



U.S.-Canadian Wildfire Cooperation
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Record-breaking wildfires are striking the United States and Canada with troubling, increasing

considerations go into shaping the nature of the disaster-regime of a state, or the regime shared between neighboring states.¹⁶ Because the U.S. and Canada share similar histories, legal systems, and economies, a regime applicable to one nation is quite likely to be applicable to the other.¹⁷

Particularly regarding wildfires, however, these similarities in climate regime might also explain why the current legal landscape between the U.S. and Canada remains somewhat antiquated. Both the United States and Canada are massive in size compared to their population densities, and the formative laws regarding wildfires for either nation were drafted at a time where a great portion of

the Paris Agreement, a binding accord that aims to limit the emissions that, among other effects, contribute to wildfires.²⁵ Bilateral agreements currently in place between the United States and

harmful forest fires, but require expansion to or replication to have a wider protective reach.²⁶ While these kinds of agreements surely have a positive effect on reducing forest fires, the fact that these forward-facing agreements police emissions and pollution, rather than forest fires themselves, indicates a gap in consensus on how the United States and Canada should handle their increasingly shared problem of forest fires.

III. The Challenges Posed by Modern Wildfires

Wildfires, particularly the large dry-fires increasingly plaguing the United States and Canada, are uniquely destructive natural disasters that are poorly managed by above-referenced current state of environmental law and treaties.²⁷ Through an examination of the following qualities of large wildfires, it becomes clear that the current model of international agreement, which aims primarily to remedy damages and gradually limit the warming-conditions that cause these fires, is inadequate to prevent the specific and significant threats the fires pose.

A. Simultaneous local and trans-national effect

The local devastation caused by wildfires is certainly their most noticeable effect, but the effects of these uncontrolled blazes are equally deleterious to neighboring nations and the global community.²⁸ For example, in 2020, California experienced its worst season for wildfires in its history.²⁹ Not only was there catastrophic damage to property and to the native ecosystem, but the smoke from these fires routinely drifts into several other states and Canada, drastically raising the rates of small particulate matter into the air to levels considered distinctly hazardous for human life.³⁰ This year, Canada similarly experienced its worst wildfire season of all time; locally, the
abroad, the pollution from the fires caused air quality in New York to become the worst in the

<https://foris.fao.org/static/pdf/fms/FMStrategyJune2008.pdf> [<https://perma.cc/BQ2A-S9QA>] (last visited Oct. 11, 2023).

²⁵ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104.

²⁶ Gaffney, *supra* note 21, at 16

world.³¹ The simultaneous local and trans-national effects of large wildfires mean that, even if a state does everything in its power to manage its own domestic fires, it can still be seriously harmed by the fires of a separate nation.³² As the amount and severity of fires has grown even in the last five years, it can easily be anticipated that both the U.S. and Canada will continue to experience negative effects from fires occurring both within, and beyond their borders.³³

B. The feedback loop effect of wildfires and climate change

Damage to life, property, land, and breathable air quality are not the only threats posed by wildfires. Large, uncontrolled blazes are tremendous sources of carbon emissions, which also exacerbate the exact climate conditions that make wildfires more likely to happen in the first place and contribute to rising sea levels and other ecological harms associated with anthropogenic climate change.³⁴ For example, recent estimates suggest that in 2023, global wildfires have released 410 megatons of carbon into the atmosphere, with over a quarter of these emissions occurring from the Canadian blazes themselves.³⁵

Large forests, such as those that make up much of Canada and the United States, are normally considered to be carbon sinks—that is, ecological features that help to absorb carbon from the atmosphere and contribute to gradual cooling of the atmosphere.³⁶ Due to this, when uncontrolled fires destroy hundreds of miles of forests, not only is there an immediate deposition of carbon back into the atmosphere, but the landscape itself loses a degree of ability to reabsorb carbon until new growth can take its place.³⁷ Even if all nations currently party to the Paris Agreement are able to meet their commitments to limit emissions and cap global warming to 1.5 degrees Celsius by 2050—a goal that is by no means assured

among environmental catastrophe in that they can be effectively mitigated by human intervention.⁴⁷ Unlike earthquakes or hurricanes, states and fire-fighters can actively dismantle threats, rather than simply prepared for and withstand.⁴⁸ As wildfires have such an outsized effect

can develop into a collective North-forests.

V. Conclusion

The rampant wildfires of the twenty-first century transcend borders; fires in the United State have historically caused great harms to Canadian environments, and recent fires in Canada have proven that similar damages occur to the United States.⁶⁶ Despite the ability for local fires to have such an outsized effect, wholistic cooperation between Canada and the U.S. to prevent and suppress these wildfires has been challenged by internal politics as well as a general failure to combat the inherently international nature of these out-of-control blazes.⁶⁷ Current successful programs of research-exchange and pollution reduction demonstrate that cooperation between the U.S. and Canada is highly successful at managing crisis once they are considered to be a shared responsibility, and thus expanding or replicating these kinds of programs provides one path forward in improving a currently overwhelmed fire infrastructure.⁶⁸ Ultimately, the goal for both nations should be to utilize a shared ecosystem and culture to share the burdens of these fires as much as possible, through the efficient exchanges of knowledgeable professionals to where they will be most useful and through the development of a shared legal understanding that the fires of one nation, if left burning, will increasingly and irrevocably damage the health of both.⁶⁹ Without a unified sense of legal and civic solidarity regarding these more-and-more frequent crisis, both America and Canada could find themselves doomed to continue to suffer the consequences of each

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