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Energy Legislation Stalls Out

By **Chuck Miró**, Director of Government Affairs

By the time you read this, the presidential election will have taken place and the results entered into the history books. I'm looking forward to that because Washington is awash with politics, pundits and pedantry right now.

Congress tends to become distracted and less legislative work gets done in the final months of a heated presidential campaign. One example is this year's comprehensive energy legislation, which seems to have run out of steam after moving relatively quickly through both chambers of Congress earlier this year. Yet, some bills do see favorable action, like a Senate spending bill that might affect climate change research. Then there are the federal agencies, which continue working regardless of the political season. One has produced a new Green Procurement Guide.

Comprehensive Energy Legislation

The U.S. House of Representatives passed the Energy Policy Act of 2004 (H.R. 4503), which sponsors say is intended to enhance energy conservation and research and development, while providing for security and diversity of the nation's energy supply.

Among its many provisions, the 1,133-page bill would revise energy reduction goals and performance requirements for federal buildings, revise energy conservation standards for consumer products, affordable and assisted housing, and FHA mortgage insurance incentives.

To find a copy of H.R. 4503, search the U.S. Library of Congress at <http://thomas.loc.gov/>. Provisions of special interest to ASHRAE include federal buildings on Page 38, HVAC maintenance education on Page 55, residential standards on Page 801, and the commercial building tax credit on Page 818. On Page 79, a previously existing reference to ANSI/ASHRAE/IESNA Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, that was in the law H.R. 4503 would amend, is being replaced by a reference to the International Energy Conservation Code.

H.R. 4503 is now in the U.S. Senate, awaiting action by that body. The Senate has its own energy bill (S. 2095), and both chambers of Congress must agree to one version before it can reach the president's desk for a signature or veto. However, that may not occur this year, as no progress has been made on the energy bills since Congress returned from its summer recess.

Climate Change Research & Data Quality

In the conference report (S.R.108-344) to a Senate spending bill (S. 2809), the Senate Appropriations Committee inserted

language in late September that would exempt any research or data analysis by the U.S. National Oceanic and Atmospheric Administration (NOAA) from the Data Quality Act. NOAA oversees the National Climatic Data Center and is the lead federal agency in conducting research into the existence and effects of climate change.

Supporters say that the Data Quality Act (DQA) is an attempt by Congress to ensure that federal agencies use and disseminate accurate information. The DQA requires agencies to issue information-quality guidelines ensuring the quality, utility, objectivity and integrity of information that is disseminated and provides mechanisms for corrections. John Graham, administrator of the Office of Information and Regulatory Affairs who has directed implementation of the Data Quality Act, said the law will ensure that the federal government uses "sound science."

But many environmental groups say the act is biased in favor of industry. By demanding that government use only data that they say have achieved a rare level of certainty, these critics maintain the act dismisses scientific information that in the past would have triggered tighter regulation.

For information on the DQA, see www.whitehouse.gov/omb/fedreg/final_information_quality_guidelines.html.

Green Procurement Program

Recently, the U.S. Department of Defense completed its new green purchasing policy, which includes a green purchasing plan based on an environmental management system model. The Office of the Federal Environmental Executive and the Office of Federal Procurement Policy have been encouraging all federal agencies to adopt a green purchasing approach rather than separately purchasing items such as recycled content, bio-based products, alternative fuel vehicles, and non-ozone depleting substances.

The new plan is now the model for federal agencies and facilities to use in creating green purchasing plans. You can find it under Green Purchasing, Tools and Resources, at www.ofee.gov/gp/gppstrat.pdf.



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