



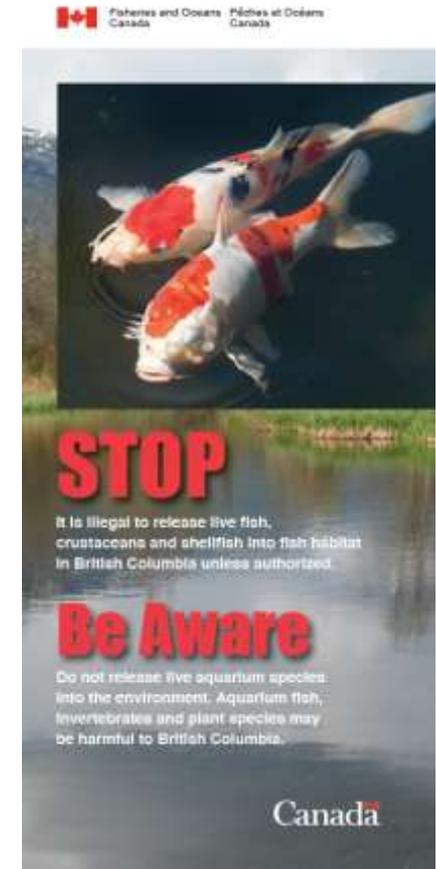
The Aquatic Invasive Species Regulations

*International Aquatic Invasive Species Conference
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Background

- Historically, framework to address aquatic invasive species (AIS) was a patchwork under federal and provincial legislation.
- Changes made to the *Fisheries Act* in 2013 solidified and made explicit the authority to address AIS issues.
- The *AIS Regulations* (AISR), which came into effect on May 29, 2015, provides a suite of regulatory tools to prevent new introductions and manage spread.
- The AISR are designed to be “enabling” in that new species can be added over time, prohibitions can be tailored, and enforcement powers can be used where there is risk and where there is capacity.





Regulatory Development

- Policy development involved key stakeholders, especially Provinces and Territories. Many regulatory options were discussed.
- Consultations on the intent to regulate began in 2012 and used various engagement tools, including an online survey and a series of public meetings.
- Fisheries and Oceans Canada worked collaboratively with the Provinces and Territories on the development of the regulations through the National Aquatic Invasive Species Committee (NAISC).
- Other federal departments were also consulted in the making of the regulations.
- The *Aquatic Invasive Species Regulations* were first published in the *Canada Gazette*, Part I for a 30-day public comment period in December 2014, prior to being finalized and published in the *Canada Gazette*, Part II in June 2015.



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 if there is a requirement for evisceration (for very high risk species)

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



Violet tunicate (*Botrylloides violaceus*)
Cathryn Clarke Murray



List of Prohibited Species

- Initial list of prohibited species includes:
 - **Asian carp** (4 species) – prohibited from import, possession, transport and release in Canada unless dead and eviscerated
 - **Invasive fish 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



Zebra Mussel (*Dreissena polymorpha*)
© Ron Dermott



Quagga Mussel (*Dreissena bugensis*)
© Ron Dermott



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
 - Relevant permits under fisheries regulations have been obtained (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
- Other exemptions: for enforcement officials, emergency situations, triploid grass carp program in Alberta.



Clubbed tunicate (*Styela clava*)
© AVC/UPEI Shellfish Health



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.



Golden star tunicate
(*Botryllus schlosseri*)



Chinese Mitten Crab
(*Eriocheir sinensis*)



Ministerial Measures and Directions

- The regulation allows prescribed Ministers to authorize the deposit of deleterious substances to control or eradicate AIS:
 - Only approved drug and pest control products can be used
 - Control and eradication activities may be **authorized** for **listed species**, as **well as any aquatic species where it is not indigenous and may cause harm**.
- Prescribed Ministers can direct people to use deleterious substances in order to treat or destroy members of a **listed species** or a carrier or to treat a conveyance or structure.
- Conditions apply to these measures and directions:
 - consideration of alternative measures and the impact of the deposits
 - requirements to not compromise public safety, consult with the Minister of Transport when a vessel is involved, and consult with other relevant jurisdictions.
- The DFO Minister and any provincial minister having jurisdiction over fisheries may licence fishing for **listed species** in the regulation as well **as any aquatic species where it is not indigenous and may cause harm**.



Other 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.



Bighead Carp (*Hypophthalmichthys nobilis*)
©Joseph R. Tomelleri



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 are key to achieving high levels of compliance with the regulations.



European green crab
(*Carcinus maenas*)



Questions?

You can find a copy of the AIS Regulations at:

<http://www.dfo-mpo.gc.ca/science/environmental-environnement/ais-eae/AISRegulations-eng.asp>

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