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.

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

DECEMBER 6, 2011

Additional sponsors: Mr. Long, Mr. Simpson, Mr. McClintock, Mr. Graves of Missouri, Mr. Poe of Texas, Mr. Burton of Indiana, Mr. Smith of Nebraska, Mr. Lamborn, Mr. Jones, Mr. Herger, Mr. Goodlatte, Mr. Austin Scott of Georgia, Mrs. Myrick, Mr. Bishop of Utah, Ms. Jenkins, Mr. Fincher, Mr. Ribble, Mrs. McMorris Rodgers, Mr. McKinley, Mr. Conaway, Mr. Flores, Mr. Neugebauer, Mr. Paul, Mr. Pearce, Mr. Cole, Mr. Sensenbrenner, Mr. King of Iowa, Mr. Crawford, Mr. Huelskamp, Mr. Latta, Mr. Denham, Mr. Canseco, Mr. Fleischmann, Mr. Forbes, Mrs. Lummis, Mr. Walsh of Illinois, Mr. Olson, Mr. Pitts, Mr. Barton of Texas, Mr. Gohmert, Mr. Chaffetz, Mr. Manzullo, Mr. Bachus, Mr. Johnson of Illinois, Mr. Walberg, Mr. Brady of Texas, Mr. Sam Johnson of Texas, Mr. Lucas, Mr. Schock, Mr. Lankford, Mr. Labrador, Mr. Gibbs, Mr. Pompey, Mr. Johnson of Ohio, Mr. Nunnelee, Mrs. Hartzler, Mr. Wittman, Mr. Huizenga of Michigan, Mr. Franks of Arizona, Mr. Guthrie, Mr. Latham, Mr. Schilling, Mr. Womack, Mr. Flake, Mrs. Bachmann, Mr. Kingston, Mr. Smith of Texas, Mr. Hensarling, Mr. DesJarlais, Mr. Berg, Mr. Tipton, Mr. Hall, Mrs. Emerson, Mr. Kline, Mr. Duncan of South Carolina, Mr. Carter, Mrs. Miller of Michigan, Mr. Yoder, Mr. Rehberg, Mr. Buchanon, Mr. Gosar, Mr. Boren, Mrs. Black, Mr. Rogers of Alabama, Mr. Stivers, Mr. Cal-
ERT, Mr. LUETKEMEYER, Mr. PAULSEN, Mr. GRIFFIN of Arkansas, Mrs. CAPITO, Mr. HASTINGS of Washington, Mr. STEARNS, Mr. HULTGREN, Mrs. SCHMIDT, Mr. THOMPSON of Pennsylvania, Mr. GAR- der, Mr. SCHWEIKERT, Mr. RIGELL, Mr. ROSS of Arkansas, Mr. ROO- NEY, Mr. SHIKUS, Mr. KINZINGER of Illinois, Mr. MCINTYRE, Mr. FOR- TENBERRY, Mr. TERRY, Mr. McCaul, Mr. FARENTHOLD, Mr. CASSIDY, Mr. ROITA, Mr. SULLIVAN, Mr. GIBSON, Mr. AKIN, Mr. BROUN of Georgia, Mr. THORNBERRY, Mr. AUSTRIA, Mr. SOUTHERLAND, Mr. HAR- PER, and Mr. PENCE

DECEMBER 6, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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

SECTION 1. SHORT TITLE.

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

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

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

SEC. 3. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401
et seq.) is amended by adding at the end the following:

“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY
STATE, TRIBAL, AND LOCAL GOVERNMENTS.

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

(b) Exception.—Subsection (a) does not apply with respect to any geographic area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator finds that—

(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying such standards and other requirements to nuisance dust (or such subcategory).

(c) Definition.—In this section, the term ‘nuisance dust’ means particulate matter—

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

(2) consisting primarily of soil, other natural or biological materials; windblown dust, or some combination thereof.”. 
SECTION 1. SHORT TITLE.

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

SEC. 2. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is one year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 3. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

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

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

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

“(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying such standards and other requirements to nuisance dust (or such subcategory).

“(c) DEFINITION.—In this section—

“(1) the term ‘nuisance dust’ means particulate matter that—

“(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

“(B) consists primarily of soil, other natural or biological materials, or some combination thereof;

“(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and
“(D) is not comprised of residuals from the combustion of coal; and

“(2) the term ‘nuisance dust’ does not include radioactive particulate matter produced from uranium mining or processing.”.
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.

DECEMBER 6, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.

H. R. 1633

[Report No. 112–316]