

## **Pointless regulation adding to America's failing economy**

by Randy Bright <http://www.tulsabeacon.com/?p=5123>

A few weeks ago I received an e-mail stating that the reason there was so little work for architects is that credit is too tight for construction projects and as such, we architects, were told to contact our senators and representatives to urge them to do something to relax lending requirements.

It is true that lending is not as easy as it used to be. The low interest rates that are expected to spur new development are ineffective when lenders are too afraid of regulations and regulators to make loans, even to those with a low credit risk.

However, the real problem isn't that credit is too tight; that's merely a symptom of the financial and regulatory quagmire that is evolving in this country.

In my architectural practice, I have watched other states as they implement more and more well-intentioned regulations, and while Oklahoma has not gone to the extent that other states have, I have no doubt that within the next five to ten years architects will have to be credentialed in environmental and sustainable design in order to keep our licenses.

I've written extensively in this column about my opinion of designing for the environment, but I'll state it again for the sake of any new reader. I am not against more regulations if they are based on real science and real need; but I am against having to tell my clients that I have to design their buildings according to codes that are based upon bad science, which invariably will cause them a lot of unnecessary expense. Here's an example of what I mean.

One of the greatest goals of the environmental movement is to get buildings "off the grid." In other words, they want buildings that do not use any type of carbon based power, whether it is through the burning of natural gas or using electricity from a grid-based source that uses carbon fuels such as coal.

One of the ways that they want to accomplish this is by super-insulating buildings, and so advocates will publicize projects that have done so and have been a "success".

Recently I read an article about a home that had been constructed using super-insulation techniques, using a lot more insulation than is ordinarily used in the average home. The writer stated that the home had been constructed at a cost of about \$250 per square foot, and was expected to have a power bill of only about 6 cents per square foot per month.

But it only took some basic arithmetic to see there was a problem. When I built my home five years ago, I only spent about \$100 per square foot, installed only a fraction of the insulation of the super-insulated home, and my power bill actually averages about 5 cents per square foot per

month. So why did my home perform better at a construction cost of 40 percent of the other home?

It turns out that the first few inches of insulation does most of the insulating, so installing increasing thicknesses of insulation has little effect on the overall insulation value. So what good would a regulation that requires more and more insulation actually do, other than create unnecessary expense?

Architects are beginning to realize that prescribing energy-saving technologies and techniques is creating unexpected professional liabilities. In the 1980s, architects were convincing clients that incorporating solar energy equipment and design techniques into their buildings would reduce their energy costs. Lawsuits followed when the savings never materialized. Now architects and engineers are being sued as their “green” designs are not performing as expected.

The point to all of this is that our leadership, and especially in Washington, is creating regulations based on theories or a desired outcome, without really knowing whether or not they will actually work. Even worse, many of the things that are pushed upon the American public have little to do with the welfare of the public and a lot to do with politics and money.

For example, this is exactly what has been happening with the push for high speed rail that has come from the Obama administration. But when states such as Florida take a hard look at its economics, they soundly reject it. But what if they weren't allowed to reject it?

If America is to ever recover from our failing economy, we citizens must demand an end to expensive, unnecessary, and unproven regulations, and demand that our legislators live by the Constitution. So the message to them should not be just to solve one problem, but to eliminate the ignorance, corruption, and politics that are the cause of all of the other problems.

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