A Patchwork of Climate Policies that Reflect Subnational Jurisdiction: Assessing Canada and the U.S. Response to Climate Change Following the Paris Agreement

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Introduction

Fossil fuels allowed countries to industrialize, develop manufacturing sectors and experience prolonged economic growth. Despite improving many peoples’ standard of living, widespread dependence on fossil fuels increased the level of greenhouse gas emissions globally and resulted in anthropogenic climate change. Anthropogenic climate change, hereafter climate change, is defined as an increase in global average temperature due to sustained greenhouse gas emissions. Climate change currently alters weather patterns and results in droughts, floods and freshwater shortages. This phenomenon constitutes a multidimensional challenge that affects both industrialized and non-industrialized countries.

Through multilateral forums, the United Nations (UN) aims to mitigate climate change impacts. In 2015, the UN instituted the Paris Agreement to reduce global greenhouse gas emissions. Signatories to the Agreement are responsible for amending domestic climate policies and implementing binding emission targets. Federal states face specific challenges when adopting climate policies since jurisdiction is shared between national and subnational governments based on a constitutional division of authority.¹ This division of authority often restricts a national government from implementing comprehensive climate policies. For instance, subnational governments with jurisdiction over natural resources may limit environmental protection when fiscally dependent on resource extraction and exports. Moreover, ideological polarization results in provisional climate policies characterized by short-term emission targets and lowest common denominator solutions.

The complexity of federal governance structures account for differences in climate policy implementation in Canada and the United States (US).² Both countries possess carbon-intensive industrial sectors and high per capita emissions;³ Nonetheless, neither federation has implemented a comprehensive climate policy that significantly reduces net greenhouse gas emissions over a sustained timeframe. In this paper, I explore how Canadian and American federal governance structures impact these countries’ ability to adopt binding emission targets following the Paris Agreement. Why do these governance structures constrain Canada and the US from decreasing their net greenhouse gas emissions? This paper argues that climate policies in Canada and the US are enacted in a patchwork fashion, despite both countries having ratified the Paris Agreement.

¹ Ahmed Shafiqul Huque and Nathan Watton, “Federalism and the Implementation of Environmental Policy: Changing Trends in Canada and the United States,” Public Organization Review 10 (2009): 71, https://www.doi.org/1007/s11115-009-0089-4.
² Ibid., 72.
³ Herman Bakvis and Douglas Brown, “Policy Coordination in Federal Systems: Comparing Intergovernmental Processes and Outcomes in Canada and the United States,” Publius: The Journal of Federalism 40, no. 3 (2010): 496, https://www.doi.org/10.1093/publius/pjq011.
Thus, the paper begins by exploring climate change, the Paris Agreement and the challenges federal states face when implementing climate policies. The paper then examines the Canadian and American federations separately to identify the primary factors restricting Canada and the US from reducing their net greenhouse gas emissions. The paper concludes by comparing the Canadian and American federal governance structures to determine why these countries have a patchwork of climate policies that reflect subnational jurisdiction rather than a coordinated national strategy.

**The United Nations’ Response to Climate Change**

Today, most countries are dependent on fossil fuels to power industrial projects, sustain agricultural production and facilitate transportation. Despite the benefits of fossil fuels, the use of such products increases the amount of greenhouse gas emissions. In 2015, for example, the global average concentration of atmospheric carbon dioxide exceeded 400 parts per million, a level seen only prior to human evolution.4 As such, scholars often describe climate change as a ‘wicked problem’ due to its scale and complexity.5 Some governments do not adopt binding emission targets because of the uncertainty that remains in predicting climate change impacts.6 Moreover, politicians may not view climate change as an immediate threat because their outlook is short-term and predicated on election cycles. Some governments also maintain a vested interest in prolonging dependence on fossil fuels since carbon-intensive sectors generate economic growth. No matter these challenges, the UN coordinates multilateral forums to curb global emissions and transition to renewable energy.

In 1997, the UN introduced the Kyoto Protocol, an international climate treaty based on the consensus that human-generated emissions cause climate change. The Kyoto Protocol required industrialized countries to reduce net emissions by an average rate of 5% as per their 1990 levels.7 The Protocol reflected a common but differentiated approach to mitigating climate change impacts by encouraging industrialized countries to decarbonize before non-industrialized countries. Industrialized countries therefore retained greater responsibility to decrease emissions due to their historic responsibility for accelerating emissions. Likewise, some argue that non-industrialized countries should be allowed to industrialize and undergo prolonged economic growth since industrialized countries have already done so. Non-industrialized countries may also lack the financial resources required to mitigate climate change impacts.

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4 Peter Christoff, “The promissory note: COP 21 and the Paris Climate Agreement,” *Environmental Politics* 25, no. 5 (2016): 769, http://dx.doi.org/10.1080/09644016.2016.1191818.
5 Robert Falkner, “The Paris Agreement and the new logic of international climate politics,” *International Affairs* 92, no. 5 (2016): 1109, http://www.doi.org/10.1111/1468-2346.12708.
6 Ibid.
7 Ibid., 1110.
Following the Kyoto Protocol’s adoption, several industrialized countries including Canada, the US and Japan withdrew support. A common but differentiated approach to limiting global emissions is ineffective if the world’s greatest emitters withdraw support. The UN later introduced the Paris Agreement to increase multilateral support for reducing global emissions. Unlike the Kyoto Protocol, the Paris Agreement does not enact legally binding emission targets. This Agreement instead encourages signatories to strengthen their domestic climate policies and adopt legislation to reduce emissions.\(^8\)

Signatories negotiated the Paris Agreement at the 21\(^{st}\) Conference of the Parties of the United Nations Framework Convention on Climate Change.\(^9\) The Agreement aims to limit the increase in global average temperature to below 2\(^\circ\)C above pre-industrial levels.\(^10\) To achieve this goal, the UN incorporated Nationally Determined Contributions (NDCs) that recognize signatories’ common but differentiated abilities to curb emissions.\(^11\) NDCs outline a country’s long-term low emission development strategy and encourage signatories to limit emissions through a process of ‘ratcheting up’.\(^12\) Every five years, signatories must submit a new NDC that includes increasingly stringent climate policies.\(^13\) Overall, the Paris Agreement institutionalizes an aspirational goal to reduce global emissions, mitigate climate change impacts and legitimize sustained climate action.\(^14\)

**Challenges Federations Confront when Amending Domestic Climate Policies**

Signatories to the Paris Agreement are responsible for amending domestic climate policies and adopting binding emission targets. These policy changes are particularly difficult to enact in federal states since jurisdiction is shared between two or more orders of government.\(^15\) For example, subnational governments with jurisdiction over natural resources may oppose the national government’s plan to enact climate policies that threaten the resource sector when financially dependent on revenue from resource extraction.\(^16\) Moreover, entrenched ideological polarization at the federal level results in short-term climate policies that reflect the political agenda of the party in power.\(^17\) Subnational governments often implement climate policies and

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\(^{8}\) Ibid., 1107
\(^{9}\) Christoff, “The promissory note,” 773.
\(^{10}\) Ibid., 776.
\(^{11}\) Ibid., 779.
\(^{12}\) United Nations Climate Change, “Paris Agreement: Essential Elements,” accessed March 25, 2020, https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement.
\(^{13}\) Christoff, “The promissory note,” 778.
\(^{14}\) Raymond Clémençon, “The Two Sides of the Paris Climate Agreement: Dismal Failure or Historic Breakthrough?” *Journal of Environment and Development* 25, no. 1 (2016): 3, https://www.doi.org/10.1177/1070496516631362.
\(^{15}\) Huque and Watton, “Federalism and the Implementation of Environmental Policy,” 71.
\(^{16}\) Angela V. Carter, “Policy pathways to carbon entrenchment: responses to the climate crisis in Canada’s petro-provinces,” *Studies in Political Economy* 99, no. 2 (2018), https://doi.org/10.1080/07078552.2018.1492083.
\(^{17}\) David M. Konisky and Neal D. Woods, “Environmental Federalism and the Trump Presidency: A Preliminary Assessment,” *Publius: The Journal of Federalism* 48, no. 3 (2018), https://www.doi.org/10.1093/publius/pjy009.
form coalitions to strengthen environmental protection. Divided sovereignty between orders of government reflects an advantage inherent to federalism because it allows subnational governments to advance climate action no matter the federal government’s conviction.

In 2015, Canada and the US affirmed their support for the Paris Agreement and developed climate policies to reduce net emissions. Despite signaling their support for the Agreement, neither country has implemented policies that considerably reduce greenhouse gas emissions over a sustained time period. These countries’ federal governance structures have constrained the national government’s ability to adopt binding emission targets. As a result, policy development is realized at a subnational level. Canadian provinces and American states demonstrate success in implementing long-term climate policies. The following section explores Canadian federalism and identifies the principal factors that restrict the Government of Canada from maintaining its commitment to the Paris Agreement.

Canada’s Response to the Paris Agreement
In October 2016, the Government of Canada submitted its first Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change. As outlined in its NDC, the Government of Canada established the Pan-Canadian Framework on Clean Growth and Climate Change to decrease net emissions. The Government of Canada aims to reduce national emissions by 30% below 2005 levels by 2030. Canada plans to curb emissions across all economic sectors, increase the use of renewable energy and develop resilience to climate change impacts. However, Canada’s constitutional configuration and decentralized environmental framework challenge the Government of Canada’s ability to enact climate policies that significantly reduce emissions over a sustained timeframe.

Canada’s Constitutional Configuration and Decentralized Environmental Framework
The British North America (BNA) Act, 1867 established the governance structure that affects contemporary climate policy. Sections 91 and 92 of the BNA Act outline the jurisdictions allocated to national and subnational governments. Through this division of power, provincial governments obtained jurisdiction over areas of regional concern such as hospitals, schools,

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18 Bakvis and Brown, “Policy Coordination in Federal Systems.”
19 Brendan Boyd, “Working Together on Climate Change: Policy Transfer and Convergence in Four Canadian Provinces,” Publius: The Journal of Federalism 47, no. 4 (2017), https://www.doi.org/10.1093/publius/pjx033.
20 “Canada’s 2017 Nationally Determined Contribution Submission to the United Nations Framework Convention on Climate Change,” Government of Canada, last modified May 10, 2017, https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Canada%20First/Canada%20First%20NDC-Revised%20submission%202017-05-11.pdf.
21 Ibid.
22 Ibid.
23 Ibid.
24 Huque and Watton, “Federalism and the Implementation of Environmental Policy,” 73.
municipalities and property. Provinces likewise acquired jurisdiction over lands, minerals and royalties. The federal government acquired authority over banking and currency, national defense, criminal law, commerce and interprovincial transportation. The BNA Act assigned the federal government the authority necessary to maintain Peace, Order and Good Government.

The BNA Act’s division of authority indicates that Canada has a decentralized federal framework since provinces possess constitutionally protected jurisdiction. Specifically, provinces control the carbon-intensive sectors that contribute most to Canada’s net emissions. This decentralized structure limits the federal government from regulating industrial sectors that emit significant greenhouse gases. The constitutional configuration also challenges the Government of Canada’s ability to set binding emission targets.

For instance, the federal government approved the Greenhouse Gas Pollution Pricing Act in June 2018. This national carbon pricing system allows the Government of Canada to impose a price on carbon on provinces and territories that did not adopt an adequate carbon tax or emissions trading scheme by 2018. Several provinces including Alberta and Ontario oppose the federal government’s national carbon pricing system and argue that the Government of Canada encroached on provincial jurisdiction. By assigning jurisdiction over industrial sectors to provincial governments, the BNA Act has allowed regional economic interests to undermine the federal government’s national climate policies. This example suggests that Canada’s decentralized federal framework limits the federal government’s ability to introduce binding emission targets and potentially prevents the country from maintaining its commitment to the Paris Agreement.

Due to Canada’s decentralized constitutional configuration, the federal government must implement emission targets in collaboration with provincial governments. Establishing climate policies that significantly decrease net emissions requires the federal and provincial governments to cooperate, especially as there are few areas of concurrent jurisdiction. Canada has developed

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25 Bakvis and Brown, “Policy Coordination in Federal Systems,” 490.
26 Huque and Watton, “Federalism and the Implementation of Environmental Policy,” 73.
27 Bakvis and Brown, “Policy Coordination in Federal Systems,” 490-1.
28 Ibid., 491.
29 Ibid.
30 Government of Canada, “Carbon pollution pricing – what you need to know,” last modified May 5, 2020, https://www.canada.ca/en/revenue-agency/campaigns/pollution-pricing.html.
31 Ibid.
32 Justin Giovannetti, “Alberta court rejects federal government’s rationale for carbon tax,” last modified February 25, 2020, https://www.theglobeandmail.com/canada/alberta/article-alberta-court-rules-federal-carbon-tax-is-unconstitutional/.
33 Huque and Watton, “Federalism and the Implementation of Environmental Policy,” 78.
formal and informal institutions to promote coordination between orders of government. Such intergovernmental relations reduce the constraints posed by the BNA Act’s division of authority.

Executive federalism largely characterizes Canada’s intergovernmental relations. Government executives facilitate relations between federal and provincial governments. Canada’s parliamentary structure supports executive federalism by fusing the executive and legislative branches and thereby promoting executive dominance of the legislature. The British Westminster parliamentary model likewise supports executive federalism through party discipline and cabinet solidarity. Executive federalism allows the federal government to work in partnership with subnational governments when adopting legislation in an area of provincial jurisdiction.

Despite possessing institutions that support intergovernmental relations, Canada’s division of authority generally results in jurisdictional overlap and interdependence between orders of government. A decentralized environmental framework and constitutionally protected provincial jurisdiction limit the federal government’s ability to enact climate policies that significantly reduce net emissions. As a result, climate policies are largely enacted in a patchwork fashion even though the Government of Canada ratified the Paris Agreement.

Subnational Response to Climate Change

Canada’s subnational governments perform a critical role in establishing policies that reduce greenhouse gas emissions. For example, British Columbia, Manitoba, Ontario and Quebec have implemented jurisdiction-wide emission targets, joined the Western Climate Initiative and participated in the UN Framework Convention on Climate Change process. Regional economic factors and political circumstances such as party politics and public support explain why some provinces implement stringent climate policies whereas others do not.

The Government of British Columbia (BC) introduced a carbon tax in 2008. Under Premier Gordon Campbell, the Government of BC committed to reduce provincial emissions to 44% below 2007 levels by 2020. BC is now regarded as a leader in climate policy since it

34 Ronald L. Watts, “Intergovernmental Relations,” in Comparing Federal Systems (Montreal: McGill-Queen’s University Press, 2008), 117.
35 Bakvis and Brown, “Policy Coordination in Federal Systems,” 491.
36 Ibid.
37 Ibid.
38 Ronald L. Watts, “The Distribution of Authority in Federations,” in Comparing Federal Systems (Montreal: McGill-Queen’s University Press, 2008), 91.
39 Boyd, “Working Together on Climate Change,” 546.
40 Ibid., 547.
41 Province of British Columbia, “British Columbia’s Carbon Tax,” accessed April 1, 2020, https://www2.gov.bc.ca/gov/content/environment/climate-change/planning-and-action/carbon-tax.
42 Boyd, “Working Together on Climate Change,” 554.
introduced a carbon pricing system before most other jurisdictions in North America.\textsuperscript{43} Quebec is likewise considered a leader in climate policy because the province linked its cap-and-trade system with California’s in 2014.\textsuperscript{44} Seeing as Quebec produces hydroelectricity, the province would benefit financially from increased demand for low-emitting energy sources in North America.\textsuperscript{45} Quebec was therefore well-positioned to enact a climate strategy.

In comparison, resource-rich provinces contribute significantly to Canada’s net emissions and generally do not adopt binding emission targets.\textsuperscript{46} ‘Petro-provinces,’ in particular, have a vested interest in delaying the transition to a low-carbon economy. Resource-rich provinces such as Alberta do not prioritize the environmental impacts caused by resource extraction because they are fiscally dependent on carbon-intensive industrial activities.\textsuperscript{47} Moreover, environmental degradation may occur downstream from the immediate vicinity of an industrial project.

Resource-rich provinces often have strong economies that are dependent on resource extraction and exports. For instance, Alberta’s oil and gas sector constituted 42% of the province’s revenue between 2003 and 2015.\textsuperscript{48} This economic activity has allowed Alberta to invest in social programs and contribute to Canada’s equalization payments. In turn, the federal government uses equalization payments to support relatively poorer provinces.\textsuperscript{49} Equalization payments allow the Government of Canada to balance fiscal capacity and ensure a comparable level of service between subnational jurisdictions.\textsuperscript{50} Despite committing to reduce net emissions, the federal government does support resource-rich provinces to an extent. The federal government may constrain its climate agenda when trying to address conflicting regional interests.

As discussed above, Canada’s constitutional configuration strengthens a province’s ability to enact policies that reflect its regional interests. Several provinces have established robust industrial sectors because subnational governments have jurisdiction over natural resources. Provinces that are dependent on resource extraction now encounter structural barriers to achieving economic diversification. Extractive corporations, for example, advocate prolonging resource development projects to increase profit potential and returns on capital investment.\textsuperscript{51} Many politicians support export-led development since exports finance a substantial portion of

\begin{flushleft}
\textsuperscript{43} Ibid., 555. \\
\textsuperscript{44} Ibid., 556. \\
\textsuperscript{45} Ibid. \\
\textsuperscript{46} Huque and Watton, “Federalism and the Implementation of Environmental Policy,” 79. \\
\textsuperscript{47} Carter, “Policy pathways to carbon entrenchment,” 165. \\
\textsuperscript{48} Ibid., 154. \\
\textsuperscript{49} Ibid. \\
\textsuperscript{50} Ibid. \\
\textsuperscript{51} Ibid., 152. 
\end{flushleft}
provincial budgets. Fiscal dependence on resource extraction and exports increases Canada’s net emissions and reduce a province’s willingness to transition to renewable energy.\(^{52}\)

In sum, Canada’s decentralized federal framework restrains the federal government from establishing a coordinated national response to climate change. Despite the Government of Canada having ratified the Paris Agreement, climate action occurs primarily at the subnational level. As a result, the country’s climate policies resemble a patchwork that varies based on subnational jurisdiction. The following section examines American federalism and explores the critical role states play in decreasing emissions.

**The United States’ Response to the Paris Agreement**

In 2016, the US submitted its first Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change.\(^{53}\) As outlined in the NDC, the US aimed to reduce greenhouse gas emissions by 26% below its 2005 levels by 2025.\(^{54}\) Likewise, the US intended to linearly reduce its emissions until 2020 and attain an 80% reduction in economy-wide emissions by 2050.\(^{55}\) The federal government planned to attain these goals by amending the Clean Air Act, implementing fuel economy standards on heavy-duty vehicles and enacting regulations to reduce carbon emissions from power plants.\(^{56}\) Although the US established emission targets, the country’s constitutional configuration and ideological polarization challenge the federal government’s ability to enact climate policies that significantly reduce emissions over the long-term.

**The United States’ Constitutional Configuration and Ideological Polarization**

The 1789 American Constitution outlines the powers assigned to federal and state governments. The Constitution assigned broad authority over domestic policy to the federal government.\(^{57}\) States obtained jurisdiction from the Tenth Amendment, which indicates that powers not delegated to the federal government may be assigned to subnational governments.\(^{58}\) Unlike Canadian provinces, the powers assigned to states are residual in nature.

The US’ constitutional configuration allows the federal government to determine national environmental standards.\(^{59}\) The Environmental Protection Agency (EPA) is a federal institution

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\(^{52}\) Ibid., 151.

\(^{53}\) USA First NDC, “The USA’s Nationally Determined Contribution,” last modified September 2, 2016, https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/United%20States%20of%20America%20First/U.S.A.%20First%20NDC%20Submission.pdf.

\(^{54}\) Ibid.

\(^{55}\) Ibid.

\(^{56}\) Ibid.

\(^{57}\) Huque and Watton, “Federalism and the Implementation of Environmental Policy,” 73-4.

\(^{58}\) Ibid.

\(^{59}\) Bakvis and Brown, “Policy Coordination in Federal Systems.”
that establishes environmental standards and delegates implementation to state governments. Bakvis and Brown describe this process as ‘administrative federalism’ whereby the federal government coordinates the adoption of national legislation involving two or more orders of government. Administrative federalism allows states to adapt the EPA’s environmental standards to reflect their particular circumstances. The federal government assumes responsibility for implementing environmental protection in states that do not attain the national standard.

While the US’ constitutional configuration allows the federal government to establish national environmental standards, ideological polarization at the federal level results in provisional climate policies. Ideological polarization critically impacts domestic climate policies since the political party in power has the authority to strengthen or repeal national legislation. As such, presidential administrations develop environmental standards based increasingly on ideology rather than considering the long-term consequences of these decisions. Republican administrations often weaken environmental laws whereas Democratic administrations reinforce them.

The US’ response to the Paris Agreement exemplifies the effect of ideological polarization. In June 2014, the Obama Administration introduced the Clean Power Plan (CPP). The CPP aimed to decrease greenhouse gas emissions from power plants by 32% below 2005 levels by 2030. The CPP also set state-specific reduction targets that encouraged subnational governments to curb emissions generated by power plants. The US’ dependence on coal to generate electricity suggests that power plants contribute significantly to the country’s net emissions. Therefore, reducing emissions from power plants was critical for the US to maintain its commitment to the Paris Agreement.

The election of Donald Trump markedly changed the federal government’s response to climate change. In June 2017, President Trump announced his intention to withdraw the US from the Paris Agreement. The Trump Administration issued Executive Order 13738 to terminate the former administration’s Clean Power Plan. President Trump argued that the Obama

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60 Ibid., 487.
61 Ibid.
62 Ibid.
63 Konisky and Woods, “Environmental Federalism and the Trump Presidency.”
64 Ibid., 356.
65 Ibid., 357.
66 Ibid.
67 Greg Goelzhauser and Shanna Rose, “The State of American Federalism 2016-2017: Policy Reversals and Partisan Perspectives on Intergovernmental Relations,” Publius: The Journal of Federalism 47, no. 3 (2017): 299, https://www.doi.org/10.1093/publius/pjx038.
68 Konisky and Woods, “Environmental Federalism and the Trump Presidency,” 345.
69 Goelzhauser and Rose, “The State of American Federalism 2016-2017,” 299.
Administration’s climate policies financially constrained the US. Moreover, regulations that require implementing clean coal technology restricted the country’s economic growth. The transition between the Obama and Trump Administrations demonstrate that ideological polarization limits the US from reducing net emissions over a prolonged time period.

In addition, ideological polarization results in institutional gridlock. Presidential administrations increasingly rely on the tools available to the executive branch to enact legislation and realize their political agendas. Administrations rely on these tools because the legislative branch often blocks legislation that originates from the executive branch dependent on political ideology. By separating the executive and legislative branches at the federal and state levels, the US’ federal governance structure enables institutional gridlock. The Senate is the institution primarily responsible for facilitating intergovernmental relations and thereby reducing institutional gridlock. Through the Senate, state interests are represented at the federal level. The Senate, however, is not a legitimate forum to resolve institutional gridlock as it is often bypassed and is used as a tool of the administration.

In sum, ideological polarization results in institutional gridlock at the federal level and causes presidential administrations to rely on executive orders to enact legislation. The Trump Administration’s decision to dismantle the former administration’s Clean Power Plan reflects the magnitude of ideological polarization present in contemporary America. Ideological polarization limits the US from significantly reducing net emissions over the long-term. Likewise, intergovernmental relations remain rather ineffective at resolving the effects of ideological polarization. Subnational governments perform a critical role in advancing climate action.

Subnational Governments and a Patchwork of Climate Policies

The American Constitution grants states the authority to enact or repeal binding emission targets. Despite a favorable constitutional configuration, ideological polarization at the subnational level explains the variation in states’ climate policies. For instance, states’ reactions differed in response to the Obama Administration’s decision to adopt the Clean Power Plan (CPP) and thereby increase the federal government’s role in regulating emissions. Liberal-leaning states such as California and New York supported this Administration’s decision to strengthen environmental regulation. Conservative-leaning states such as Texas and Oklahoma objected to the CPP and the federal government’s increased control over emissions.

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70 Konisky and Woods, “Environmental Federalism and the Trump Presidency,” 356.
71 Bakvis and Brown, “Policy Coordination in Federal Systems,” 485.
72 Konisky and Woods, “Environmental Federalism and the Trump Presidency,” 349.
73 Ibid.
During the Trump Presidency, conservative-leaning governors celebrated this Administration’s decision to repeal the CPP.\textsuperscript{74} The governors of California, New York and Washington, however, established the US Climate Alliance when President Trump announced his intent to withdraw from the Paris Agreement.\textsuperscript{75} The Alliance includes sixteen states, representing roughly 40\% of the US population and nearly 50\% of the US’ national GDP.\textsuperscript{76} The Alliance aims to uphold the US’ commitment to the Paris Agreement regardless of the Trump Administration’s retrenchment of environmental legislation.

Overall, America’s climate policies reflect a patchwork that vary between states. Liberal-leaning states have established coalitions to decrease carbon emissions, promote renewable energy and increase regulations on oil production.\textsuperscript{77} Liberal-leaning states may uphold the US’ commitment to the Paris Agreement despite the federal government’s relatively provisional climate policies.\textsuperscript{78} Comparable to Canada, American federalism provides an opportunity for improved climate action because subnational governments can implement binding emission targets in the event the federal government withdraws support. The following section assesses Canada and the US’ patchwork response to climate change and identifies strategies to further climate action on a subnational basis.

### A Patchwork of Climate Policies that Reflect Subnational Jurisdiction

Canada and the US are constrained from upholding their commitments to the Paris Agreement due to the countries’ constitutional configurations. In Canada, the BNA Act assigned authority over most carbon-intensive sectors to provincial governments. Canada’s constitutional configuration limits the federal government from adopting national climate policies without encroaching on provincial jurisdiction. Unlike Canada, the American Constitution assigned broad power over domestic policy to the federal government and residual authority to states. Nonetheless, ideological polarization resulted in provisional climate policies at the federal level that reflect the political agenda of the party in power.

While a federation’s constitutional configuration establishes a relatively rigid governance structure, its intergovernmental relations afford some degree of flexibility. Intergovernmental relations generally facilitate cooperation between orders of government and reduce constraints posed by a country’s constitutional division of authority. Intergovernmental relations in Canada and the US, however, appear rather ineffective at resolving division between orders of government and supporting comprehensive climate action. Neither Canada nor the US have

\textsuperscript{74} Ibid., 365.
\textsuperscript{75} Ibid., 359.
\textsuperscript{76} Ibid.
\textsuperscript{77} Shanna Rose and Greg Goelzhauser, “The State of American Federalism 2017-2018: Unilateral Executive Action, Regulatory Rollback, and State Resistance,” \textit{Publius: The Journal of Federalism} 48, no. 3 (2018), https://www.doi.org/10.1093/publius/pjy016.
\textsuperscript{78} Ibid.
implemented climate policies that significantly reduce net emissions over the long-term. Domestic climate policies instead reflect the economic and political interests of Canadian provinces and American states.

Canada’s fused executive and legislative branches foster consensus, which allows the federal government to enact legislation relatively efficiently. Nevertheless, provinces’ constitutionally protected jurisdiction over most carbon-intensive sectors restricts the federal government from adopting national emission targets. Fiscal dependence on resource extraction and exports causes many resource-rich provinces to prolong industrial activities that emit high levels of greenhouse gases. As a result, several provinces do not adopt climate policies that curb net emissions. The limits of Canadian federalism reflect the country’s varied regional and economic interests.

Extensive ideological polarization in the US causes institutional gridlock at the federal level. Presidential administrations strengthen or repeal environmental legislation dependent on ideology through the use of executive orders. Climate policies enacted through an executive order, though, are relatively provisional. As a result, liberal-leaning states have established coalitions to strengthen environmental regulations. Like Canada, American climate policies reflect a patchwork that differ based on the economic and political interests of individual states.

**Establishing Better Climate Outcomes at the Subnational Level**

In Canada and the US, developments in climate policy are realized at the subnational level. Assessing climate action at the subnational level is therefore critical to understand how provinces and states can better facilitate policy transfer and limit inconsistent responses to climate change. Generally, the mobility of goods and people create competitive pressure between jurisdictions, especially in the absence of strong federal leadership. Competitive pressures may cause jurisdictions to reduce environmental standards to attract investment from the private sector. Oftentimes, stringent climate policies cause companies to transfer jurisdictions, resulting in a loss of investment and employment in the original jurisdiction. In such scenarios, overall emissions do not decrease because carbon-intensive activities occur in another region.

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79 Bakvis and Brown, “Policy Coordination in Federal Systems,” 500.
80 Robert MacNeil and Matthew Paterson, “Trudeau’s Canada and the challenge of decarbonisation,” *Environmental Politics* 27, no. 2 (2018): 384, https://doi.org/10.1080/09644016.2018.1414747.
81 Konisky and Woods, “Environmental Federalism and the Trump Presidency,” 365.
82 Boyd, “Working Together on Climate Change,” 547.
83 Ibid., 548.
84 Ibid., 549.
85 Ibid.
86 Ibid.
Policy transfer and collaboration among subnational jurisdictions is critical to reduce net emissions. Such cooperation allows subnational jurisdictions to compensate for a lack of federal leadership as well as enact climate policies of greater magnitude. The California-led Western Climate Initiative, for instance, established a price on carbon across a regional trading market by instituting a cap-and-trade system in individual jurisdictions. This cap-and-trade system established a limit on greenhouse gas emissions and provided tradable permits to participating jurisdictions. British Columbia and Quebec worked with California to advance policy transfer and establish improved climate policies. Ultimately, relations between subnational jurisdictions in North America facilitate policy transfer and remain instrumental to reducing overall emissions.

Conclusion

In sum, Canadian and American climate policies reflect a patchwork that varies dependent on subnational jurisdiction. Despite both countries ratifying the Paris Agreement and committing to decrease net emissions, considerable environmental protection is enacted on the basis of subnational jurisdiction. In Canada, resource-rich provinces have a vested interest in prolonging industrial activities that emit high levels of greenhouse gases because they are fiscally dependent on resource extraction and exports. Canada’s constitutional configuration further constrains the federal government from enacting national emission targets since the BNA Act assigns jurisdiction over most carbon-intensive sectors to provincial governments. In the US, presidential administrations often enact or repeal climate policies through executive orders. Ideological polarization and the ‘administrative presidency’ decrease the timeframe in which national climate policies are implemented. Coalitions among predominantly liberal-leaning states allow for more sustained climate action.

Canada and the US possess advanced industrial sectors that emit significant greenhouse gases and high per capita emissions. While both countries ratified the Paris Agreement, neither federation has adopted a coordinated long-term climate change strategy that significantly reduces net emissions. Since the Paris Agreement, subnational governments have experienced greater success in adopting climate policies. Future research should therefore assess how the United Nations can better support subnational governments in implementing climate policies. This research should also consider how federations can establish improved relations between national and subnational governments to foster partnerships in areas of overlapping jurisdiction.

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87 Ibid., 552.
88 Ibid.
89 Ibid.
90 Bakvis and Brown, “Policy Coordination in Federal Systems,” 496.
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