



INFORMATION SHEET

OPFA Review of the Professional Foresters Act and Its Regulation

The Ontario Professional Foresters Association (OPFA) is seeking your input on how to clarify and improve the [Professional Foresters Act, 2000](#) and its Regulation, [O. Reg. 145/01](#).

Background

The Ontario Professional Foresters Association (OPFA) was established in 1957, via Bill 10 the *Professional Foresters Association Act*. The Act gave OPFA registrants the “Right to Title” as “Professional Foresters”.

In 2000 right-to-practice legislation called the *Professional Foresters Act* was enacted to enable OPFA “to regulate the practice of professional forestry and to govern its registrants in accordance with the act, the regulations and by-laws in order that the public interest may be served and protected”. For this purpose, the OPFA has ten (10) additional responsibilities including “to promote and increase the knowledge, skill and proficiency of its registrants, and to promote public awareness of the role of the association”.

Project Overview

The OPFA is conducting a review of current legislation (Professional Foresters Act 2000 and its Regulation, O Reg 145/01) to assess their effectiveness in regulating professional forestry in Ontario. As part of this review process, the OPFA is seeking input from interested stakeholders.

The review will use these stakeholder comments and suggestions to examine the current and past issues and opportunities and to identify a range of potential solutions. Recommendations for changes in legislation, regulation or policy that would improve the practice of professional forestry in Ontario will then be submitted to the Ministry of Natural Resources and Forestry (MNR) for their consideration.

Project Benefits

A review with good stakeholder engagement provides an opportunity for changes to be made in legislation that would provide to the public, OPFA, MNRF, professional foresters and individuals from other regulated and non-regulated professions, trades, and occupations an increased clarity of the roles, responsibilities and accountability of individuals engaged in the management or manipulation of forests in Ontario.

This project will deliver on the Promoting Stewardship and Sustainability pillar of the [Ontario Forest Sector Strategy 2020](#) through maintaining and adapting the Professional Foresters Act as part of the forest policy framework. It will allow the sustainable management of Ontario's forests and enable a strong and vibrant forest sector now and into the future by:

- Improving the ability of the OPFA to deal with any poor practices by its registrants,
- Clarifying roles and responsibilities for other regulated and non-regulated professionals,
- Ensure employers, clients of forestry services, Indigenous organizations and the public can obtain professional forestry advice and services that meet their needs while protecting the broader public interest,
- Requiring competency training about Indigenous Peoples rights and forestry to all registrants of the OPFA,
- Enhancing the ability of the government to rely on self-regulated forestry professionals, reducing the need for overly prescriptive legislation, regulation, and policy, and
- Continuing to protect the broader public interest in management of Ontario's forests.

This will provide the Government of Ontario with the assurance that Ontario's Forest Sector Strategy will be successfully implemented, and red tape reduced through a revised "Professional Reliance" model.

Private Landowners, municipalities and managers would also benefit from changes that make the legislation clearer, as it would allow them to make well informed decisions and gain the benefits of hiring regulated professional forestry service providers if they wish to do so.

What is the scope of OPFA review?

The OPFA is planning to make recommendations on the following:

Scope of Practice

OPFA wishes to propose changes to the “Scope of Practice” for professional forestry under section 3 of the Professional Foresters Act 2000. Any proposed changes should allow the OPFA to better safeguard the public interest through authority to govern its registrants and reduction of scope of practice overlap with other professions, trades, and occupations.

Acts Not Constituting Professional Forestry

OPFA wishes to propose changes to section 4 of the Regulation (O. Reg 145/01) that lists professions, trades, and occupations whose member’s acts in relation to the management or manipulation of forests are excluded from professional forestry. Any proposed changes should provide clarity to the Professional Foresters Act and Regulation and should improve OPFA’s ability to address any poor practices of its registrants.

Why are changes being proposed?

1. To provide certainty for the practice of professional forestry by making the roles and responsibilities of a professional forester clear.

The distinction between the roles and responsibilities of a professional forester and the members of other professions, trades and occupations listed in section 4 of the Regulations is currently unclear. Occupations that are not regulated do not have a legally defined or generally accepted scope of practice. This makes it very difficult for employers, landowners, and the public to know what to expect from various service providers.

A review of four other regulatory laws that govern right-to-practice professions conducted by the MNRF shows that the Professional Foresters Act is the only regulatory law in Ontario that gives right-to-practice exemptions to unregulated occupations. Similarly, a jurisdictional scan of Professional Foresters’ legislation in Canada shows that none of the legislation for six out of six of the other professional forestry associations with right-to-practice exempts other occupations unless these persons are part of another regulated profession, such as professional engineers.

Professional forestry has been regulated as it is complex, and the results of different forest activities may not always be obvious to the landowner or public. Regulated forest professionals have to conduct their work transparently and in a comprehensive manner. Their work is also open to public scrutiny, and any poor practices can be dealt with at no cost to the taxpayer through the OPFA complaints process.

Whilst inquiries have been received about the work conducted by individuals who are not registrants of the OPFA, we cannot investigate complaints about non-members who are practicing forestry because we have no legal authority to do so. This means that the problems that landowners and employers face related to the service provided by unregulated practitioners cannot be easily resolved, and the public is at risk of having their property poorly or incorrectly managed.

Clarifying the distinction between the roles and responsibilities of a professional forester and other unregulated occupations would better protect the public interest. The public expects regulated professionals to possess specific knowledge, skills, and training to meet or exceed the requirements and to do so from a position of trust. Ensuring that the roles and responsibilities are clear, will allow professional foresters to carry out their work and serve the public interest effectively.

On provincial Crown land, unregulated professionals, trades, and occupations can also have a significant influence in the forest management planning process. While the Forest Management Planning Manual prescribes processes for considering a range of inputs, basing decisions on sound science and information, and using professional judgement, there may be an opportunity to increase accountability by clarifying the oversight that the OPFA has over its registrants.

The Forest Management Planning Manual requires that a forest management plan be prepared by a plan author (a Registered Professional Forester or R.P.F.) with the assistance of an interdisciplinary planning team appointed by the MNR District Manager with all members participating in plan preparation. Ontario's Crown forests are a public resource and ultimately the responsibility and accountability for the approval of a forest management plan lies with the MNR Regional Director through the delegation of authority.

Challenges can occur when unregulated professionals in the interdisciplinary planning team advance their judgement on forest operations prescriptions without reference to scientific or documented studies on how to manage the forest at both a landscape level and at a stand and site level. In some cases, R.P.F.s are being required to edit and alter forest management plans or prescriptions that impact the sustainability of the forest based on the direction of these unregulated professionals. Clarifying the scope of practice and revising the list of excluded professions, trades and occupations could clarify the role of the regulated professional (i.e., the R.P.F.) in these situations and could clarify the oversight of the OPFA with regard to its registrants.

Recent changes to the Forest Management Planning Manual in part focus on professional reliance. For example, the requirement for MNR approval of Annual Work Schedules has been removed. The Government is relying on professional foresters to prepare these documents in accordance with legislation, regulations, and policy. Clarifying the scope of practice could increase accountability by enhancing the oversight of the OPFA.

2. To enhance understanding that forestry is a regulated profession in Ontario, and raise awareness of the value of qualified registrants of the OPFA

The current exemption of unregulated occupations with un-defined scope of practice confuses the public and employers seeking services in professional forestry.

Professional engineers employed by MNR that sign and stamp a bridge construction project do so in the same way as an engineer employed by a private firm. This accountable professionalism that is focused on the public interest is the primary objective of regulated professions.

The public expects regulated professionals to be of good character, and demonstrate a high level of knowledge, skills, experience, training, and professionalism. Because of this, professional reliance is becoming increasingly important in ensuring public confidence in managing natural resources. However, whilst most people know that engineering is a regulated profession, there are many in Ontario who are unaware that professional forestry is regulated.

Informing landowners and the broader public about the importance of using professional foresters in delivering forest management would improve the practice of forestry and public confidence in it. Changes to the regulation will help enhance OPFA's ability to communicate with its registrants and to develop an outreach program for un-regulated occupations and the public. Ensuring that the definition of professional forestry and the roles and responsibilities of professional foresters is clear in the legislation will help us get the message across.

Summary

The reduction in red tape in forestry requires a parallel increase in reliance on regulated professionals who are competent and are accountable, so that the broader public interest is protected in the work they undertake. A clear description of what professional forestry is and who can undertake this work will ensure that professional forestry is better able to be governed to meet the needs of the people of Ontario, while also serving the needs of employers and landowners.

The objective of proposed changes is to minimize overlap with other professions, trades and occupations that supply services to forest landowners while ensuring that these also describe the function of a professional forester today and in the future. A revised scope of practice would better define what professional forestry entails.

The OPFA is looking for your comments and suggestions for changes to the Professional Foresters Act and Regulation which would result in continuous improvement in forestry practices in Ontario, without increasing taxpayer costs.

How you can be involved

We are asking at this time for your thoughts, support, concerns and suggestions on changes that may be considered to deal with the issues described above.

For example:

- *Are you supportive of making improvements to the Professional Foresters Act and its Regulation?*
- *Have you had any experience of issues in forestry-related work caused due to unclarity in the scope of practice between professional foresters (OPFA registrants) and other occupations (not registrants of OPFA)?*
- *Are there other improvements you would like to see added to the OPFA's proposal?*

Please also refer to the Questions & Answers on this website for additional information.

To provide your feedback to the OPFA, please send them to opfa@opfa.ca by January 28th, 2021

Please note that the Government of Ontario is responsible for any changes to provincial laws and regulations.