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Industry To Challenge Modeling Used By EPA In Key Air Regulatory Decisions

Industry groups are mounting an effort to block EPA from using a model that predicts how air quality and other environmental regulations might affect industrial fuel mixes, arguing that because the model's underlying code is proprietary, and cannot be made public, its results cannot be verified.

The Industrial Energy Consumers Association (IECA) is poised to register its complaint about the model's use as the group awaits EPA's promised energy impact analysis of its recently proposed rule to reduce interstate air pollution. Meanwhile, the industry-funded Center for Regulatory Effectiveness (CRE) is also planning to challenge EPA's use of the model under the federal data quality law.

The integrated planning model (IPM), developed by the consulting firm ICF, predicts whether rule changes will affect fuel mix, and estimates costs to industry and improvements to the environment. IECA, which represents natural gas users, is concerned that EPA's proposed rule, known as the clean air interstate rule (CAIR), will prompt power plants to switch from coal to cleaner-burning natural gas, which would boost the price of the fuel. But an IECA source says the group also remains concerned about the proprietary and secretive nature of the IPM.

In addition to the interstate air rule, EPA has used the IPM extensively in developing its controversial mercury proposal as well as its Clear Skies legislation and a nitrogen oxide trading program for the Eastern portion of the country. The IPM is not the only proprietary model EPA uses but it is the one that it relies on the most, industry sources say.

An EPA source defends the agency's extensive use of the model, calling complaints that it is proprietary "misleading."

"This model has been more publicly documented than any you'll ever find," the source says. The agency has posted on an IPM website information about its assumptions and all modeling results, and has done so ever since it began using the model nearly a decade ago, the source says. The only thing that is missing is some of the code, which is proprietary, the source adds.

But industry complains that the code is needed to check the accuracy and adequacy of the model's predictions. They also say the model itself should be subject to peer review, not just its results.

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