



## *Aquatic Invasive Species Regulations*





## Background

- Framework to address AIS, before the regulation was in place, was a patchwork of regulations under federal and provincial legislation.
- Changes made to the *Fisheries Act* in 2013 solidify and make explicit the authority to address AIS issues
- The regulation provides a suite of regulatory tools to prevent new introductions and manage spread
- The regulation is designed to be “enabling” and the focus will be on high risk species and geographic areas
- Provide tools to federal/provincial/territorial governments to act to address AIS in jurisdictions where they manage the fishery



# Prohibitions

## Prohibited Species List

- The regulation prohibits import, transport, possession and release of specific species listed in Part 2 of the schedule to the regulation
- Prohibited list of species includes name of species, which prohibitions apply, and in which geographic area
- List indicates if prohibition applies to live organisms, or both live and dead, or have a requirement for evisceration (may be required for very high risk species)
- Risk assessments to be used to inform decision making regarding which species and geographic boundaries to consider for listing

## Prohibition against unauthorized introduction

- The regulation also contains a general prohibition against the introduction of species where they are not indigenous unless authorized under federal or provincial law



## List of Prohibited Species

- Initial list of prohibited species includes:
  - **Asian carps (four species):**
    - prohibited from import, possession, transport and release in Canada unless dead and eviscerated
  - **Invasive fishes under the *Ontario Fishery Regulations*:**
    - prohibited from live possession, transport and release in Ontario
  - **Prohibited species under the *Manitoba Fishery Regulations*:**
    - prohibited from live possession, transport and release in Manitoba
  - **Zebra and Quagga Mussels:**
    - prohibited from import across Canada; possession, transport and release, live or dead, in British Columbia, Alberta, Saskatchewan, and Manitoba
- List will be expanded over time (through regulatory amendment) according to risk and capacity to administer and enforce prohibitions



## Exemptions

- The use of otherwise prohibited species is allowed under specific circumstances:
  - If the import, possession, transport, or release of listed species is for scientific, educational or AIS control purposesAND, IF REQUIRED
  - With valid permits under fisheries regulations (i.e. for introduction or transfer of live fish)
  
- The prohibitions on import, possession, transport, release and introduction do not apply to:
  - ballast water
  - biofouling of a vessel that is over 24m in lengthas these areas are managed by regulations under the *Canada Shipping Act* and International Maritime Organization guidelines
  
- The regulations do not apply to deleterious substances used in aquaculture activities if the deposit is otherwise authorized under the Act.



## List of Controlled Species

- The regulation also includes a list of 14 species (Part 3 of the Schedule) that are NOT prohibited but for which control activities may be undertaken where they are not indigenous and may cause harm
- List includes tunicates, Green Crab, and species such as Smallmouth Bass and Walleye which are native to some parts of Canada but are considered invasive elsewhere
- Species listed are the ones for which DFO has completed risk assessments and the outcome was moderate to high risk



## Control & Eradication

- The regulation allows prescribed Ministers to authorize the deposit of deleterious substances to control or eradicate AIS:
  - Conditions such as not compromising public safety and taking into account impact and alternative measures have to be followed
  - Only approved drug and pest control products can be used
- Control and eradication activities may be **authorized** for species listed in the regulation (Part 2 and 3 of the Schedule), as well as any aquatic species where it is not indigenous and may cause harm



## Enforcement Powers

### Fishery Officers & Fishery Guardians may:

- Notify people that species are non-indigenous
- Take certain actions to control **listed species** (e.g., treat or destroy species or carriers, prohibit access to areas where species are found)

### Fishery Officers may also:

- Enforce the prohibitions on import, possession, transport and release of species listed in the regulation
- Direct people to cease activities that may lead to introduction of **any aquatic species where it is not indigenous**
- Direct people in possession of a **listed species**; in charge of a carrier, conveyance or structure where a listed species is found; who owns or occupies place where listed species is found; or who is engaged in an activity that may lead or has led to the introduction of a listed species to take certain actions to prevent the introduction or control the spread





## Compliance & Enforcement

- Provincial/territorial ministers will play a role in administering and enforcing the regulatory provisions in areas where they manage the fishery
- Regulatory provisions can be enforced by Federal Fishery Officers and provincial Enforcement Officers designated under the *Fisheries Act*
- Enforcement will focus on high risk species, geographic areas, and activities
- Education and public awareness key to achieving high levels of compliance with the regulations