



## **QUESTIONS & ANSWERS**

### **OPFA Review of the Professional Foresters Act and Its Regulation**

#### **1. What is a regulated profession?**

It is a profession that is regulated by provincial or federal law to protect the public interest. Registrants of regulated professions must:

- 1) Meet the academic and experiential requirements set by the profession to become a registered member,
- 2) Be of good character, and
- 3) Maintain their competency through mandatory continuing education that must be reported.

Registrants of regulated professions are held accountable through an enforceable code of ethics, through a process defined by law.

#### **2. Where can I find a copy of the Professional Foresters Act and its Regulation?**

You can find a copy on the Ontario Government's e-law website. Here is a link: <https://www.ontario.ca/laws/statute/00p18>

#### **3. Why are changes to the Professional Foresters Act and its Regulation being considered?**

The Ontario Professional Foresters Association (OPFA) is considering proposals to recommend changes to the Professional Foresters Act and its Regulation so as to govern its registrants with authority and to safeguard the public interest. To do so the OPFA would like to clarify to the public, landowners and employers the role of professional foresters.

#### **4. What is the overall intent of the proposed changes to the Professional Foresters Act?**

The OPFA is looking for changes that would:

- better define what professional forestry entails and ensure accountability for the public that is using such services,
- minimize overlap with other professions, trades and occupations that supply professional forestry services, and
- better describe the function of a professional forester today and in the future.

**5. How does the Professional Foresters Act and its Regulation compare with regulatory laws of other regulated professions in Ontario?**

A major difference is that laws governing other regulators of right-to-practice professions that deal with land do not exclude occupations that are not regulated by provincial or federal law.

**6. How does the Professional Foresters Act compare to similar legislation in other Provinces?**

A jurisdictional scan of Professional Foresters' legislation in Canada demonstrated that legislation for 6 out of 6 other professional forestry regulatory bodies with right-to-practice do not include exclusions for unregulated occupations. Only registrants of other regulated professions (e.g., professional engineers) are exempt.

**7. Which 14 professions, trades and occupations are currently exempt under the Regulation?**

- Natural resource technician and technologist
- Forest management plan approver certified under the "Managed Forest Tax Improvement Program"
- Certified tree marker
- Biologist
- Certified arborist
- Landscape architect
- Professional planner
- Certified Ontario or Canadian land surveyor
- Botanist
- Zoologist
- Professional engineer
- Certified property appraisers
- Agronomist
- Ecologist

## **8. Is the OPFA proposing to remove the unregulated occupations listed in the Regulations? If so, why?**

The current exclusion of 8 unregulated occupations listed in Regulation 145/1 Section 4 (1) in the *Professional Foresters Act*, 2000 prevents the OPFA from meeting the objective of the law. Removing these unregulated occupations would help ensure that a qualified registrant of the OPFA (Full R.P.F., Associated R.P.F.) will be responsible and accountable for maintaining the sustainability of Ontario's forests.

The proposed change to the regulation that may be sought could require individuals working in these occupations **when performing work that is considered professional forestry** to do so under the supervision of a qualified registrant of the OPFA or seek Full or Associate R.P.F. membership with the OPFA.

Please note that the proposed changes that may be sought would not affect the regulated professions currently listed in the Act, which are Certified Ontario or Canadian Land surveyors, Professional Planners, Landscape architects, Professional Engineers and Agronomists.

## **9. Who are qualified registrants of the OPFA?**

Qualified registrants of the OPFA are R.P.F.s, and Associate R.P.F.s and R.P.F.s in Training who have a scope of practice that allows them to provide the professional forestry services in question.

## **10. What are the eight unregulated occupations listed in the Regulation [O.Reg. 145/01]?**

The eight unregulated occupations are:

- a. Natural resource technician or technologist,
- b. Forest management plan approver certified under the "Managed Forest Tax Improvement Act",
- c. Certified tree marker,
- d. Biologist,
- e. Certified arborist,
- f. Botanist,
- g. Zoologist, and
- h. Ecologist.

**Update:** The Appraisal Institute of Canada that governs certified property appraisers has informed us that they are a not-for-profit organization. An additional Q&A has been added below to reflect this:

**Q) If the exclusion for certified property appraisers is removed would certified property appraisers be required to become members of the OPFA?**

A) No, the scope of professional forestry does not overlap with the scope of certified property appraisers. When required certified property appraisers and professional foresters work together as their skills and services are complementary.

**11. I am currently working in one of the eight unregulated occupations; will I have to become a registrant of the OPFA to continue my profession if the exclusion clause in the Regulation is removed?**

No, as long as you are not working in the management or manipulation of forests defined as professional forestry, or if you are working under the professional supervision of a qualified registrant of the OPFA.

The change would require individuals in these unregulated occupations when performing work that is considered professional forestry to do so under the direction of a professional forester or seek Full or Associate R.P.F. membership.

**12. I am a certified tree marker or a Managed Forest Plan Approver. Will I have to become a registrant of the OPFA to continue to do my work if the exclusion clause in the Regulation is removed?**

No changes are planned for certified tree markers and Managed Forest Plan Approvers certified under the “Managed Forest Tax Improvement Act”. Both occupations have defined scopes of practice and their work is not considered professional forestry. They would not be required to become registered with the OPFA. If they wish to offer professional forestry services, they can apply for Full or Associate membership as they currently do.

**13. I am a forest technician; will I have to become a registrant of the OPFA to continue to do my work if the exclusion clause in the Regulation is removed?**

No, if you are working outside of the scope of professional forestry or under the supervision of a qualified registrant of the OPFA (Full R.P.F., Associated R.P.F.), there would be no change.

If your work is within the scope of professional forestry and you are working alone or within an organization without access to a qualified registrant of the OPFA (Full R.P.F., or Associate R.P.F.) an option would be to become an Associate R.P.F. member. The existing pathway to Associate R.P.F. membership with a limited scope of practice is available to forest technicians.

#### **14. How do I become a Full or an Associate Member of the OPFA?**

The first step is to apply for Provisional Membership. Then depending on your academic training, work experience and scope of work you will be guided to the type of membership that meets your needs. The current process to become a Full or Associate Member can be found here: <https://opfa.ca/practising-forestry/becoming-a-professional-forester/>

You are encouraged to contact the OPFA Registration Manager at [registration.manager@opfa.ca](mailto:registration.manager@opfa.ca) for information about the registration process.

#### **15. Does the OPFA have resources to execute these proposed changes if the Ontario Government approves changes to the Professional Foresters Act and its Regulation?**

Yes. The OPFA will ensure its financial and human resources are sufficient to undertake the tasks that would result from the requested changes.

#### **16. How would the proposed changes affect managers, and owners of public and private forest lands?**

Managers and landowners would continue to be free to set their own land use and forest resource objectives and employ who they choose for forestry purposes. Landowners would continue to be excluded when they do forestry on their own land.

Landowners and managers who hire professional foresters will benefit by being assured of the professional competencies and accountability of OPFA registrants.

#### **17. Would the potential changes increase forest management costs?**

There are many factors that influence management costs, however, please note that the potential changes would not change the choice or number of forestry service providers for landowners or employers. Employers and landowners are free to employ anyone they want except where specified by other provincial laws or municipal bylaws.

Employers and landowners can be assured of having a competent and accountable professional if they choose to employ a professional forester. This will reduce their risk.

**18. I personally own and manage my own land; does this apply to me?**

No. The Act does not apply to the management or manipulation of forests if they are performed personally by individuals on land which they own.

**19. I'm a registered professional of a regulated profession which is listed in the exclusion clause of the current regulated O.Reg. 145/01; will I also have to become a registrant of the OPFA to continue to do my work if changes are made in the regulation?**

No, you will continue to perform acts in relation to the management or manipulation of forests if they are within the scope of practice of your profession. But if your current profession's scope of practice doesn't include these, then you will have to become an OPFA registrant or work under the supervision of an OPFA registrant to do acts in relation to the management or manipulation of forests.

**20. I work to put out forest fires; does this apply to me?**

No. The Act does not apply to the management or manipulation of forests if they are performed by a person responding to an emergency situation such as a forest fire.

**21. I work for an R.P.F. or an Associate R.P.F.; does this apply to me?**

No. The Act does not apply to the management or manipulation of forests if they are performed by a person acting under the supervision of a qualified registrant of the OPFA.

**22. I'm a student in a forestry education program; does this apply to me?**

No. The Act does not apply to the management or manipulation of forests if they are performed by students enrolled in a forestry education program and under the supervision of the course instructor in the program.

**23. I'm a member of the armed forces; does this apply to me?**

No. The Act does not apply to the management or manipulation of forests if they are performed by a member of the armed forces while on duty.

**24. I'm a scientific researcher; does this apply to me?**

No. The Act does not apply to the management or manipulation of forests if they are performed by a person engaged in scientific research.

**25. Would the proposed changes help to prevent the unskilled practice of forestry on private woodlots?**

Yes. The changes would clarify professional forestry practices and identify those individuals who are qualified registrants of the OPFA.

Qualified registrants of the OPFA have achieved a professional level of education and training in forestry and are professionally accountable to practice forestry according to a code of ethics and practice standards, which makes them a potentially valuable resource for the private woodlot sector. The proposed change in legislation would enable more OPFA qualified registrants, which would be a benefit to the management of private forests. Qualified registrants of the OPFA are R.P.F.s, Associate R.P.F.s and Provisional registrants (R.P.F.s in Training) whose scope of practice allows them to provide professional forestry services.

The OPFA is aware that forestry activity on private land may be undertaken by practitioners who are not registrants of the OPFA. However, the proposed changes would not empower the OPFA to be the "Tree Police" on private land. Arrangements that are made between an owner and a logger or forestry consultant (who are non-OPFA registrants), are business agreements over which the OPFA has no authority. This is strictly a case of "buyer beware".

**26. Would the proposed changes to the Professional Foresters Act result in changes to forest management planning requirements on Crown land?**

Forest management planning on Crown land is regulated by the Crown Forest Sustainability Act, its regulations, or its manuals. Any changes to the Professional Foresters Act should not affect forest management planning requirements on Crown land.

**27. How would the proposed changes affect the responsibilities of a professional forester with respect to professional standards of practice and the Code of Ethics enforced under the Act?**

The professional standards of practice and the code of ethics are enforced through the processes described in the Professional Foresters Act and delivered primarily through the statutory committees of the OPFA. The Registration Committee ensures that new

registrants meet the minimum competence standards and have the necessary mentored experience to practice professional forestry in Ontario.

The enforcement of complaints against OPFA registrants is dealt with through the complaints and discipline processes described in the Professional Foresters Act.

The OPFA has a peer-review program to ensure that registrants abide by the code of ethics and standards. Non-compliance can result in corrective measures such as a referral to a quality assurance program for upgrading of skills, or, in extreme cases, discipline. The professional accountability that results from these measures raises member awareness of the importance of maintaining high standards of practice and competency.

In addition, all practicing registrants must maintain their competencies through mandatory continuing education. Practicing registrants must have a minimum of 60 hours of continuing education over a three-year period.

**28. How would the proposed changes affect the responsibilities of a professional forester acting as part of a multi-disciplinary team working on a forest management plan?**

The Act does not affect the working level responsibilities that the professional forester has with the other members of the team. Any proposed changes would support and strengthen the 2020 revisions to the Forest Management Planning Manual, in which there is an increase in the accountability of the professional forester for those components of the plan that affect the sustainability of the forest, including annual planning and reporting and for which the OPFA registrant is accountable. It also clarifies the accountabilities of other professional foresters who might review and/or approve the plan. The MNR's increased use of the professional reliance model in the 2020 Forest Management Planning Manual would benefit from improved clarity in the scope of practice of professional forestry and a better definition of who is authorized to complete associated professional forestry work. It is beneficial, under this type of professional reliance model, if the OPFA has clear authority to effectively govern its registrants and address any others who may wish to practice professional forestry.