



### Regulation Proposal Notice:

**Title:**  
Updating the Schedule of Noxious Weeds in R.R.O. 1990, Regulation 1096 - General, made under the Weed Control Act, R.S.O. 1990, c. W.5 (removal of milkweed and addition of dog-strangling vine)

**EBR Registry Number:** 012-1204

**Ministry:**  
Ministry of Agriculture and Food  
**Date Proposal loaded to the**

**Registry:**  
February 28, 2014

**Keyword(s):** Agriculture

Comment Period: 45 days: submissions may be made between February 28, 2014 and April 14, 2014.

### Description of Regulation:

The Ministry of Agriculture and Food (OMAF) is proposing an amendment to R.R.O. 1990, Regulation 1096 - General (the Regulation) in order to make two minor changes to the Schedule of Noxious Weeds. The proposal is to remove milkweed spp. (scientific name *Asclepias* spp.) from the Schedule of Noxious Weeds in the Regulation and to add dog-strangling vine.

### Purpose of Regulation:

The purpose of the proposal is to amend the Schedule of Noxious Weeds in the Regulation in order to remove milkweed spp. and to add dog-strangling vine as prescribed noxious weeds.

Under the Weed Control Act, R.S.O. 1990, c. W.5 (the Act), every person in possession of land is obligated to destroy all noxious weeds on it. However, this duty does not apply to noxious weeds or weed seeds that are far enough away from any land used for agricultural or horticultural purposes that the weeds or weed seeds do not interfere with that use. As a result, any person in possession of land where prescribed noxious weeds are present, and which could negatively affect lands used for agricultural or horticultural purposes, is responsible for controlling any prescribed noxious weeds present on it. Under the Act, the person in possession of the land may also be held responsible for the costs associated with removal. Depending on the lands and the conditions of use, this responsibility could rest with landowners (including farmers), municipalities and conservation authorities, among others.

The Schedule of Noxious Weeds lists milkweed spp. as the common name of the weed and *Asclepias* spp. as the scientific name of the weed. This description is very broad. As written, the term could extend to all species in the *Asclepias* genus, which includes many individual species, including four-leaved milkweed (a species at risk in Ontario) and other species in the *Asclepias* genus that are not considered a threat to agriculture or horticulture in Ontario.

The species common milkweed (*Asclepias syriaca*) has traditionally been viewed as a noxious weed in Ontario. It is considered to be common to widespread in many parts of southern and northern Ontario and it forms an important part of the native and naturalized vegetation in the province. Common milkweed also provides an important habitat and a larval food source for the Monarch butterfly. Milkweed species also play a key role in biodiversity in Ontario. The presence of common milkweed on lands that are not being actively farmed would be considered a low to negligible risk to activities on nearby agricultural or horticultural lands. Farmers can take proper management steps on their own lands to reduce the threat that common milkweed can pose to grazing livestock. Since milkweed spp. was added to the Schedule of Noxious Weeds initially, there has been an expansion in the number of management options available to farmers to address common milkweed on lands that are actively farmed.

### Contact:

**All comments on this proposal must be directed to:**

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**To submit a comment online, click the submit button below:**

### Additional Information:

**The documents linked below are provided for the purposes of enhancing public consultation.**  
All links will open in a new window

1. [Milkweed Species in Ontario](#)

Dog-strangling vine occurs in several places in southern Ontario, growing in ravines, hillsides, waste areas, fence lines and hedges. It forms dense patches and can overwhelm other vegetation, including agricultural crops. It is an invasive plant that can be difficult to control once established. Although the Monarch butterfly is attracted to the plant, any eggs laid will not survive. It is, therefore, considered a hazard to Monarch butterfly populations.

2. [R.R.O. Regulation 1096 \(General\)](#)
3. [Weed Control Act](#)
4. [Dog-Strangling Vine](#)

The proposed changes would support important government initiatives related to biodiversity and the environment, such as the commitments made in Biodiversity: It's in Our Nature, Ontario Government Plan to Conserve Biodiversity, 2012–2020, the government's response to the Biodiversity Strategy. At the same time, the proposed regulation would remove the legal burden on persons in possession of land to remove common milkweed where its presence could negatively affect lands used for agricultural or horticultural purposes. The addition of dog-strangling vine will provide more tools to local weed inspectors to address this invasive plant species.

#### Public Consultation:

This proposal has been posted for a 45 day public review and comment period starting February 28, 2014. If you have any questions, or would like to submit your comments, please do so by April 14, 2014 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to April 14, 2014 will be considered as part of the decision-making process by the Ministry of Agriculture and Food if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 012-1204.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, relevant comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

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