

112TH CONGRESS  
1ST SESSION

# H. R. 1633

To establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mrs. NOEM (for herself, Mr. HURT, Mr. BOSWELL, and Mr. KISSELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farm Dust Regulation  
5 Prevention Act of 2011”.

1 **SEC. 2. TEMPORARY PROHIBITION AGAINST REVISING ANY**  
2 **NATIONAL AMBIENT AIR QUALITY STANDARD**  
3 **APPLICABLE TO COARSE PARTICULATE MAT-**  
4 **TER.**

5 Before the date that is one year after the date of the  
6 enactment of this Act, the Administrator of the Environ-  
7 mental Protection Agency may not propose, finalize, im-  
8 plement, or enforce any regulation revising the national  
9 primary ambient air quality standard or the national sec-  
10 ondary ambient air quality standard applicable to particu-  
11 late matter with an aerodynamic diameter greater than  
12 2.5 micrometers under section 109 of the Clean Air Act  
13 (42 U.S.C. 7409).

14 **SEC. 3. NUISANCE DUST.**

15 Part A of title I of the Clean Air Act (42 U.S.C. 7401  
16 et seq.) is amended by adding at the end the following:  
17 **“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY**  
18 **STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

19 “(a) IN GENERAL.—Except as provided in subsection  
20 (b), this Act does not apply to, and references in this Act  
21 to particulate matter are deemed to exclude, nuisance  
22 dust.

23 “(b) EXCEPTION.—Subsection (a) does not apply  
24 with respect to any geographic area in which nuisance  
25 dust is not regulated under State, tribal, or local law inso-  
26 far as the Administrator finds that—

1           “(1) nuisance dust (or any subcategory of nui-  
2           sance dust) causes substantial adverse public health  
3           and welfare effects at ambient concentrations; and

4           “(2) the benefits of applying standards and  
5           other requirements of this Act to nuisance dust (or  
6           such subcategory of nuisance dust) outweigh the  
7           costs (including local and regional economic and em-  
8           ployment impacts) of applying such standards and  
9           other requirements to nuisance dust (or such sub-  
10          category).

11          “(c) DEFINITION.—In this section, the term ‘nui-  
12          sance dust’ means particulate matter—

13               “(1) generated from natural sources, unpaved  
14               roads, agricultural activities, earth moving, or other  
15               activities typically conducted in rural areas; or

16               “(2) consisting primarily of soil, other natural  
17               or biological materials, windblown dust, or some  
18               combination thereof.”.

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