Texas' light bulb law: Not the brightest bulb on the tree

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Each January brings with it a slew of laws scheduled to take effect on the first of the year, and 2013 is no exception. As of Jan. 1, for example, it is now illegal to make or sell new 100-watt and 75-watt light bulbs that do not meet the efficiency standards of the federal Energy Independence and Security Act (nicknamed ERISA). The plain old tungsten-filament argon-filled bulbs that Edison would have recognized don't make the cut, so if you like them you'd better scout around and scarf up any old ones in stock, because when they're gone, you won't be able to find any more—except maybe in Texas.

Why Texas? Because a year ago, in defiance of the federal ERISA law, the Texas Legislature passed a kind of anti-ERISA bill that specifically allows Texans to make and sell the old-fashioned inefficient kind of bulbs. According to one of the bill's sponsors, however, so far no one has rushed to Texas to set up a light bulb factory—possibly because the only U. S. market would be Texas, avoiding the interstate commerce that would be illegal under ERISA. Of course, if somebody does eventually start making them here, we might find bordering states setting up checkpoints at El Paso and Texarkana, where tough-looking customs inspectors tell you to roll down your window and ask, "Excuse me, ma'am, but did you buy any live animals, plants, or 100- or 75-watt light bulbs not meeting the ERISA standards while you were in Texas?"

The ERISA standard for light bulbs is an example of how legislating technology can be a hazardous occupation. The law's name implies that one of its goals was to lower U. S. energy usage. There are many ways to do this, but it's harder to think of a more visible one than to banish a device known to every consumer who has ever changed a light bulb. Law is fundamentally about justice, and laws should be passed to remedy an existing injustice. Using slightly more electricity for lighting by using an established technology strikes me as one of the more remote kinds of injustice, so I personally regard this part of ERISA as misbegotten and counterproductive. The public antagonism and loss of respect for legislative wisdom

it has aroused have been a price that seems awfully high compared to the benefits in energy savings it may achieve.

On the other hand, the Texas anti-ERISA law is more along the lines of entertainment, which is something you can count on with the Texas legislature. We have a very part-time legislative body here in Texas, one that meets only once every two years for a few months. But what it lacks in duration it makes up for in spectacle. The late long-time observer of Texas politics, Molly Ivins, liked to recall the 63rd legislative session back in 1973, which started out to reform some campaign laws and other things that genuinely needed reforming. She reports that the effort petered out about halfway through the session, on Apache Belles Day.

The Apache Belles are the cheerleading team from Tyler Junior College, and Ivins gives this idea of what the show was like: "The Belles, all encased in tight gold lamé pants with matching vests and wearing white cowboy boots and hats, strutted up the center aisle of the House with their tails twitching in close-order drill . . . ." Then the emcee instructed the august assembly of legislators (back then virtually all male) to "look up at the House gallery, where, sure enough, six extra Belles were standing. At a signal. . . the six turned and pertly perched their gold-laméed derrieres over the brass rail of the gallery. Upon each posterior was a letter, and they spelled out R*E*F*O*R*M." I don't know if the Lege still has an Apache Belles day, but if they don't, I'm sure they replaced it with something just as interesting.

The irony of the federal ERISA law is that since its passage, private invention and development has done something that stands a much greater chance of bringing energy independence to the U. S. than throwing away slightly less efficient light bulbs, and without any new meddling whatsoever by the federal government. Hydraulic "fracking" and horizontal drilling have led to a gas and oil boom in this country which some observers believe will allow the U. S. to produce more oil than Saudi Arabia in a few years, and possibly achieve true energy independence in a few more years after that. Of course, oil producers get various tax breaks that have been in place for decades, and in that regard they indirectly benefit from federal largesse, but it didn't take a new federal law to get the inventors drilling. New governmental restrictions on drilling could slow down or stop fracking, though.

The point is that there is probably an appropriate pace and type of legislation pertaining to technical fields such as energy production and consumption, but figuring out what is appropriate in a rapidly changing field is hard for legislatures to do—even mature, responsible ones, which seem lately to be in short supply. By far the most influential force in the energy field is economics: the price of various energy commodities and technologies. Short of draconian things like rationing, the most that regulators can do is to hobble or accelerate certain industries or technologies with the hope that the desired result is not overwhelmed by unanticipated effects that can make the situation a net loss.

ERISA has another shoe in its hand that will drop next year: 40- and 60-watt bulbs will fall under the regulations, so even the dim little bulb in your old refrigerator will become contraband. Fortunately, the prices of compact fluorescent lamps and even all-LED bulbs is dropping, and so switching to the new kinds may not be as much of

a jolt as you might think. But if anybody has a bunch of old light-bulb-making machinery in their garage that you'd love to find a use for, come on down to Texas. I'll introduce you to a state legislator, and there's no telling what will happen after that.

Sources: The Austin American-Statesman carried a front-page article by David Barer on the Jan. 3, 2013 edition entitled "Texas lightbulb law fails to spark makers." Molly Ivins describes the Apache Belles visit on p. 12 of her book Molly Ivins Can't Say That, Can She? (Random House, 1991).

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