

Bill 37: A Proposed Invasive Species Act

Great Lakes Panel on Aquatic Nuisance Species

October 5, 2015

Bill 37: Invasive Species Act: Status



- Introduced on November 5, 2014.
- Completed First and Second Reading.
- Referred to The Standing Committee on Social Policy
 - Public hearings - September 28th and 29th
 - Clause by clause review – October 5th and 6th

Purpose of Proposed Invasive Species Act

- Provide a strong legislative framework to better **prevent, detect, rapidly respond** to and **where feasible eradicate** invasive species
- Promote **shared accountability** for managing invasive species
- Hold those responsible accountable for costs of control and eradication through **strong penalties and cost recovery** of expenses for managing invasive species
- Use a **risk-based** approach that considers the full range of threats, costs and benefits to the environment, society and the economy
- **Complement** the role of the federal government in managing invasive species



What are Invasive Species?

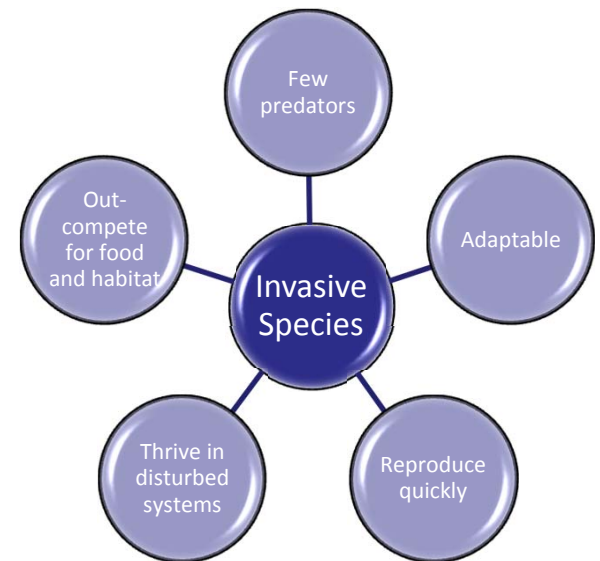
Definition in proposed Act:

A species that is not native to Ontario, or to a part of Ontario, and:

- Is harming the natural environment of Ontario or of the part of Ontario in which it is present, or
- Is likely to harm the natural environment of Ontario or of a part of Ontario, regardless of whether it is present in Ontario or in a part of Ontario

Act is focused on:

Plants, animals, or micro-organisms (e.g., a virus) that are not native to Ontario, or to a part of Ontario, that may harm the natural environment and negatively impact associated economic and social benefits



Listing Invasive Species and Carriers

Invasive Species

- Lieutenant Governor in Council (LGIC) may make regulations to list invasive species (2 classes) based on a number of considerations, including *species' biological characteristics, risk of harm to the natural environment, dispersal ability and social or economic impacts* assessed through the application of risk assessments

Carriers

- Lieutenant Governor in Council (LGIC) may make regulations to regulate carriers.
- Carriers are things that are capable of moving an invasive species or many invasive species from one area to another.
- Definition of a Carrier “a plant, animal, organism, conveyance or other thing ...”
- Prohibitions would be specified in regulation on a case by case basis

Temporary Designation Order

- Minister would have the authority to make an order to temporarily designate an invasive species under the proposed legislation for up to two years.

Management and Control Provisions

Authorizations, Agreements, and Prevention and Response Plans

- Minister would be able to issue authorizations or enter into agreements exempting persons from the act's prohibitions in specific circumstances and with associated conditions (e.g., for research and education)
- Minister may require that a Prevention and Response Plan be prepared for invasive species; would enable enhanced partnerships to support the prevention and control of the species

Inspections and Related Provisions

- Minister may designate a person or classes of persons as inspectors
- Inspectors may conduct a range of inspection activities (e.g., surveys, determining compliance, obtaining information and stopping conveyances)

Enforcement and Penalties

- Minister may designate a person or classes of persons as enforcement officers
- Act includes a comprehensive set of enforcement provisions to reflect the importance to the environment and the economy of addressing invasive species, and to help ensure effective implementation of the act

Additional Control Provisions

Invasive Species Control Areas

- LGIC may make **regulations** to designate areas of Ontario as Invasive Species Control Areas for invasive species
- Measures would be established to prevent the introduction or to control the spread of the invasive species.
- May include rules or prohibitions for activities that are likely to contribute to the spread of the species

Within Invaded Places and Invasive Species Control Areas

- Minister may direct actions that would result in the destruction of private property.
- Subject to the **regulations**, the Minister may provide compensation for property that is destroyed under certain circumstances.

Next Steps

- Bill 37 – will be referred back to Legislature for 3rd Reading.
- If passed – Bill will come into force, 1 year anniversary after receiving Royal Assent.

For More Information:

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