

# Foreword

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Energy, a word defined by physicists as the capacity to do work and used in common vernacular to denote traits of personality, has come in recent years to signify a fusion of these concepts within the realm of political discussion. When we as Americans today speak of energy, we speak of our capacity as a nation to fuel our homes, automobiles, factories, and other technological creations of the industrial age which maintain the vigor and vitality of our society. Energy became a term on the tips of our tongues in 1973 when queues of cars in front of gasoline pumps communicated an ominous warning that a time of transition had arrived. As the vulnerability of our oil supply became widely recognized the President of the United States declared a moral equivalent of war, and alternative energy sources became the battle cry. While coal, nuclear, and oil shale are bandied about as saviors and satans, one alternative is being cultivated which offers hope to idealists; solar, clean as a summer day, and available to all for all time as sure as the sun will rise. Although promising, serious questions about the future of solar energy have been raised: Is it technologically practical? Is it economically cost effective? Is it feasible in a system in which the energy capital and infrastructure is concentrated in large corporations with vested interests in non-renewable resources? Many have answered these questions in the affirmative. However, there is almost unanimous agreement that in order for solar to make it through its infancy, and to grow and develop during its formative years, a guiding hand is needed. Government has answered the call with research grants, tax incentives, demonstration projects, and mandates. It is this last alternative, mandating the use of solar energy, which is the least universal, most controversial, and potentially most powerful form of government action.

In this issue of the UCLA Journal of Environmental Law and Policy the mandating of solar water heating in new residential construction by local governments is explored. The discussion is

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limited to mandates of this type for primarily two reasons: (1) To date it is primarily local governments which have addressed the issue of mandating solar energy; and (2) it is this type of ordinance which has been adopted, or is currently being considered by local governments.

The issue begins with a comment by Peter Hoffman, a student at the UCLA School of Law, which examines the legal questions confronting a local government in California which is considering a solar mandate. Next is an article by Janice Hamrin, former Manager of Solar Programs for the California Energy Commission, arguing in support of mandating. The California Energy Commission has been a leading organization in the study of the utility of solar energy. Brian Langston, former President of the California Solar Energy Industry Association, follows with his objections to the concept of mandating. Mr. Langston's position as a leader in the solar industry makes him the perfect candidate to articulate the disadvantages of a mandate without commingling a bias against solar energy itself. Finally, a framework of analysis within the mode of economic theory is put forth by Stephen Williams, Professor at the University of Colorado School of Law. As an addendum to the mandate discussion, an article co-authored by Robert Krueger, Chairman of the ABA Commission of Energy, and Peter Hoffman discusses recent developments in federal law concerning solar energy.