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Invasive Species Act, 2015

ONTARIO REGULATION 354/16

GENERAL

Consolidation Period: From January 1, 2022 to the e-Laws currency date.

Last amendment: 702/21.

Legislative History: [+]

This is the English version of a bilingual regulation.

INVASIVE SPECIES TO WHICH THE ACT APPLIES

Prescribed invasive species

1. The species listed in Tables 1, 2, 3, 3.1, 4 and 5 are prescribed as invasive species to which the Act applies for the purposes of subsection 4 (1) of the Act. O. Reg. 354/16, s. 1; O. Reg. 702/21, s. 1.

Prohibited invasive species

2. (1) The species of invertebrates listed in Table 1 are classified as prohibited invasive species for the purposes of the Act. O. Reg. 354/16, s. 2 (1).

(2) The species of plants listed in Table 2 are classified as prohibited invasive species for the purposes of the Act. O. Reg. 354/16, s. 2 (2).

(3) The species of fish listed in Table 3 are classified as prohibited invasive species for the purposes of the Act. O. Reg. 354/16, s. 2 (3).

(4) The species of insects listed in Table 3.1 are classified as prohibited invasive species for the purposes of the Act. O. Reg. 702/21, s. 2.

Restricted invasive species

3. (1) The species of plants listed in Table 4 are classified as restricted invasive species for the purposes of the Act. O. Reg. 354/16, s. 3 (1).

(2) The species of mammals listed in Table 5 are classified as restricted invasive species for the purposes of the Act. O. Reg. 702/21, s. 3.

ADDITIONAL PROHIBITED ACTIVITIES WITH RESPECT TO RESTRICTED INVASIVE SPECIES

Prohibited activities, restricted invasive species — plants

4. The following activities are prohibited for the purposes of subsection 8 (3) of the Act with respect to the restricted invasive species listed in Table 4 of this Regulation:

1. Bringing a member of the species into Ontario or causing it to be brought into Ontario, except in the circumstances described in section 5 and in subsection 8 (1).

2. Possessing or transporting a member of the species in a provincial park or conservation reserve, except in the circumstances described in section 5 and subsection 8 (1).
3. Propagating members of the species.
4. Buying, selling, leasing or trading or offering to buy, sell, lease or trade a member of the species. O. Reg. 702/21, s. 4.

Prohibited activities, restricted invasive species — Eurasian wild boar, etc.

4.1 (1) In this section,

“Eurasian wild boar” means pigs that are members of *Sus scrofa*, including those commonly known as wild boar, European boar, Russian boar, old world swine, iron age pig and razorback, but does not include members of the subspecies *Sus scrofa domesticus*. O. Reg. 702/21, s. 4.

(2) For the purposes of subsection 8 (2) of the Act, no person shall do any of the following:

1. Bring a live Eurasian wild boar into Ontario or cause it to be brought into Ontario.
2. Possess or transport a live Eurasian wild boar.
3. Buy, sell, lease or trade or offer to buy, sell, lease or trade a live Eurasian wild boar. O. Reg. 702/21, s. 4.

(3) No person shall propagate Eurasian wild boar. O. Reg. 702/21, s. 4.

(4) Subsections (2) and (3) do not apply until January 1, 2024 to a person who possessed live Eurasian wild boar on the day Ontario Regulation 702/21 came into force. O. Reg. 702/21, s. 4.

(5) Any person who possesses live Eurasian wild boar on the day Ontario Regulation 702/21 comes into force shall provide a written notice to the Minister that includes the following information:

1. The name and contact information of the person in possession of the Eurasian wild boar.
2. The number of Eurasian wild boars in the person's possession and the location of the animals. O. Reg. 702/21, s. 4.

(6) The notice required under subsection (5) shall be given no later than March 1, 2022. O. Reg. 702/21, s. 4.

(7) Paragraph 2 of subsection (2) does not apply until January 1, 2024 to the following:

1. The operator of an establishment identified in a licence that is issued under the *Safe Food for Canadians Act* (Canada) that authorizes the slaughter of food animals under that Act that receives live Eurasian wild boar from a person described in subsection (4) for the purpose of slaughter.
2. A slaughter plant operating in accordance with the *Food Safety and Quality Act, 2001* that receives live Eurasian wild boar from a person described in subsection (4) for the purpose of slaughter.
3. A person transporting live Eurasian wild boar from a person described in subsection (4), provided that the animals remain securely contained in the transit vehicle at all times during transportation. O. Reg. 702/21, s. 4.

(8) Any reference in this section to Eurasian wild boar includes a reference to its gametes. O. Reg. 702/21, s. 4.

EXEMPTIONS

Emergencies

5. A police officer, a firefighter or any other person who carries out emergency response, firefighting or search and rescue operations is exempt from clauses 7 (a), (b) and (c) and subsection 8 (1) of the Act and from paragraphs 1 and 2 of section 4 and subsections 14 (2), (4) and (5) if the actions that would otherwise be prohibited under those provisions occur while carrying out an emergency response, firefighting or search and rescue operation. O. Reg. 354/16, s. 5; O. Reg. 702/21, s. 5.

Fishing - incidental catch

6. A person who catches a member of a prohibited invasive species while fishing is exempt from clauses 7 (b) and (c) of the Act with respect to the member of that species, whether a fish or other type of species, if the following conditions are met:

1. The person holds,
 - i. a licence under the *Fish and Wildlife Conservation Act, 1997*,
 - ii. a licence under the Ontario Fishery Regulations, 2007 made under the *Fisheries Act* (Canada), or
 - iii. a licence under the Aboriginal Communal Fishing Licences Regulations made under the *Fisheries Act* (Canada).
2. The person catches the member of the species incidentally while fishing in accordance with his or her licence and in accordance with,
 - i. Ontario Fishery Regulations, 2007, in the case of a person who holds a licence referred to in subparagraph 1 i or ii, or
 - ii. the Ontario Fishery Regulations, 2007 and the Aboriginal Communal Fishing Licences Regulations made under the *Fisheries Act* (Canada), in the case of a person who holds a licence referred to in subparagraph 1iii.
3. The person takes immediate measures to ensure that the member of the species is destroyed and that no part of the member is capable of reproducing or of propagating the species.

Operation of boat - incidental possession or transportation

7. A person who operates a boat in a body of water is exempt from clauses 7 (b) and (c) of the Act with respect to any water soldier or European water chestnut that attaches to the boat if the following conditions exist:

1. The person possesses or transports the water soldier or European water chestnut incidentally and solely as a result of the operation of the boat.
2. In the case of a boat that is removed from a body of water in which water soldier or European water chestnut is present, the person removes any members of the species from the boat before transporting the boat overland and disposes of them in a manner that ensures that the members do not re-enter the body of water or enter into any other body of water.
3. If water soldier or European water chestnut is present only in a part of a body of water, the person takes reasonable precautions while operating the boat in the body of water to avoid transporting water soldier or European water chestnut outside that part of the water body and depositing or releasing the species in other parts of the body of water.

Preserved specimens

8. (1) Clauses 7 (a) and (c) of the Act do not apply with respect to a member of a prohibited invasive species, and paragraphs 1 and 2 of section 4 do not apply with respect to a member of a restricted invasive species, if,

- (a) the member is dead;
- (b) the member has been preserved using as the primary method of preservation a method other than refrigeration or freezing; and
- (c) the method of preservation ensures that the species cannot be propagated or reproduced.

(2) In this section,

“preserved” means treated or prepared in a manner to prevent decay or decomposition.

Dead and eviscerated fish

9. (1) Clauses 7 (a), (b), (c) and (e) of the Act do not apply with respect to a member of prohibited invasive species that is a fish identified in subsection (2) if it is dead and eviscerated. O. Reg. 354/16, s. 9 (1).

(2) Subsection (1) applies with respect to the following prohibited invasive species:

1. Bighead Carp.
2. Black Carp.
3. Grass Carp.

- 3.1 Prussian Carp.
4. Silver Carp.
5. Snakehead, all species in the Snakehead family.
- 5.1 Tench.
6. Zander. O. Reg. 354/16, s. 9 (2); O. Reg. 702/21, s. 6.

Prohibited species — human consumption

9.1 (1) Clauses 7 (a), (b), (c) and (e) of the Act do not apply with respect to a member of a prohibited invasive species identified in subsection (2) if it is dead and has been prepared for human consumption. O. Reg. 702/21, s. 7.

(2) Subsection (1) applies with respect to the following prohibited invasive species:

1. Red Swamp Crayfish. O. Reg. 702/21, s. 7.

New Zealand mud snail — incidental possession, etc.

9.2 Clauses 7 (b) and (c) of the Act do not apply to the incidental possession, transport, deposit or release of New Zealand mud snail in the course of carrying out dredging if the dredging is carried out in accordance with the applicable laws of Ontario or Canada. O. Reg. 702/21, s. 7.

Scientific, educational or species control activities

10. A person who brings a member of a prohibited invasive species into Ontario or causes it to be brought into Ontario for scientific, educational or invasive species control purposes or who possesses or transports the member for such a purpose is exempt from clauses 7 (a) and (c) of the Act if,

- (a) the species is an aquatic invasive species within the meaning of the Aquatic Invasive Species Regulations made under the *Fisheries Act* (Canada);
- (b) the person is licensed under subsection 6 (2) of the Ontario Fishery Regulations, 2007 made under the *Fisheries Act* (Canada) to possess and transport the species for scientific, educational or invasive species control purposes; and
- (c) the person is acting in compliance with the conditions of the licence referred to in clause (b).

Pigs in provincial parks and conservation reserves

10.1 Clause 8 (1) (a) of the Act does not apply to a pig other than a live pig. O. Reg. 702/21, s. 8.

Deposit of restricted invasive species — plants

11. (1) A person who deposits a member of a restricted invasive species listed in Table 4 in an area outside of a provincial park or conservation reserve is exempt from clause 8 (1) (b) of the Act if the person does so in the course of carrying out any of the following activities:

1. Activities to control or manage the species.
2. Commercial, agricultural, maintenance or other activities carried out in accordance with subsection (2), the purpose of which is not to deposit the species. O. Reg. 702/21, s. 9.

(2) A person carrying out an activity described in subsection (1) shall take reasonable precautions to prevent the spread of the restricted invasive species outside the immediate area where the activity is taking place. O. Reg. 702/21, s. 9.

Application of s. 23 of the Act to restricted invasive species

12. (1) For the purposes of clause 23 (2) (a) of the Act, the following restricted invasive species are prescribed as species to which section 23 of the Act applies:

1. Pigs. O. Reg. 702/21, s. 9.

(2) For the purposes of clause 23 (2) (b) of the Act, an order shall only be made under section 23 of the Act in respect of pigs if the pigs pose a risk to the natural environment, and the inspector has reasonable grounds to believe an order is required to prevent or reduce the risk. O. Reg. 702/21, s. 9.

Application of s. 27 of the Act to restricted invasive species

13. For the purposes of subsection 27 (2) of the Act, the following restricted invasive species are prescribed as species to which section 27 of the Act applies:

1. Pigs. O. Reg. 702/21, s. 9.

CARRIERS**Prescribed carriers of invasive species, conveyances etc.**

14. (1) For the purposes of section 6 of the Act, the following are prescribed as carriers to which the Act applies that are capable of facilitating the movement of invasive species from one place to another:

1. Watercraft.

2. Watercraft equipment. O. Reg. 702/21, s. 9.

(2) A person shall not transport watercraft or watercraft equipment overland unless,

(a) any drain plugs or other devices used to control drainage have been removed or opened to allow water to drain out of the watercraft or watercraft equipment; and

(b) reasonable measures have been taken to remove any aquatic plants, animals or algae from the watercraft, watercraft equipment and any vehicle or trailer used to transport the watercraft or watercraft equipment overland. O. Reg. 702/21, s. 9.

(3) Clause (2) (a) does not apply in respect of drain plugs or other devices used to control drainage of water in,

(a) drinking water systems, marine sanitary systems or closed engine cooling systems; or

(b) a livewell, if the person transporting the livewell overland is transporting live fish in the livewell pursuant to a licence to transport live fish issued under the *Fish and Wildlife Conservation Act, 1997*. O. Reg. 702/21, s. 9.

(4) In addition to complying with clause (2) (b), a person transporting a watercraft or watercraft equipment overland to a body of water shall, prior to reaching a launch site for the body of water, ensure the watercraft, watercraft equipment and any vehicle or trailer used to transport the watercraft or watercraft equipment does not have an aquatic plant, animal or algae attached to it. O. Reg. 702/21, s. 9.

(5) No person shall place a watercraft, watercraft equipment or any vehicle or trailer used to transport a watercraft into any body of water if the watercraft, watercraft equipment, vehicle or trailer has an aquatic plant, animal or algae attached to it. O. Reg. 702/21, s. 9.

(6) In this section,

“livewell” means a compartment designed to keep fish alive that is attached to or forms part of a watercraft; (“vivier”)

“watercraft” means any conveyance used or designed for navigation on water, including a motorboat, rowboat, canoe, punt, sailboat or raft; (“embarcation”)

“watercraft equipment” means any thing that is used to aid in the operation, movement or navigation of a watercraft including ropes, fenders or anchors. (“équipement d'embarcation”) O. Reg. 702/21, s. 9.

TABLE 1
PROHIBITED INVASIVE SPECIES - INVERTEBRATES

Item	Common Name	Scientific Name
1.	Common Yabby	<i>Cherax destructor</i>
2.	Golden Mussel	<i>Limnoperna fortunei</i>
3.	Killer Shrimp	<i>Dikerogammarus villosus</i>
4.	Marbled Crayfish	<i>Procambarus virginalis</i>

5.	New Zealand Mud Snail	<i>Potamopyrgus antipodarum</i>
6.	Red Swamp Crayfish	<i>Procambarus clarkii</i>

O. Reg. 354/16, Table 1; O. Reg. 702/21, s. 10.

TABLE 2
PROHIBITED INVASIVE SPECIES - PLANTS

Item	Common Name	Scientific Name
1.	Brazilian Elodea	<i>Egeria densa</i>
2.	European Water Chestnut	<i>Trapa natans</i>
3.	Hydrilla	<i>Hydrilla verticillata</i>
4.	Parrot Feather	<i>Myriophyllum aquaticum</i>
5.	Water Soldier	<i>Stratiotes aloides</i>

TABLE 3
PROHIBITED INVASIVE SPECIES - FISH

Item	Common Name	Scientific Name
1.	Bighead Carp	<i>Hypophthalmichthys nobilis</i>
2.	Black Carp	<i>Mylopharyngodon piceus</i>
3.	Grass Carp	<i>Ctenopharyngodon idella</i>
3.1	Prussian Carp	<i>Carassius gibelio</i>
4.	Silver Carp	<i>Hypophthalmichthys molitrix</i>
5.	Snakehead, all species in the Snakehead family	All species in the family <i>Channidae</i>
6.	Stone Moroko	<i>Pseudorasbora parva</i>
6.1	Tench	<i>Tinca tinca</i>
7.	Wels Catfish	<i>Silurus glanis</i>
8.	Zander	<i>Sander lucioperca</i>

O. Reg. 354/16, Table 3; O. Reg. 702/21, s. 11.

TABLE 3.1
PROHIBITED INVASIVE SPECIES — INSECTS

Item	Common Name	Scientific Name
1.	Mountain Pine Beetle	<i>Dendroctonus ponderosae</i>

O. Reg. 702/21, s. 12.

TABLE 4
RESTRICTED INVASIVE SPECIES — PLANTS

Item	Common Name	Scientific Name
1.	Black Dog-strangling Vine	<i>Cynanchum louiseae</i>
2.	Bohemian Knotweed	<i>Reynoutria ×bohemica</i>
3.	Carolina Fanwort	<i>Cabomba caroliniana</i>
4.	Dog-strangling Vine	<i>Cynanchum rossicum</i>
5.	European Frog-bit	<i>Hydrocharis morsus-ranae</i>
6.	Giant Knotweed	<i>Reynoutria sachalinensis</i>
7.	Himalayan Knotweed	<i>Koenigia polystachya</i>
8.	Japanese Knotweed	<i>Reynoutria japonica</i>
9.	Phragmites	<i>Phragmites australis</i> subsp. <i>australis</i>
10.	Yellow Floating Heart	<i>Nymphoides peltata</i>

O. Reg. 702/21, s. 13.

TABLE 5
RESTRICTED INVASIVE SPECIES — MAMMALS

Item	Common Name	Scientific Name
1.	Pig	<i>Sus scrofa</i>

O. Reg. 702/21, s. 14.

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