits of certification tend to be primarily related to improved credibility of forest practices and security of market access and not necessarily a price premium.

Land Base Certification

Certification of the forest land base to an internationally respected standard following third party audits provides credibility for forest practices and validates systems implemented by the forest manager. It provides an opportunity to do business with manufacturing facilities that require certified wood and makes the certified forest a preferred source of supply. Annual surveillance audits reinforce the rigour with which the forest manager fine tunes their management practices to meet a higher standard on the ground. Certification also enhances the public image and social licence of the forest manager. It can also serve to benchmark forest management in relation to other provincial and global jurisdictions. Further, it provides an impetus for the forest manager to confidently reach out and communicate with the public, nearby communities, Indigenous rights-holders, government and stakeholders about how well the forest is being managed.

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The Implementation Committees associated with SFI and more recently FSC provide certified forest managers a venue to collaboratively discuss improvements to practices and to learn from each other. For further information see the Central Canada SFI Implementation Committee website.

Despite the pros, certification is not without challenges. There are three main categories of cons: increased costs, regulatory conflict and audit consistency.

Certification carries direct audit costs and indirect costs associated with providing the time and resources to prepare for and participate in annual surveillance audits and five-year certification audits. Compounding costs related to multiple audits can be staggering, given that some companies manage several Sustainable Forest Licences and many mills. In Ontario, this is in addition to costs associated with meeting mandatory regulatory requirements including audits. Direct audit costs are compounded by costs associated with internal tracking procedures, evidence compilation and documentation management as forest managers maintain their certification programs and prepare for future audits.

Ontario's regulatory regime and independent Forest Certification standards can be definitive and inflexible. If the two (or more) are not aligned, it can be challenging for a forest manager to become or to maintain certification despite best efforts. For example, there may be well intentioned differences in requirements for endangered species, forest practices, protected areas, or management of intact forest landscapes. Certification standards and provincial regulatory requirements change over time, so the degree of alignment between the two will also change. Where the regulations and standards do align, there is much appreciated mutual reinforcement. Without alignment strict regulations can conceivably constrain certification conformance regardless of whether there is a willingness to exceed regulations or innovate to meet higher standards. If the responsible forest manager that steps up to pursue certification is unable to comply with a given independent standard requirement it can conceivably backfire and give them a negative public image or restrict their ability to be considered a preferred fibre source.

As public expectations build, FM certification standards are becoming increasingly comprehensive and complicated. Inevitably, there are also additional challenges introduced by individual auditors who may interpret specific certification requirements differently than their colleagues which can introduce questions of equity. Further, international standards may not sufficiently acknowledge the limited role of a forest manager on public land particularly with respect to sensitive federal/provincial governmental matters such as Indigenous relations.

Understandably, certification standards stray into matters that are not necessarily scientifically based and may be influenced by global issues that are not a real issue in Canada with its strong regulatory and policy framework for public forests.

Product chain of custody

For sawmill and pulp mill owners, CoC provides market access, without it, the ability to sell wood including chips can be difficult. Product CoC provides a positive image as a preferred supplier to customers for both sawn wood products and pulp and paper. The public and the market place are increasingly demanding certified wood and paper products. Third party certification provides independent validation that fibre sources are tracked, outgoing products are derived from sustainably managed forests and do not contain contaminated supplies, such as illegally harvested wood. The requirement to track wood provides an incentive to follow better business practices.

Initiating, maintaining and monitoring a CoC tracking system and documenting evidence has initial and ongoing costs such as audits. It also carries risks such as non-conformances leading to potential poor audit results. Certification can also constrain the available wood supply, limiting it to proven sources that meet defined certification requirements. Most Ontario mills do not have the ability to separate and pile unproven sources as it entails prohibitive costs and requires logistically unavailable mill yard space. The dimensional lumber market is not a large consumer of certified wood, this can make certification a difficult business decision for a sawmill owner because their primary market does not demand certification but the pulp market for their bi-product chips does.

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Private and Community Forests

The Eastern Ontario Model Forest (EOMF) provides private and community forest owners, throughout Ontario, a supportive system to achieve forest certification.

In January 2003, the Model Forest received a Forest Stewardship Council® (FSC®) Group Forest Management Certificate (FSC® C018800). It enables many forest owners to share in the benefits and costs of FSC® certification, under one umbrella. 75,000 hectares are certified under this program. Participants have identified a number of benefits including a methodology to carry out sustainable forest management that is internationally recognized, public acceptance, a means to protect forest ecosystems and fight climate change, a supportive and cost effective approach to certification and meaningful and respectful Aboriginal engagement (Eastern Ontario Model Forest).

Currently, the only market demand for certified wood in the EOMF wood basket is FSC pulp for paper production and with the closure of the Thurso pulp mill there is one less pulp and paper mill for the eastern Ontario wood basket. The solid wood market is not demanding certified wood because the public is not requesting certified wood products. Consequently several lumber producers in southeastern and southwestern Ontario have dropped their CoC certification because the cost of holding the certificate does not provide a market advantage for the sale of solid wood products. Low public awareness regarding the value and role of certification in ensuring sustainable forest management translates into poor market demand. One bright spot is the carbon offset market, because certification is a requirement for the forest to enter this market.

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Understanding the Barriers and Opportunities Surrounding Access to Ontario's Annual Allowable Cut

Ian Dunn, R.P.F. and Cameron Duckett, OPFA
student member, Ontario Forest Industries Association

Ontario's draft Forest Sector Strategy (FSS) highlights an opportunity and pathway for our province to sustainably harvest approximately 30 million cubic metres per year by 2030. This is not a doubling of the annual allowable cut (AAC); instead, this is a commitment made public by the Ontario government to address the barriers that actively prevent the full utilization of the current AAC.

The provincial AAC is a calculation of sustainable wood supply from all approved forest management plans (FMPs), which collectively amount to a figure of nearly 30 million m³ per year. This is a theoretical volume based on historic inventories and best

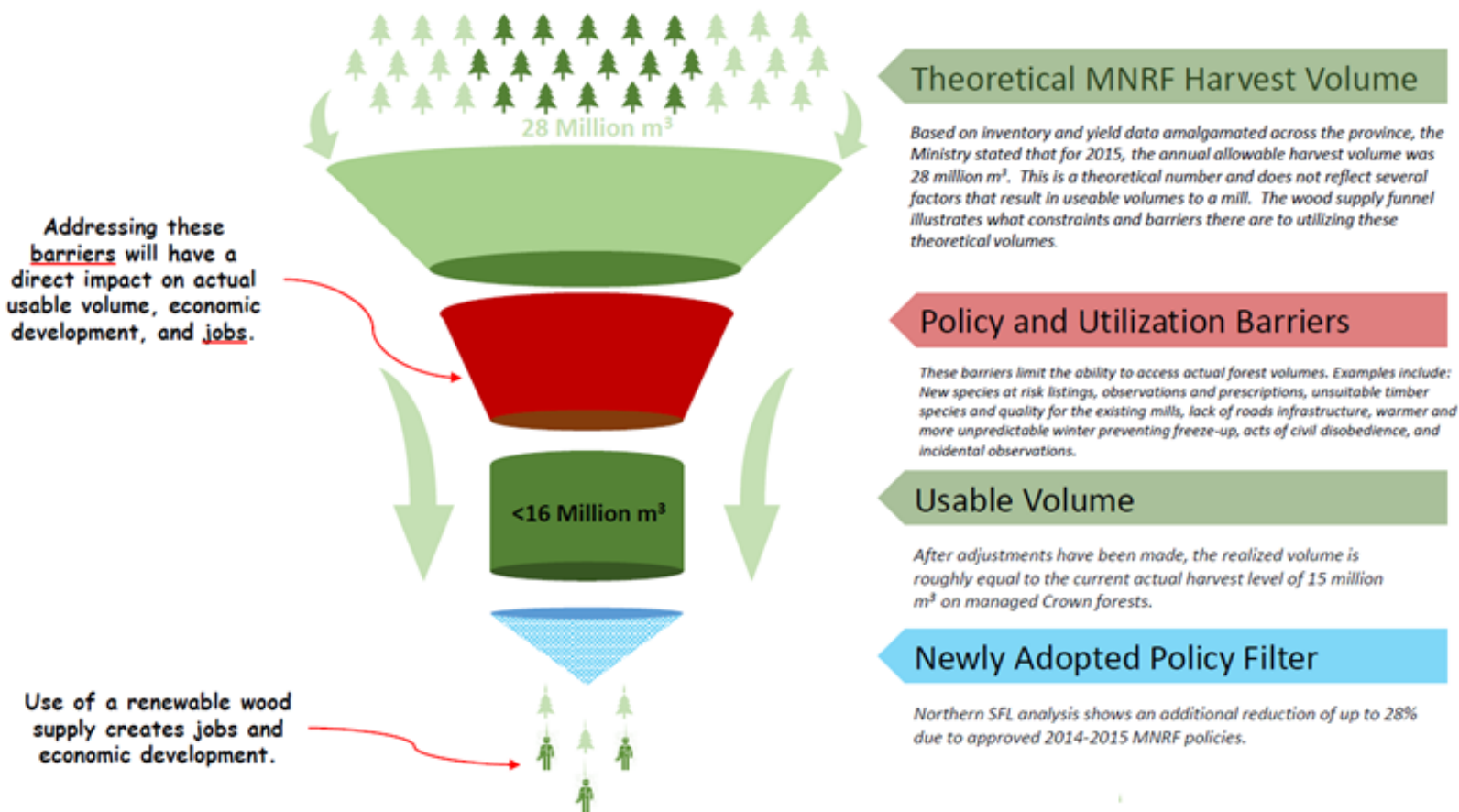
available growth and yield information that underpins the modelling process. There is a substantial difference between the theoretical AAC and what is ultimately available to industry.

In 2016, the Ontario Forest Industries Association (OFIA) Woodlands Committee undertook a project to better understand, quantify, and communicate the barriers that prevented the full utilization of the current AAC. This included factors related to inventories, growth and yield (e.g., outdated FRI/yield curve information, actual volumes in stands that differed from planned, mortality since the imagery was captured etc.), economic constraints (e.g., no markets, permanent/idled mill closures, unsuitable species and quality), values related constraints (e.g., new species at risk observations, unmapped streams etc.), factors related to administrative issues and civil action, and physical access considerations.

The OFIA Woodlands Committee collected information from each management unit across the province and ultimately developed a modified available wood report, which reflected the local knowledge of SFL managers. This tool provided a more comprehensive breakdown of the barriers that impact the theoretical AAC on each forest and across the province.

The OFIA designed the infographic on the following page to simplify (for broader audiences) and graphically display the impact of policy and utilization barriers that prevent the access to a theoretical AAC.

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Based on our analysis, we found that without addressing the barriers described earlier, useable wood volumes are very close to what is currently harvested in the province. These findings suggest that policy, conservation and duplicative barriers must be dealt with before Ontario can achieve its AAC. We are optimistic that the draft FSS and other MNRF policy initiatives will sufficiently address these challenges and allow industry to fully use the sustainable AAC. While exact percentages were provided (in terms of reductions to AAC based on some of the barriers mentioned above), ultimately this was a qualitative assessment undertaken by forest managers. We found that this investigation provided an important lesson; that there is a need to look beyond the numbers and gain a better understanding of local context in partnership with forest managers if we wish to increase investment and capacity for the provincial forest industry.

As barriers are overcome on the supply side, we need to ensure cost competitiveness and facilitate integration in our industry to realize the full potential of the forest sector, which includes the development of workable emission performance standards and carbon pricing systems, open access to American markets, the survival of biomass as a critical contributor to Ontario's electricity grid, and feasible solutions to address labour shortages.

This is an exciting time to be a part of Ontario's forest industry, and we will be looking to the membership of the Ontario Professional Foresters Association to collaborate and find solutions to these sector-wide concerns. The successful implementation of the FSS will require the collective leadership from all R.P.F.s in the province to push for positive change in our mills and in the forest.

Building for the Future: Using Mass Timber Construction to Help Meet Global Sustainability Targets

Emmett Snyder, OPFA student member **and**
Anne Koven, Hon. R.P.F., Mass Timber Institute

With global population expected to rise by more than 40% by the end of the century¹, demand for additional residential, commercial, and industrial accommodations is expected to skyrocket over the next few decades². In the Greater Toronto Area, for example, population is expected to rise to more than 10 million by 2046³. However, intensifying 'business as usual' construction will make it increasingly difficult to meet global sustainability targets with the emissions that would accompany this intensification^{2,4}. Advances in materials science and engineering over the past few decades⁵⁻⁹, however, have made it possible to use engineered wood, specifically mass timber, and wood-concrete hybrid¹⁰ materials in structural applications that would formerly require concrete and steel⁸. These advances have provided the architects, designers, developers, and builders of today with the tools they need to satisfy global accommodation demands in a sustainable way² while supporting the forest industry and the northern communities

that rely on it in the process.

As local, national, and global building codes continue to evolve^{11,12} to reflect these advances in wood science and engineering, more and more mass timber projects are being built and more ambitious projects are being tabled⁵. A few notable examples include the Carbon12 building in Oregon⁵, Brock Commons, a 53 m student residence at the University of British Columbia^{5,7,13}, and the 85 m Mjøstårnet building in Norway¹⁴. Proposed projects continue to push wood construction to even greater heights. For example, Sidewalk Labs is proposing to build an entire waterfront community in downtown Toronto out of mass timber¹⁵. The proposal includes plans for mass timber towers 107 m tall, modular infrastructure, affordable housing, commercial accommodation and more. If realized as planned, the Sidewalk Labs project would be the largest concentration of mass timber buildings globally and would be a model for sustainable building.

In addition to the Sidewalk Labs project, local and semi-local projects are popping up all around Southern Ontario and the surrounding states⁵. A few notable projects include the T3 Goose Island Project in Chicago, Clippership Wharf in Boston, River Beech Tower in Chicago, Riverfront Square in Newark, and 77 Wade Ave, the Arbour and U of T academic tower all in Toronto⁵. On the international side, Sumitomo in Japan has proposed an even more ambitious project: a 70-storey, 350 m timber tower in Tokyo¹⁶.

This paradigm shift towards sustainable construction is being seen not only in the architectural, design, and construction communities, but also in political circles. Japan^{16,17} has already passed legislation that requires the use of wood in public buildings and France¹⁸ has recently proposed

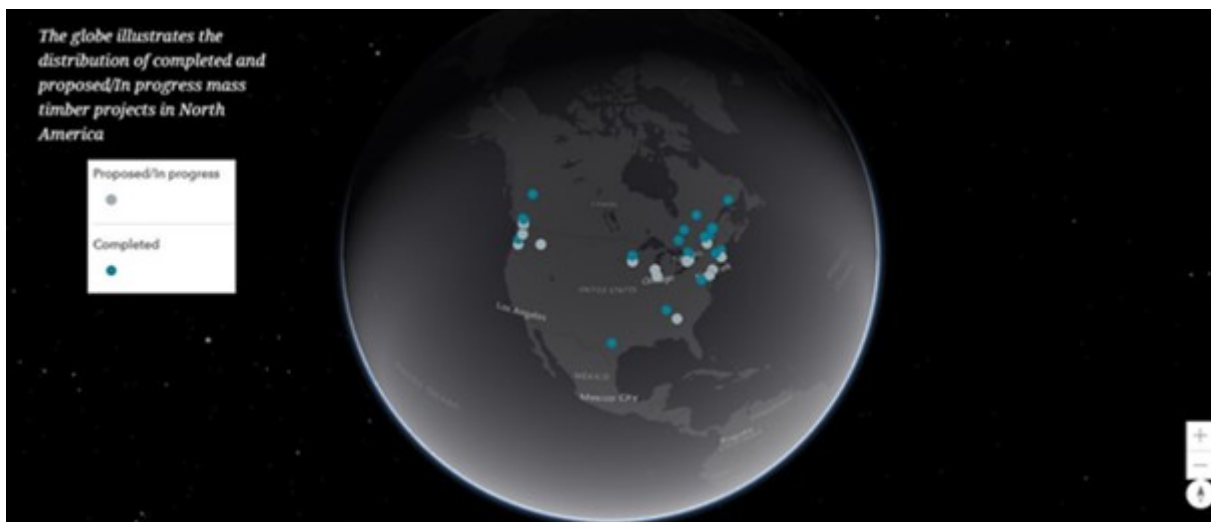


Figure 1. Proposed and In-Progress Mass timber projects in North America. Image courtesy of Taha Syed⁵.

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something similar.

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If Ontario were to follow in their footsteps, it would be of great benefit to the forest industry. Quebec and British Columbia also follow 'wood first' policies when designing public buildings.

As a direct result of this global paradigm shift, local and global demand for mass timber are expected to increase over the next few decades. Canada and Ontario, with their rich supply of certified and sustainable wood, are both well-positioned to capitalize on this rising demand. While the mass timber supply chain remains a challenge for Ontario, recent investment from the Ontario Government in the planned Element5 cross-laminated timber (CLT) plant in the province¹⁹ will go a long way towards helping meet the demands from projects, and providing business for the forest sector.

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Mass Timber Bridges: The Thin Edge of the Wedge

Glen Prevost, R.P.F. in Training, FPInnovations

Mass timber construction can provide many different benefits to society that other construction materials cannot. Benefits include carbon sequestration, building with a renewable resource, local production of building materials, and aesthetic appeal. A new mass timber bridge, called Centennial Bridge, was recently installed at the Petawawa Research Forest (PRF) to demonstrate these benefits to the public. After construction, hundreds of people including managers, decision-makers, and potential owners of timber bridges visited the bridge to learn more and many are considering their own timber bridge project.

Setting the Stage at the Petawawa Research Forest

The Petawawa research forest was established in 1918 and is the oldest research forest in Canada. It is located east of Chalk River, Ont. and is under the jurisdiction of the Department of National Defence. By special agreement the PRF is managed by the Canadian Wood Fibre Centre, under the Canadian Forest Service, Natural Resources Canada.

Several years ago, a multi-cell culvert system at the PRF failed at a creek crossing on Meridian Road, negatively impacting water flow and quality, habitat, and vehicle movement. To rectify the issue, a modern, single-lane engineered wood products (EWP) bridge was installed. The bridge was designed by WSP Group Canada Ltd., general contracting was by Corrington Engineering Inc., and fabrication and installation by Timmerman Timberworks. Public Services and Procurement Canada and PRF staff were the project managers. Due to its location on federal land and its use for military vehicles, Centennial Bridge was built to Canadian Highway Bridge Design Code (CHBDC) requirements and was subject to a federal environmental assessment.

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Photo credit: Kyle Harbin

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This contrasts with Ontario's Crown Land Bridge Design Guidelines (CLBDC) and the Crown Forest Sustainability Act that govern the construction of forest access road bridges on Ontario's Crown land.

Barriers to Mass Timber Construction

The benefits of mass timber construction are not being maximized in Ontario due to the lack of mass timber construction relative to other forms of construction. Two key barriers to mass timber market expansion include: (1) unfamiliarity with the technology by designers, contractors, and potential owners, and (2) under-developed supply chains for all aspects of mass timber construction from design to commissioning to operation. This leads to a self-reinforcing cycle where there is limited demand for mass timber construction because there are insufficient supply chains. The lack of demand for mass timber means supply chains remain under-developed.

Timber Bridges as a Solution

Mass timber bridges provide a unique opportunity to develop mass timber construction supply chains and de-risk larger mass timber projects. They can accomplish this in four ways. First, there is less financial risk associated with bridges because they are less expensive to build compared to commercial or institutional buildings such as offices, event and recreations centers, or academic facilities. Centennial Bridge was the first mass timber bridge constructed by Timmerman Timberworks, the PRF, and Corrington Engineering. All had the opportunity to learn on a small scale and can now be more confident with larger mass timber projects.

Second, renewal funds are often pre-allocated for bridges in municipal or forest operations budgets whereas building construction budgets need to be sold to politicians, managers, and often the public. At the PRF, the culvert system needed replacement with a bridge and so funds were made available.



Photo credit: Kyle Harbin

Third, bridges can be of hybrid construction using wood, steel, and concrete, creating a palatable compromise for companies more familiar with steel and concrete. For example, FPIInnovations is developing a timber bridge deck system that uses a standard truss fabrication technology. This would allow truss manufacturers to enter the mass timber market gradually and expand as they become more comfortable.

Fourth, timber bridges are visible to the public and easily explained. Most components of the bridge are visible and relatable to the general public. To supplement visits to Centennial Bridge, FPIInnovations recently published a popular case study of the bridge that has been read by both experts and non-experts. The case study covers key aspects of the bridge such as design, benefits, specifications, construction material, construction methods, and costs. It was created for land and infrastructure managers, consultants, and other decision makers as an introduction to timber bridges in Ontario.

Timber bridges provide an opportunity to develop Ontario's mass timber market in a gradual low-risk way. Those interested in learning more can visit Centennial Bridge at the PRF or contact Glen Prevost (glen.prevost@fpinnovations) for a copy of the case study.

International Trade: New Opportunities and Ongoing Challenges

Betty van Kerkhof, R.P.F.

New Trade Agreements of Interest to the Forest Sector

Canada is in the process of or has recently completed the negotiation of a number of new trade agreements. A few of the larger agreements that have been signed or are in the latter stages of negotiations and that have potential forest sector implications are listed below.

Canada – US – Mexico Agreement (CUSMA)	<ul style="list-style-type: none"> Intended to replace the existing North American Free Trade Agreement (NAFTA) Signed on December 10, 2019 by all three parties but awaiting ratification by Canadian government The Softwood Lumber Agreement (2006) that ended dispute number IV was not part of NAFTA and is not part of the new CUSMA agreement. However, CUSMA continues to include the dispute resolution panel provisions that were an important part of NAFTA. These allow Canada to launch an appeal when the US Department of Commerce levies countervailing or anti-dumping duties.
Canada – Mercosur Free Trade Agreement	<ul style="list-style-type: none"> In negotiations Canada and Mercosur members: Argentina, Brazil, Paraguay and Uruguay
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	<ul style="list-style-type: none"> Signed and in force as of December 30, 2018 Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam
Trans-Pacific Partnership (TPP)	<ul style="list-style-type: none"> Signed on February 4, 2016 but US indicated that it did not intend to be a party on January 2017. Remaining parties have been trying to determine a path forward. Not in force Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, US and Vietnam
Canada – European Union Comprehensive Economic and Trade Agreement (CETA)	<ul style="list-style-type: none"> Signed and in force as of September 21, 2017 European union countries including the United Kingdom
Canada-Pacific Alliance Free Trade Agreement	<ul style="list-style-type: none"> In negotiations Canada and Chile, Columbia, Mexico and Peru
World Trade Organization http://www.wto.org	<ul style="list-style-type: none"> Global trade rules Signed agreement on trade facilitation; in force as of February 22, 2017 Canada has taken a number of trade disputes with the US to the WTO Appellate Body. Decisions have often been in Canada's favour but the latest ruling in April 2019 on softwood lumber was mixed. However, the WTO Appellate Body has become dysfunctional as the US has refused to allow the appointment of new members to the Body as the terms of existing members have expired. There is only one member of this seven member panel currently appointed. (http://europarl.europa.eu)
https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/index.aspx?lang=eng	

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Trade Challenges with the US

The US constitutes the single largest market for Canadian and Ontario forest products. In the last five years, the number of disputes between the two parties has increased. Some of these are resolved while the largest is ongoing.

Uncoated groundwood paper was initiated in August 2017 with a petition from one US company, North Pacific Paper Company in Washington State. It was resolved in August 2018 when the US International Trade Commission determined that this Canadian paper did not cause injury to US industry. This finding of no injury overturned anti-dumping and

countervailing duties that had been imposed on Ontario and other Canadian paper producers. Uncoated groundwood paper includes groundwood pulp and products made from it, such as newsprint and printing or book papers. (United States International Trade Commission, <https://www.usitc.gov/>). In this particular trade case, the US newspaper industry lobbied against the tariffs that increased their costs and which they could not sustain, <https://money.cnn.com/2018/08/29/media/newsprint-tariffs-vote/index.html>

“U.S. countervailing duty and antidumping laws – laws that allow the imposition of import duties when a U.S. industry is allegedly harmed by subsidies in the exporting country (countervailing duties), or by dumping, which is when a U.S. industry is allegedly harmed by imported products sold at prices that are lower than the cost of production or lower than prices in the domestic market (anti-dumping duties).” https://www.international.gc.ca/controls-controles/softwood-bois_oeuvre/index.aspx?lang=eng



In February 2015, US supercalendered paper producers submitted a petition for the government to investigate imports from Canada. Supercalendered paper is uncoated paper that has undergone a calendaring process in which the base sheet, made of pulp and filler (such as, clay or talc) is processed through a set of calenders. The US investigation resulted in the application of countervailing duties against Canadian suppliers. The Canadian producers are J.D. Irving Limited, Port Hawkesbury Paper L.P. and Resolute Forest Products, none of whom produce this paper in Ontario. In 2018, Canada won an appeal to the WTO Appellate Body, the US appealed this decision but lost its appeal in February 2020. The case was settled when US petitioners agreed to drop their case in exchange for a payment of \$US 42 million from two of the Canadian producers; Resolute did not participate in the settlement agreement. With the settlement of the case, the US agreed to return all collected duties to the three Canadian producers.

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The US is the largest market for Canadian softwood lumber. Canada supplies the majority of the shortfall not supplied by domestic American producers. Trade disputes between the US and Canada over softwood lumber have been ongoing for more than 25 years. Softwood Lumber V was initiated in November 2016, one year after the expiry of the 2006 agreement reached to end Softwood Lumber IV. In 2017, the US announced preliminary countervailing and anti-dumping duties on Canadian softwood lumber. These rates became official in January 2018 and are still in effect following an initial investigation. The two columns shown for 2017 and 2018, respectively, reflect the results of the first administrative review conducted by the US Department of Commerce. The investigation is continuing. Canada, its provinces and territories and specified companies are expecting a Department of Commerce follow-up questionnaire in 2020 related to a second administrative review. This could lead to a revision of the combined rates depicted below.

Producer	Initial Combined Rate (%) (anti-dumping + countervailing duties) In effect	Combined Rate 2017 (%) (Preliminary determination, may change, not in effect until final determination)	Combined Rate 2018 (%) (Preliminary determination, may change, not in effect until final determination)
Canfor	20.52	4.95	4.63
J.D. Irving	9.38	5.13	4.32
Resolute	17.9	16.34	15.84
Tolko	22.07	8.37	8.21
West Fraser	23.56	8.64	9.08
All Others	20.23	8.37	8.21
(Jeff Walker, Ontario Ministry of Natural Resources and Forestry)			

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Jeff Walker, International Trade Specialist, Ontario Ministry of Natural Resources and Forestry. Personal communication.

United States International Trade Commission. 2020. <https://www.usitc.gov/>

World Trade Organization. 2020. <http://www.wto.org>



HOW IT WORKS

As trees grow and photosynthesize, they remove CO₂ out of the atmosphere, sequestering carbon as a fundamental component of their wood material, and thereby mitigating the effects of climate change. Conversely, when trees are harvested, carbon captured in their wood is released back into the atmosphere, contributing to climate change.

TYPES OF PROJECTS

Improved Forest Management (IFM)

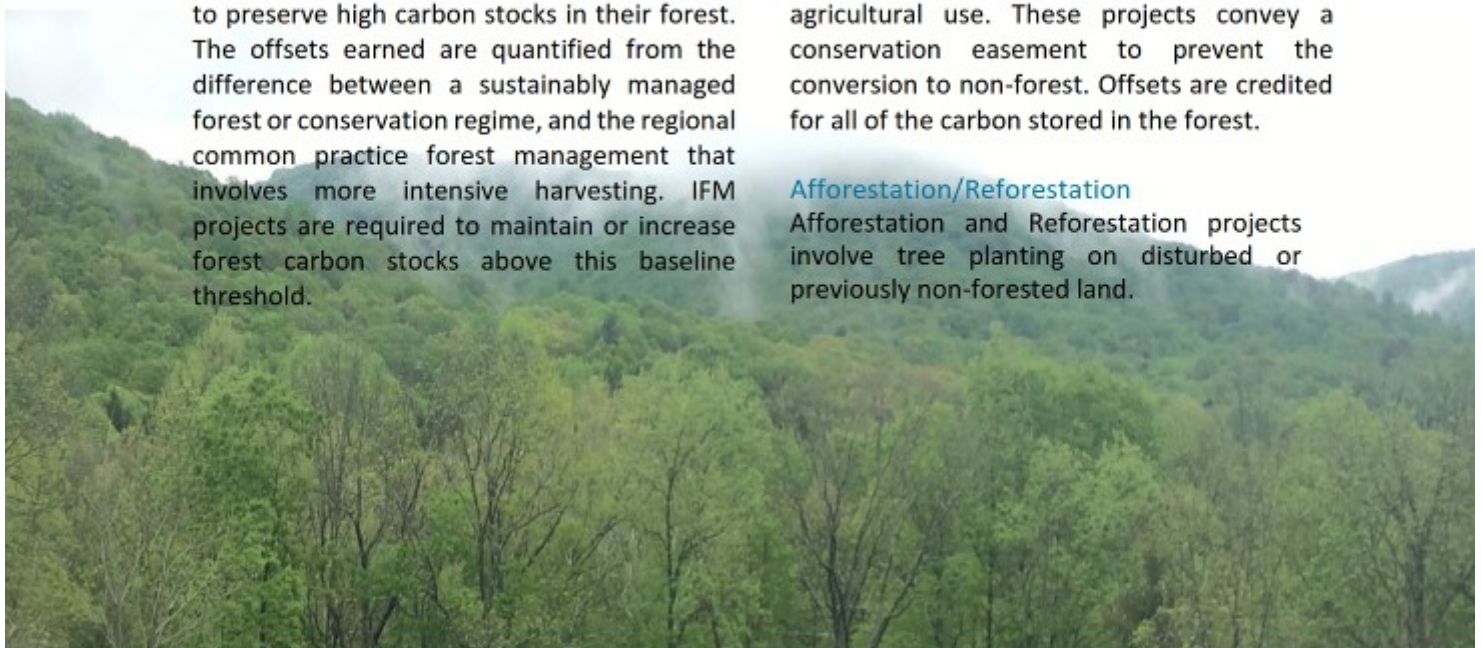
IFM projects are the best fit for the majority of forestlands. In an IFM project, a landowner or license holder is issued offsets for committing to preserve high carbon stocks in their forest. The offsets earned are quantified from the difference between a sustainably managed forest or conservation regime, and the regional common practice forest management that involves more intensive harvesting. IFM projects are required to maintain or increase forest carbon stocks above this baseline threshold.

Avoided Conversion (AC)

AC projects are great opportunities for forests that can demonstrate a clear risk of being converted to commercial, industrial or agricultural use. These projects convey a conservation easement to prevent the conversion to non-forest. Offsets are credited for all of the carbon stored in the forest.

Afforestation/Reforestation

Afforestation and Reforestation projects involve tree planting on disturbed or previously non-forested land.





Crown Forests

Licensees of Crown management units that choose to go beyond prescriptions of the Crown Forest Sustainability Act and associated regulations to achieve a higher standard of sustainability that sequesters more carbon will be incentivized to do so through the generation of revenues from carbon offsets. Enhanced management practices can take many forms, including extended rotation ages, reduced-impact-logging, and conservation set-asides. Precedent exists in BC for successful projects on Crown Land that provide solutions to issues of ownership of carbon rights and integrating carbon into a forest management plan.

Private, Community & First Nation Reserve Forests

Projects on Private lands must commit to achieving a high standard of sustainable forest management over the very long-term. Offset credits are generated for the difference between the carbon sequestered by meeting this standard and those associated with a more intensive common-practice forest management. The same enhanced management practices described in the Crown opportunity will be rewarded but private landowners may also be able to generate offsets associated with foregoing more intensive harvesting when this is both common practice and commercially viable.

Sustainable Forest Management

Through carbon offsets, landowners and forest managers are financially incentivised to forego more intensive harvesting designed to maximize short term cashflows and instead manage forests for their long-term asset value and multiple benefits. Carbon credits provide an immediate return on sustainable management investments all while continuing to generate value from sustainable harvests.

Project Economics

The financial business case for undertaking a forest carbon project is very specific to a particular landowner or license holder. In the case of a Crown forest license, the consideration might involve weighting the increased cost of enhanced forest management practices against the revenues from offset generation. This value comparison might only be one factor in a decision that may involve valuing other benefits of the enhanced management, particularly when it involves aligning with Indigenous values on Traditional Territory.

The valuation for a Community, First Nations Reserve, or private timberlands will likely involve the trade-off between an opportunity cost of harvesting more than historical levels and actual revenues from offsets. A range of relative values of timber and carbon are estimated in the table below for a forest in the Boreal shield ecozone, reflecting a moderately well stocked forest undertaking a low-end market project on one end and a very well stocked forest in a project within the high-end market.

The interesting revelation about the numbers is that the value of carbon associated with achieving a high standard of sustainable forest management are at least comparable, and often significantly higher than the opportunity cost of foregone timber harvesting revenues. This bears out in reality in many of the projects Bluesource is managing on behalf of landowners in Canada; low values for fibre and relatively high pricing for carbon makes for compelling economics for forest carbon offset projects.

Range	Low end Market	High end Market
Volume	60 m ³ /ha	80 m ³ /ha
Carbon Sequestered	125 mtCO ₂ e/ha	170 mtCO ₂ e/ha
Price of Carbon	\$13/tonne	\$25/tonne
Carbon Value*	\$2/m ³	\$25/m ³
Stumpage Value	\$2/m ³	\$12/m ³

*Carbon Value is based on net revenue over a 20-year period.

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Electrical Safety Tips for Arborists Working Around Powerlines

Patrick Falzon, Powerline Safety
Specialist, Electrical Safety Authority



Whether you're trimming trees and plants for beautification, tree health, or reducing potential electrical hazards and power interruptions, always look up and look out for overhead powerlines before you start. Take the proper safety precautions and always be aware of your surroundings whether working above or below ground.

Over the past 10 years, the Electrical Safety Authority (ESA) has received 27 reports of contact with a powerline by arborists. This happens when tree limbs or trees contact an overhead powerline during tree removal or trimming.

The ESA reminds landscapers and arborists to stay well back from powerlines when trimming trees or branches. Injuries can occur even without direct contact with powerlines as electricity can jump or "arc" across tools or equipment. This applies to all tools, including those made of wood and fiberglass.

A recent incident involved one worker who was fatally injured and another who suffered critical injury while trimming hedges near a 7200-volt overhead powerline illustrating the tragic consequences of a powerline contact.

Powerlines can cause serious injury or death with or without direct contact. To reduce the risks associated with working near powerlines, arborists are encouraged to follow these easy steps:

Look up and look out before trimming or pruning trees. Locate all overhead powerlines before beginning work.

Have the power safely disconnected if tree branches or limbs are within three metres (10 feet) of the work area.

Keep tools and equipment a safe distance away from powerlines. All equipment, including ladders, should be kept a minimum of three metres (10 feet) away from overhead powerlines.

Carry ladders horizontally to avoid accidental contact with overhead powerlines.

Call Before You Dig

Remember to contact Ontario One Call (www.on1call.com or 1-800-400-2255) to locate all underground services such as electrical, gas, water, sanitary and communication prior to excavating. Utilities will identify their underground services in the area where the excavation will occur up to the ownership demarcation point. A private locate is required to locate underground services beyond the ownership demarcation point. Examples of customer owned underground services may include service to a pool, shed or detached garage.

For further information on trimming trees safely around powerlines visit www.esasafe.com for the following guidelines: [Trimming Trees Around Powerlines](#) and [Planting Under or Around Powerlines & Electrical Equipment](#).

About the Electrical Safety Authority (ESA)

The ESA's role is to enhance public electrical safety in Ontario. As an administrative authority acting on behalf of the Government of Ontario, ESA is responsible for administering specific regulations related to the Ontario Electrical Safety Code, the licensing of Electrical Contractors and Master Electricians, electricity distribution system safety, and electrical product safety. ESA works extensively with stakeholders throughout the province on education, training and promotion to foster electrical safety. For more information, visit us at www.esasafe.com



Example of an overgrown tree around a high voltage overhead powerline creating hidden electrical hazards to tree trimmers.

Council Corner

Neil McLean, R.P.F.
Councillor Central West

Council Corner is to provide membership with insight into what happens at OPFA Council meetings.

As I sit to write this, I ask myself, what is it that has not been written before, that is of meaningful importance to the membership? I would not consider highlights of the most recent Council meeting as meeting that level. Afterall, you can read the [minutes](#) - the usual fare, and fairly mundane, including approving the agenda, past minutes approval, business arising from the minutes, action item reviews, committee reports, in-camera staff performance reviews, accepting no change to the fee schedule, scheduling review of the strategic plan for the June council meeting and so on. Nevertheless.....

One item, among a few, is worth repeating. We gratefully acknowledged for their service on Council Greg Pawson R.P.F. (past President) and Tom Ratz R.P.F. (Northwest), whose respective terms on Council ended. Concurrently, we welcomed to Council new Councillors Carol Walker R.P.F. (South East), Scot Rubin R.P.F. (Northwest) and Chris McDonell R.P.F. (Vice President).

Another item worth repeating is a specific result from the most recent Council Survey. Council agrees that more face to face meetings are needed to convey to membership the workings of the Association. Staff are constrained in this regard. Accordingly, Councillors will receive a list of all the members in their respective sections. And Council has approved funds to support regional meetings. You can expect to receive at least one invitation this year. To the members of my section (Central West), I will be sending a message to offer some ideas and options, in terms of format, timing, and location.

Council reviewed the current committee structure. It is astounding to me the count of the number of members who comprise these committees. It exceeds 80, representing a significant effort on behalf of the Association, and by extension the people of Ontario. The most immediate concern is succession planning. Some of the committees have built in succession. Most do not. This is a topic of concern to all who value the Association.

- Executive Committee
- Complaints Committee
- Discipline Committee
- Registration Committee
- Registration Appeal Committee
- Finance Committee
- Nominations Committee
- Regulation Amendment Task Team
- Indigenous Standards Task Team
- Awards & Recognition Working Group
- Editorial Board Working Group
- Urban Forestry Working Group
- Competency Support Working Group
- Private Lands Forestry Working Group
- Crown Land Forestry Working Group
- 2020 Annual Conference Working Group
- Practice Working Group
- Credential Assessment Process(CAP) Advisor Working Group

We have a strong Association, supported by its members. I am grateful to share that association.

Readers of the Council Corner in our [June 2019 Newsletter](#) may recall a summary of the draft standards Standard 9 – Indigenous Peoples, Lands & Resources. At our December meeting, with commendation and gratitude, Council approved the standard as revised by the working task team as, Standard 9 - Indigenous Peoples, Land and Resources. There are three demonstrable competencies:

- **9.1 Demonstrate knowledge of Indigenous Peoples, their worldviews, knowledge, governance (including protocols for engagement), and practices related to lands and resources.**
- **9.2 Describe the nature of Aboriginal and treaty rights, including interpretations of**

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Supreme Court of Canada rulings and Indigenous communities and explain their relevance to forest development, management and conservation.

- **9.3 Identify how the roles and responsibilities of stakeholders at the local, provincial, federal, international levels and private sector and non-governmental organizations affect Indigenous Peoples' forest-based rights, including those on Crown and private lands and Indigenous traditional territories.**

Implementation will follow. We expect to have developed a supporting e-textbook sometime this year.

A year ago I joined Council. I freely admit that I did not fully comprehend the importance of developing the new standard. That changed recently when I started working full time for the Thessalon First Nation. Until then, my life was subject to so many other priorities and demands on my time, that thinking about the plight of our fellow citizens in the

First Nation was not among them. My volunteer roles in my community occupy a lot of attention. I have worked in field surveys to some extent, but mostly I have worked at very abstract levels, in modelling, information and data management. Indigenous issues and problems rarely, if ever, crossed my lidar. Of course my perspective has changed. I accept my accountability for having neglected a duty to learn more about our First Nations. I also see that along with Health and Welfare, our Profession is among few at the forefront in management of Indigenous concerns. I am certainly grateful for those who have guided and enriched our profession on that front.

My first term as a councillor has indeed been instructive, informative and humbling. I thank the membership for the opportunity. I see a lot of good people doing a lot of great work on behalf of our profession. Our committees are actively and productively engaged. Our skeleton staff, Fred, Priscilla, Louise, Dave and Kerry demonstrate exemplary commitment. Send them a note of thanks. Be sure to acknowledge them next time you meet.



Report from the Executive Director and Registrar

Fred Pinto, R.P.F.
Executive Director, OPFA

I have been interacting with students studying forestry for several decades. More recently as a representative of the OPFA I have made it a point to talk to new forestry students at both universities with Canadian Forestry Accreditation Board accreditation. The concerns that they express have not changed much since when I started my journey to become a professional forester. Reflecting on my experience we have all had and still have concerns related to the issues I have listed below. The discussion we as professional foresters need to share must come from a fully informed knowledge base rather than from our unconscious intuitive beliefs. To help people that have enrolled in professional forestry programs along their learning journey I have written the message below and have shared it with some forestry students.

Let me know what you think of my advice. Also if you have the opportunity please engage and make it a point to talk to students in professional forestry.



Nipissing University & U of T Students 1996: The first of what has become an annual field trip for students in the CFAB accredited Master of Forest Conservation program to see first hand the forestry practices used in Ontario's forests. the first field trip visited the site of public protests about forestry activities in Temagami called the Owain Lake block.

Advice to students considering a career in professional forestry

Unlike what most Canadians believe, professional forestry in this province is regulated by international, federal, provincial and municipal laws and policies. Further, professional foresters must be aware of the legal obligations resulting from the Indigenous jurisdiction related to the land that they work on. The minimum that a professional forester does must meet the requirements of these laws, policies and Indigenous rights and obligations. Professional foresters in Canada go beyond the minimum requirements, you will need to do so as well.

You will need to understand and apply the intent of the relevant laws plus use best management practices consistent with the information available through evidence-based studies and documented experience. Others in society are free to say, write and distribute information, misinformation and disinformation. As a regulated professional you will not have this freedom. You will need to ensure the information you use is documented experience and consistent with ecological principles and all relevant regulations.



LU2016: In-class presentations on what it means to be regulated forestry professionals to students at Lakehead University in 2016. Almost 100% of the students in the accredited BScF program sign up as student members. Here you can see them holding or filling in their OPFA student applications.

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So if you have concerns with:

Herbicides: find out about Canada's pesticide approval and monitoring process.

Indigenous rights: find out which Indigenous people you need to consult, how to consult and how to ensure that these actions meet the obligations of the Government of Ontario and Canada to accommodate Indigenous people.

Clear cutting: learn about the adaption of the tree species in question and the scale, intensity and frequency of natural disturbances and find out how this silvicultural system is applied.

Monocultures: study stand dynamics, i.e., stages of stand development and forest succession.

Deforestation in another country: find out what their regulations are and how they are applied. Do you know how they balance the lives and wellbeing of their citizens with the need to protect ecological services?

Remember that as a professional forester you will be serving others and that you will not be able to meet the objectives of all your stakeholders all of the time. How will you deal with this? You need to take the opportunity while you are enrolled in academic programs to increase your expertise in the ecological, social and legal aspects of forestry. Good luck with your learning journey in your chosen profession.



UoT2019Snoshoe: The annual field trip with students from the accredited Master of Forest Conservation program in the winter continues. This photo was taken in February 2019 when many students for the first time tie on a pair of snowshoes and get to see actual forestry practices.

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

SML
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The Importance of Teamwork

by Julie Maciura
March 2020 - No. 244

Most professions emphasize the value of collaboration with colleagues. Cooperation with others on the team serving clients is often necessary to obtain a good outcome. But can this sort of expectation ever be enforced through discipline? A recent case indicates that the answer is yes, at least where the lack of teamwork skills is substantial.

In *Al-Ghamdi v College of Physicians and Surgeons of Alberta*, 2020 ABCA 71, <http://canlii.ca/t/j59f9> a surgeon was suspended for three years for persistently disruptive behaviour. The findings were summarized as follows:

In summary, the Hearing Tribunal found the appellant was unable or unwilling to work by consensus with the other surgeons, and would not follow established protocols. He believed that he had superior qualifications to the other staff at the hospital, that he was more focused on patient care, and that he had an obligation to improve standards. However, rather than engaging with his colleagues and co-workers when he observed what he thought were unacceptable practices, he reported, or threatened to report them to their superiors or their regulatory bodies for even relatively minor concerns. The Hearing Tribunal found that the appellant lacked insight into his behaviour, and his refusal to accept responsibility for the impact of his actions had affected his ability to practice his profession. The appellant did not appreciate that he could not form a positive working relationship with

colleagues and co-workers who were in constant apprehension of him advancing criticisms and complaints to those in authority.

Application of *Vavilov* to Discipline Appeals

This is one of the first appellate court decisions applying the new standard of judicial review espoused in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, <http://canlii.ca/t/j46kb> to a professional discipline hearing. The Court in *Al-Ghamdi* affirmed that the standard of review for issues of statutory interpretation, including of a regulator's home statute, is correctness.

Further, on the critical issue of how it would examine findings of professional misconduct, the Court suggested the review would be on a spectrum. Where the issue was how the hearing panel interpreted the definition of professional misconduct, scrutiny would be close to a correctness test. However, where the issue was whether the evidence met such a test for professional misconduct, the finding would be given deference by the Court.

In this case the Court noted that the definition of professional misconduct was quite broad, including such phrases as "displaying a lack of knowledge or lack of skill or judgment in the provision of professional services" and "conduct that harms the integrity of the regulated profession". Given this language, the Court found that disruptive behaviour could fall within the scope of those broad definitions:

Deciding whether a particular act meets the expected standard of professional conduct engages the expertise of the Hearing Tribunal and Review Panel. It is properly characterized as a mixed question of fact and law, a type of decision which is reviewed for palpable and

FOR MORE INFORMATION

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WANT TO REPRINT AN ARTICLE

A number of readers have asked to reprint articles in their own newsletters. Our policy is that readers may reprint an article as long as credit is given to both the newsletter and the firm. Please send us a copy of the issue of the newsletter which contains a reprint from Grey Areas.

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A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

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overriding error. The finding that the conduct described in the particulars of the Notice of Hearing could constitute unprofessional conduct does not disclose any reviewable error.

What Constitutes Disruptive Behaviour?

The Court discussed in what circumstances disruptive behaviour could amount to professional misconduct:

Not every workplace misstep or disagreement should be characterized as “professional misconduct”. Workplace issues generally call for workplace remedies. However, workplace conduct that has a serious detrimental effect on the provision of patient care, and the efficient and sustainable operation of a healthcare facility (like the Queen Elizabeth II Hospital) can fall within the definition of professional misconduct if it is sufficiently egregious to be what could reasonably be called “misconduct”.

The Court also accepted the concept that it was the pattern of behaviour that brought this practitioner within the definition of professional misconduct. The Court also indicated that disruptive behaviour is not a discrete definition of professional misconduct. Rather “disruptive behaviour” is a short hand description of certain types of professional misconduct.

The Court also held that the physician did not have to intend to cause a culture of fear among his colleagues. Being arrogant and lacking self-awareness of the impact of his conduct on others was sufficient.

Specific examples of conduct that constituted disruptive behaviour included:

- persistently disrupting the on-call schedule, refusing to accept his assignments, refusing to pass untreated patients to the next surgeon, and being secretive about why he was absent;
- weaponizing the complaints process against colleagues, excessive criticism of others and failing to follow through on complaints that were initiated; and
- filing a human rights complaint which, while not objectionable on its own, could be seen as a part of the pattern of disruptive behaviour.

Defence of Duty to Report

The practitioner defended his frequent reporting of colleagues on the basis of his general ethical duty to report misconduct pursuant to his professional Code of Ethics. While some statutory mandatory reporting requirements (such as sexual abuse provisions) are quite specific and strict compliance is compulsory, where there is a general and less clearly defined ethical obligation, different circumstances apply. The Court said:

The obligation of a physician to report misconduct is clear, but it cannot be interpreted in a vacuum. The physician has an equally important obligation to cooperate with other healthcare workers in patient care, and treat coworkers with dignity and respect The appellant’s constant criticism of his coworkers was merely one of the particulars underlying the general allegation of disruptive conduct. The Hearing Tribunal found that the appellant had an inflated view of his own superior qualifications and abilities, and was oblivious to the effect that his conduct had on others. The Hearing Tribunal observed ... that when transgressions are perceived “the

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A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

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[reasonable] physician seeks to help the other physician understand the perceived transgression and improve their quality of care". A physician must engage in "a serious attempt to understand the professional's behaviour and to ensure that there were no extenuating circumstances explaining the observed behaviour" prior to making a complaint. Further, most instances of perceived inadequate performance should properly be resolved in the hospital, by discussion, education, and mentoring. The obligation to report misconduct does not permit the weaponization of the complaints procedures, and does not excuse excessive criticism of others.

Using the Conduct of the Defence to Assess Credibility

The practitioner, who was also a lawyer, defended himself at the hearing. The tribunal used some of the practitioner's advocacy efforts in assessing his credibility. The Court held that in some circumstances this was acceptable.

It is unreasonable for the appellant to expect that his conduct during the hearing would have no affect [sic] on the Hearing Tribunal. Misrepresenting the content of documents, misstating the qualifications of witnesses and making contradictory submissions need not be ignored. The mere fact that the professional has denied the allegations and has mounted a full defence should not be held against him, but that is not what occurred here. There was nothing unfair or unreasonable about the assessment of the appellant's credibility.

Sanction for Disruptive Behaviour

In addition to the three-year suspension, the tribunal imposed a requirement to successfully complete a "comprehensive assessment program" and a recommended course of therapy. Given the possibility of rehabilitation, the Court had difficulty understanding the need for that length of suspension to act as a general deterrent.

The Court was concerned that the "reasons given for the lengthy suspension do not clearly connect it to the public interest." However, the issue was now moot given the passage of time.

Costs Order

The practitioner was ordered to pay over \$700,000 in costs, which represented more than 60% of the total costs for the 47 day hearing. The Court accepted that the manner of the practitioner's defence greatly increased the cost of the hearing, including bringing multiple preliminary motions with little merit, unduly long cross-examinations of witnesses and calling 50 witnesses of his own that added little relevant information.

The Court described the criteria for evaluating the costs the practitioner should pay as follows:

A professional charged with misconduct is entitled to make full answer and defence. That principle, however, does not insulate the professional from a costs award if the defence is conducted in a way that is insensitive to the expenses generated. A costs award requires consideration of many factors, including the outcome of the hearing, the reasons the complaint arose in the first place, and the financial burden on both the College and the



professional. The way that the defence was conducted is also relevant

The Court concluded that the “costs award here is substantial, but on this record it is not unreasonable”.

Conclusion

A basic level of collaborative teamwork is a professional expectation for practitioners that can be enforced at discipline. However, the degree of disruptive behaviour required to constitute professional misconduct is substantial and proving this type of misconduct is challenging.



Sault Ste. Marie
CIF-IFC 112th AGM & Conference **13th-16th Sept. 2020**

*Canadian Institute of Forestry
 Institut Forestier du Canada*



SAVE THE DATE

CIF-IFC 112th Annual General Meeting & Conference
Connecting Research, Policy, and Practice - Making it Work

Delta Hotel, Sault Ste. Marie, ON
13th-16th Sept. 2020



www.cif-ifc.org

Part 1 of a report from Carla Rhyant, Executive Director of the Association of Alberta Forest Management Professions (AAFMP) summarizing findings. Part 2, summarizing the recommendations will be published in the June 2020 newsletter.

Summary Report of Recommendations Pertaining to Regulatory Frameworks

Prepared by Carla Rhyant, MA, Executive Director, AAFMP

Over the course of the last year, in my capacity as the Executive Director of the Association of Alberta Forest Management Professions (AAFMP), I have attended several conferences and meetings that are focused on professional regulation across Canada. This is a summary of the primary recommendations that have been made by speakers at these events as well as what has been presented in commissioned reviews that have been conducted of professional regulatory organizations across the country.

Sparrow argued:

“Regulators, under unprecedented pressure, face a range of demands, often contradictory in nature: be less intrusive – but be more effective; be kinder and gentler – but don’t let the bastards get away with anything; focus your efforts – but be consistent; process things quicker – and be more careful next time; deal with important issues – but do not stray outside your statutory authority; be more responsive to the regulated community – but do not get captured by industry” (Sparrow, 2000, p. 17).

Canada is the last jurisdiction that allows self regulated professions. The regulatory environment that currently exists is changing. Society has elevated expectations around public safety and consumer protection, there are more internationally trained individuals immigrating and working in Canada and there is increasing legislation requiring regulatory organizations to be transparent, objective, impartial and procedurally fair.

Most regulators are quietly and effectively going about their business in the public interest. But within some regulatory bodies there are small groups of registrants that are rejecting oversight, seeking to control regulators in the interest of the registrants and are antagonizing government and the public.

There have been criticisms that the current Canadian model of professional self-regulation:

- enables cultures that can sometimes promote the interests of professions over the interests of the public;
- is turning a blind eye and is sweeping problems under the rug;
- is taking a passive approach to regulation and is lenient in the cases of documented misconduct;
- is not meeting changing general public expectations regarding transparency and accountability; and
- is inefficient.

The result is that there is unprecedented government attention being focused on regulatory organizations. Governments have commissioned reviews (KPMG, 2019), reports (KPMG, 2019) (Cayton, 2018) (Haddock, 2018) (Perrin, 2018), prescribed bylaws and appointed administrators and superintendents (KPMG, 2019) across a variety of professions. These reports have outlined not only the observed issues within the governance and operations of the organizations, but also recommendations for improvement.

Some of the consistencies between the different recommendations enacted are: alignment of regulatory practices, advocacy mandates minimized or altogether eliminated, Council sizes reduced, public member portion of Councils increased to 50%, public members added to all standing committees and must be present for quorum, Council members elected through merit-based assessments, oversight bodies, fairness commissioners, improved conflict of interest policies and insurance requirements, improved governance (bylaws), ability for Councils to change

(Continued on page 32)

(Continued from page 31)

bylaws, ability for the minister to appoint a person as a professional association supervisor where considered appropriate or necessary (exercising all powers of a Council and/or operations), increased disciplinary fines, improved training for committee members, implementation of a whistle blower policy and mandatory continuing competence programs.

There is an increasing shift to change the culture and operations of regulatory organizations across the country to incorporate the following principles: accountability, adaptability, competence, diversity, independence, integrity and transparency.

More countries/provinces are implementing external reviews and/or legislated independent oversight bodies for professional regulatory organizations (PROs). Examples include the Professional Standards Authority (UK), the Australian Health Practitioner Regulation Agency and the harmonized Quebec professional system under the Ministry responsible for the application of the contractual rules of the professional laws (Russell, Pierre, Stienecke, & Stobb, 2019).

Transparency denotes that processes, decisions and the rationale for decisions are accessible to the public and are communicated in a way that allows the public to evaluate the governance effectiveness. (College of Nurses of Ontario's Council's Leading in Regulatory Governance Task Force, 2017)

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2020 OPFA Conference and 63rd Annual General Meeting Postponed due to COVID-19 pandemic

The health and safety of our registrants and supporters are of paramount importance. Based on unfolding events in Canada and elsewhere together with direction from Health Canada on assessing risks for mass gatherings we have decided to postpone the 2020 OPFA Conference and Annual General Meeting (AGM).

We are unable at the present time to identify when the conference and AGM will be rescheduled. Therefore, all conference delegates will receive a full refund of their conference registration fees. The refunds will be processed automatically during the week of March 23, 2020. No action is required on your part in that regard.

If you made a room reservation at the Nottawasaga Resort you can request a refund. Please do so as soon as possible. The Nottawasaga Resort has asked that you request a refund of your room reservation by e-mail. Please e-mail your request to: reservations@nottawasagaresort.com

The following information must be included in your request:

Reservation Confirmation #:

Full Name:

Dates booked:

The reservation department at the Nottawasaga Resort will email each guest a cancellation confirmation email afterward.

As many OPFA members do not open their e-mails from the OPFA please inform your colleagues that the 2020 OPFA conference is cancelled. It is important that all OPFA registrants are aware of the decision.

Fred Pinto



FEE SCHEDULE

Effective January 31, 2020

This Fee Schedule was approved by Council pursuant to the OPFA By-laws on January 31, 2020.

Fee (<i>HST is not charged</i>)	Amount
Student Member Fees	
Application Fee	\$ 0
Annual Membership Fee	\$ 0
Provisional Member Fees	
Application Fee (current or past Student members within 6 months of graduation)	\$ 50
Application Fee (regular)	\$100
Annual Membership Fee-R.P.F. in Training (first fiscal year or any part thereof)	\$ 25
Annual Membership Fee-R.P.F. in Training (second fiscal year and onwards)	\$100
Credential Assessment Fee (if applicable)	\$500
Full/Associate Member Fees*	
Application Fee (for registered forestry professionals transferring from another province)	\$ 100
Annual Membership Fee (regular)	\$620
Replacement of Seal	\$ 75
Readmission Fee (after 1 year or less, limited to 1 time total per member)	\$ 0
Readmission Fee (after more than 1 year)	\$500
Temporary Permit to Practice	
Per 3-month period*	\$200
Other Membership Fees	
Non-Resident Annual Membership Fee	\$250
Inactive Annual Membership Fee	\$250
Life Membership Fee: one-time payment of \$650 + (\$310 x (65-age in years)) Fee at age 65 or older is \$650	variable
Miscellaneous Fees	
Category Change Fee between Full, Associate, Non-Resident, Life and Inactive membership categories only	\$ 50
Late Payment Fee (all membership categories)	\$ 50
Late reporting fee (all membership categories)	\$ 50
NSF payment charge	\$ 10 plus bank charges
Split (2) Payment Plan, paid Dec. 1 and June 1 (Full & Associate Members only)	\$ 20
Four (4) Payment plan, paid Dec. 1, Mar. 1, June 1 & Sept 1 (Full & Associate Members only)	\$ 40
Public Register Information Letter†	\$ 35

+Annual membership fees for Full and Associate Members are prorated throughout the fiscal year (December 1- November 30) from the time of acceptance.

* Non-Resident members may receive two Temporary Permits free of charge. A maximum of three 3- month permits in one year or nine 3-month periods in ten years is permitted.

† A registered letter with the OPFA seal from the Registrar stating the current status of your membership.

Member News

New Full (R.P.F.) Members

James Hallworth
Helen Hermansen (from Inactive)
Joshua Knight
Ryan Miles
Karen Saunders (from Inactive)
Mark Zhang

Please welcome and support the following people who have been admitted into the OPFA but are not yet entitled to practice professional forestry in Ontario:

New Provisional Members (R.P.F. in Training) (may practice if under the direct supervision of a qualified member)

Osama Ali
Erin Burgess
Ian Cochrane
Liam Kent
Winter Lamont
Avery Nagora
Lynn Palmer
Darrell Reynolds
Hannah Rideout
Samuel Schutt
Sivarajah Sivajanani
Mark Watson

New Student Members

Ayumi Akimoto
Zijun Chen
Lindsay Dandridge
Jonathan Dionne
Zhimo Fang
Yuxi Feng
Sarah Green
Heba Jarrar
Leanne Jennings
Claire Leuty
Xincheng Li
Zhu Feng Li
Richard Ormrod
Dean Rosen
Madeleine Sansom
Birasaath Selvakumar
Colin Smith
Rejeshwari Sriram
Kristy Vannieuwenhuizen

Mehria Waqar
Haolin Wei
Feiran Xu
Lyu Zijing

The following people are not entitled to practice professional forestry in Ontario but remain members of the OPFA:

New Inactive Members (R.P.F. Non-Practising)

Rick Lambert
Greg Pawson

New Non-Resident Members-R.P.F.:

Adam Anderson
Dan Coombs
Andrew Penney

New Life Members-R.P.F. (Ret):

Michael H. Clarke
Wayne Smith
Robert Tomchick

The following people are not entitled to practice professional forestry in Ontario and are no longer members of the OPFA:

Resigned, Full Members:

Barbara Boysen
Sam Gildiner
Amy Smart
Colin Templeton
Guylaine Thauvette

Resigned, Provisional Members:

Triin Hart
Virginia Hudson
Mohammed Master
Emily Salt

Resigned, Inactive Members:

David Archibald
Richard Kelertas
John Sills

Resigned, Non-Resident Members:

Colin Hewitt

Continuing Education

Webinars

Websites that offer free webinars to earn CEUs for your membership maintenance.

1. Canadian Institute of Forestry
<https://www.cif-ifc.org/e-lectures/>
2. Ontario Ministry of Natural Resources and Forestry. MNRF Science, contact Kristy McKay, Science Transfer Specialist at Kristy.McKay@ontario.ca
3. Forestry and Natural Resources Webinars
<http://www.forestrywebinars.net/>
4. Conservation Webinars
<http://www.conservationwebinars.net/>
5. Urban Forestry Today
<http://www.urbanforestrytoday.org/>
6. Climate Webinars
<http://www.climatewebinars.net/>
7. Cornell University
<http://blogs.cornell.edu/ccforestconnect/subscribe/>
8. How To Do Urban Wood
<http://illinoisurbanwood.org/urban-wood-network-announces-how-to-do-urban-wood-webinar-series/>
9. Forestry Chronicle
<http://pubs.cif-ifc.org/journal/tfc>
10. Canadian Journal of Forest Research
<http://www.nrcresearchpress.com/journal/cjfr>

Coming Events

Forest Adaptation Webinar Series
January 16, 2020 to June 25, 2020
forestadaptation.org/learn/forest-adaptation-webinar-series

Great Lakes Forest Health Showcase
Algoma University, Sault Ste. Marie, Ontario
April 8, 2020
www.invasivespeciescentre.ca/

Ontario Woodlot Association 27th Annual Woodlot Conference, Tour and Annual General Meeting
Niagara College, Niagara-on-the-Lake, Ontario
April 21-22, 2020
www.ontariowoodlot.com

CIF-IFC 2020 National Conference and 112th Annual General Meeting
Sault Ste. Marie, Ontario
September 13-16, 2020
www.cif-ifc.org/2020-conference-agm/