



September 13, 2021

PRESIDENT'S SPECIAL REPORT TO REGISTRANTS

Practice Rights Granted to Professional Agrologists

2022 will be the 75th anniversary of BCIA's existence. It will also be a very significant year as it will be the year that practice rights for our profession will become fully enforceable in British Columbia. As you may recall, on Friday, February 5, 2021, the previous *Agrologists Act* was repealed and replaced by a Schedule to the *Professional Governance Act* ("PGA") and was accompanied by a new set of Bylaws for the BCIA. Among many other things, the Schedule included a definition of "Regulated Practice", which in effect, is a new definition of the profession of agrology within British Columbia.

Earlier today, the Government of British Columbia announced the passage of a definition of "Reserved Practice" for our profession that will come into effect on September 1, 2022. In that Regulation, the activities of agrology that can only be performed by Registrants of the BCIA are stipulated. Although the phrases "practice rights" or "right to practice" do not appear in the new regulation in effect the regulation reserves the stipulated practices to Registrants of BCIA and thus, in effect, grants practice rights to our profession. This puts our profession in the same standing as others that enjoy reserved practice such as engineers, lawyers, foresters, doctors, accountants, to name but a few. We believe that this may be the most significant advancement in our profession since the incorporation of the BCIA in 1947.

Specifically, the substantive provisions of regulated practice granted on February 5th, 2021, are as follows (we have bolded the most significant changes from the previous definition in the

Agrologists Act):

AGROLOGISTS REGULATION

Definitions

1 (1) in this regulation:

"practice of agrology", subject to subsection (2), means the provision of any of the following advice or services:

(a) Advice or services that

- i. Are based on agricultural **or** natural sciences **or** agricultural **or** resource economics, and

ii. Relate to

- (A) Cultivation, production, improvement, processing, marketing or **management** of aquatic or terrestrial plants or animals,
- (B) Classification, management, use, conservation, protection or enhancements of aquatic, terrestrial or **atmospheric** ecosystems that are affected by, sustain or have the potential to sustain the cultivation or production of aquatic or terrestrial plants or animals, **or**
- (C) **Restoration, reclamation or remediation of aquatic, terrestrial or atmospheric ecosystems;**

(b) Advice or services that are ancillary to those described in paragraph (a).

For purposes of the new stipulation of reserved practice the above noted provisions can be referred to as “agrology purposes”.

As you can see, the definition specifically acknowledged what, since the 2003 legislation, had become a significant portion of the profession being work within the environmental sciences in restoration, reclamation and remediation of ecosystems. The definition also removed the ambiguity of the previous definition which to some may have required a direct connection to agriculture. The new definition clearly placed this environmental work within the definition of agrology.

As of today, that definition has been strengthened by the granting of practice rights by the declaration of the definition of reserved practice. Please note that these provisions become effective on September 1, 2022. The substantive provisions of this aspect are as follows:

Reserved practice

4 (1) For the purposes of section 51 (1) (b) [*reserved practice*] of the Act, the practice of agrology described in paragraph (a) (ii) of the definition of “practice of agrology” is a reserved practice that may only be carried out by or under the supervision of a registrant, if the practice relates to providing advice or another service that, having regard to the protective purposes, requires the experience or technical knowledge of an agrologist.

(2) In the case of advice or services described in paragraph (a) (ii) (C) of the definition of “practice of agrology”, the reserved practice is limited to the advice or services relating to the state or quality of soil, water or air, for an agrology purpose.

It is very important to note the one exemption from reserved practice which can colloquially be referred to as the “farming exemption”. Specifically, the new regulation stipulates that the practice of agrology does NOT include:

(b) a normal farm practice, as defined in the *Farm Practices Protection (Right to Farm) Act*, by a person on the person’s land.

This exemption ensures that farmers are entitled to engage in farm practices without being required to be a Registrant of the BCIA. Although the word “land” is not specifically defined, the BCIA accepts that it does include lands leased for agricultural purposes.

Over the past few years, Council has expended significant resources to keep our Registrants updated as to these types of changes. Although this is a significant positive development it is certainly not the end of the work that will need to be completed. This work will require an in-depth review of our current 38 areas of practice to develop a set of clear definitions of the different areas. It is probable that this will result in fewer but broader areas of practice similar, but certainly not identical, to what is utilized in the province of Alberta. It will also include the development of specific practice standards for each of our consolidated areas of practice. As you can imagine, this work will be a significant commitment for the staff and Council of the BCIA.

Once practice rights have been clarified we will strongly pursue any person or firm who is providing agrology services if they are not a Registrant of the BCIA or a Registrant of another regulatory body that enjoys joint jurisdiction with our professionals. We believe that enforcement of practice rights will increase the oversight on these activities thus increasing public trust in the professions. In addition, however, enforcement should ensure that employment opportunities in protected activities will be reserved for Registrants of the BCIA. Non-registrants will no longer be able to provide services under different titles such as “agronomists”.

I must commend the work of the Council, the BCIA staff, our committees, and our consultant, Keith Duhaime, PAg, over the past 3 ½ years, (if not the last 75 years) that has brought us the recognition which our profession has earned.

This is a day that will always be remembered by our profession.

Yours truly,

A handwritten signature in black ink, appearing to read 'J Morgan PAg', with a horizontal line extending from the end of the signature.

Jessica Morgan, PAg, President