Dan has (understandably) been quite outraged at efforts in the Republican-controlled House to eliminate energy efficiency standards for light bulbs (which have been inaccurately portrayed as a flat ban on incandescent bulbs, even though new substitutes are being developed). While these efforts might be seen as purely ignorant orjust politically-opportunistic showboating, I think they in fact reveal a more fundamental problem in environmental law.

Traditional incandescent bulbs have a lot of good qualities: They produce light that is warm, yellow, soft and appealing (at least in this culture – apparently in many Asian countries there is a preference for cooler, whiter color light). The vast majority of us grew up using these kinds of bulbs for many, many years, and we have an understandable attachment to them. So perhaps it is unsurprising that there is a reaction when we are told (again, somewhat inaccurately) that we can't use them anymore.

This may in fact be an example of what cognitive psychologists call "status quo bias" or the "endowment effect." The latter concept refers to experimental results in which psychologists have found that people will value the exact same object more when they believe they have a right to it, or they have had possession of it. The former concept is more general and used to describe a range of observed phenomena in which people place higher weight on activities, items, or states of being that they already experience, as opposed to hypothetical or future ones.

We are used to the warm, yellow, soft glow of incandescent bulbs. Getting used to the new light of fluorescents or other bulbs is a difficult transition. So the popular reaction against the light bulb energy efficiency standards can be understood as a natural human reaction.

That doesn't mean that we should give into that reaction. There are tremendous environmental benefits to the changeover. But it does mean that we should think about how to manage or reduce that reaction. For instance, instead of a flat ban, you might set up a transition system in which increasing taxes or fees are placed on the less efficient bulbs over time. That might spread the transition to the new bulbs out over more years. That has an environmental cost (in that we don't get the efficiency benefits of the new bulbs sooner) but might reduce the political backlash. (Having said that, I do not support the repeal proposals in the House. If the choice is between keeping the standards as they are, and repeal, I would support keeping the standards as they are. And given the political realities, that is probably the only choice we have right now.)

The problem of regulating long-standing activities comes up again and again in environmental law, where we often don't discover the negative impacts of human activities

until after an extended period of time (whether because of delays from the harm, or the slow, cumulative accretion of harm from many individual activities). It's a problem that will come up again and again in climate change, where we will have to deal with the global impacts of the individual activities of seven billion plus people. (I've written some about how we might want to address these problems in the context of climate change.) The light bulb fight is just one example of it. We'll see many, many more of these in the future.