

April 2, 2024

Honourable Andrea Khanjin  
Minister of Environment, Conservation and Parks  
College Park 5<sup>th</sup> Floor  
777 Bay Street  
Toronto, ON  
M7A 2J3

Submitted via email to [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

Dear Minister Khanjin,

**RE: Decision for ERO 019-7378: Protecting Black Ash and Its Habitat Under the Endangered Species Act, 2007**

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA appreciates that the species protection prohibitions of the *Endangered Species Act, 2007 (ESA)*, only apply to persons impacting healthy Black Ash trees located on lands within the boundaries of municipalities listed in regulation, and not to all Black Ash in the province. Healthy Black Ash trees are defined as trees with a stem diameter at a breast height of at least 8 centimeters, or a stem height that is more than 1.37 m, or trees that are determined to be unhealthy by a qualified professional. However, OFA is concerned that hiring a qualified professional to assess tree health may potentially create financial and administrative burden for those wishing to farm in areas where Black Ash are located. Substituting the previous wording of “appeared to have survived exposure to Emerald Ash Borer (EAB)” in the definition of healthy Black Ash would help to overcome this burden.


Most municipalities listed in the regulations where protection prohibitions apply are areas where significant mortality of Black Ash has occurred due to EAB. However, OFA believes the city of Thunder Bay should not be included in the habitat protection provisions for Black Ash, as EAB is not currently known to be widespread in northwestern Ontario. Seasonally low temperatures in this area are below the tolerance of EAB, and iNaturalist and EDDMapS have limited, confirmable observations in the city of Thunder Bay.

In our previous submission, OFA highlighted that habitat protection provisions under the ESA may severely constrain the ability of farmers to continue to produce safe, affordable, and local food. A 30-metre radius around healthy Black Ash may infringe on areas where farming occurs; OFA continues to advocate for an agricultural exemption from species and habitat protections for Black Ash, to ensure farming activities can continue where healthy Black Ash may be located.

According to the province's recovery strategy, the occurrence and abundance of Black Ash pre-EAB cannot be accurately quantified, and the current distribution, abundance, and health of Black Ash is poorly known. OFA continues to recommend that a quantitative assessment of the Black Ash population in Ontario be completed, and that an economic impact analysis on the effects of recovery actions be conducted. The decision details state that "ESA prohibitions apply only in areas of the province where Black Ash has experienced significant mortality due to EAB". Application of habitat provisions in areas where the current distribution, abundance, and health of Black Ash is poorly known, and the presence and survival of EAB are unverified creates unnecessary burden on farmers and landowners to continue to produce safe and sustainable food fibre and fuel for the province.

OFA would appreciate the opportunity to further discuss our recommendations.

Sincerely,



Drew Spoelstra  
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs  
Rainy River Federation of Agriculture  
OFA Board of Directors