

KEY POINTS REGARDING AN INITIATIVE TO REGULATE THE PRACTICE OF PROFESSIONAL FORESTRY IN NEW BRUNSWICK

March 2024

Over the past three years, a joint Committee of the Association of Registered Professional Foresters of New Brunswick (ARPFNB) and the New Brunswick Forest Technicians Association (NBFTA) have been engaged in discussions working towards “Regulating the Practice” (RTP) of professional forestry in New Brunswick.

What does “Regulating the Practice” (RTP) mean?

From Section 25 of the DRAFT Act to Incorporate the Association of New Brunswick Forestry Professionals: *“No person shall practice professional forestry in New Brunswick, either privately or employed by another, unless registered to practice under the provisions of the proposed new “Act to Incorporate the Association of New Brunswick Forestry Professionals” and its by-laws”.*

What is the definition of “Professional Forestry” under the proposed new Act?

“The provision of services or undertakings which, because of their scope and implications respecting forests, forest lands, forest resources and forest ecosystems, require the specialized education, knowledge, training and experience of a registered member, and includes

(a): designing, planning, directing or advising with respect to:

- (i): the inventory, classification, appraisal, evaluation, and certification of forests and forest lands,*
- (ii); silviculture prescriptions and treatments of forest stands, including the harvesting of timber,*
- (iii); planning, locating and approving forest transportation systems, including forest roads,*
- (iv); conservation, reclamation, and renewal of forests and forest lands, and*
- (v); the protection of forests and forest lands;*

(b): the preparation, review, amendment and approval of forest management and operating plans and administration of forest lands;

(c): assessing the impact of planned activities on forests, forest lands and forest ecosystems;

(d): auditing, examining and verifying the results of planned activities on forests, forest lands and forest ecosystems;

(e); assessing, estimating and analyzing the capability of forests, forest lands, and forest ecosystems to yield a flow of timber;

(f); teaching core forestry subjects as defined in the by-laws at a college, technical institute or university.”

What activities does RTP legislation affect?

- Any activity that is considered “*professional forestry*” according to the definition in the Act.
- Planning and implementation of any forest management or silviculture prescription must be directly overseen/ supervised/ monitored by a forestry professional who is registered or licensed.
- Any harvesting, forest road, or silviculture activity must be directly overseen/ supervised/ monitored by a forestry professional who is registered or licensed.
- No member of the ANBFP is ever permitted to abdicate or defer their professional work responsibilities (competency, ethics, integrity) related to any task they undertake or directly oversee/supervise.

Will RTP legislation impose limitations on who can practice forestry in NB?

The intent of the legislation is not to impose strict limitations on who can practice professional forestry, but rather to ensure that anyone practicing is competent, acting ethically, with integrity and professionalism, complying with all legal requirements.

- The legislation provides for “Exclusions” allowing people to carry out forestry activities on their own lands, recognizing Indigenous rights, and not interfering with related professions (engineers, surveyors, agrologists, etc).
- The legislation includes provisions for “Special Licenses” for practitioners who might not otherwise meet the requirements for full membership in the Association (normally graduation from an accredited school).

What types of membership will be possible in the new Association?

There are two “categories” of membership:

- Foresters
- Technicians

There are five “classes” of membership:

- Registered Members
- In-Training Members
- Associate Members (non-resident, non-practicing, insufficient CFEs)
- Life (Retired) Members
- Special License Holders

All current members (in good standing) of the ARPFNB and the NBFTA could automatically become members of the new Association.

Any graduate of a recognized university or college forestry program, forester or forest technician, or other forest practitioner who meets the eligibility requirements may apply for Association membership.

How can someone get a “Special License”?

A “Special License”, with or without terms and conditions, may be issued to persons who are not registered members and who wish to practice professional forestry in New Brunswick.

- The Applicant must have at least 5 years forestry “experience”. At least 2 years must be current (within the last 5 years). Time spent taking forest-related post-secondary education qualifies as “experience”.
- Two Association members who are familiar with the applicant’s work/expertise must indicate they are willing to vouch for the Applicant.
- The Applicant must confirm he/she is willing to abide by the Association’s Code of Ethics.
- The Applicant may be required to pass an examination or take training regarding local legislation.
- A “Special License” may restrict the scope of “professional forestry”, the geographic area, and the time duration the Permittee is able to practice.
- A multiple year “Special License” may be issued, subject to the Permittee remaining in good standing with the Association (no disciplinary actions and paying annual fees).

Why is it necessary to regulate the practice of professional forestry?

Providing forestry services in New Brunswick is presently unregulated. Anyone can claim to be a forestry professional. Anyone can offer to provide forestry services without qualifications.

- RTP will help to ensure forest practitioners are competent, ethical, and professional.
- RTP will ensure any complaints are professionally investigated and resolved.
- RTP will provide the public with improved credibility and confidence in forest practitioners.

Will RTP impose new forest management standards or practices?

- RTP legislation will not set new forest management standards, nor will it define new “Best Practices”.
- The Association will not advocate or lobby for a particular forest management policy. The determination of provincial forest policy is the responsibility of the government.

What is the RTP Value Proposition for Woodlot Owners, Employers, Government and Municipalities?

- Provides assurances and improved confidence when hiring/engaging with forest practitioners.
- Provides a cost-effective and credible 3rd party mechanism to deal with complaints.
- Provides improved assurances to the public regarding forest practices.
- Provides improved assurances that all forest-related regulation/legislation is complied with.
- Self-regulation by the Association/Profession is cost-effective for Government.
- Provides an alternative to potentially overly prescriptive Government regulations.

How will “enforcement” be handled?

- There will be a two year “education” period after enactment, before the legislation will be enforced.
- Investigations and enforcement will be a result of complaints from the public or a member.
- After investigation, the Complaints Committee may dismiss the complaint, or require the member take additional training, etc., or refer the matter to the Disciplinary Committee.
- The Disciplinary Committee must hold a hearing for any allegations.
- Any party to proceedings of the Disciplinary Committee has the right to appeal the decision to the Court of King’s Bench of New Brunswick.

I am a machine operator who works harvesting trees. Will I be impacted by the proposed new legislation?

- Harvesting, transporting, or planting trees is not considered “professional forestry” and people who do only those activities will not be impacted by the proposed legislation.
- However, any person who plans or supervises or assesses forest management activities is practicing professional forestry and would therefore need to be registered or licensed to provide those services.