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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2011

Mr. JOHANNES (for himself, Mr. GRASSLEY, Mr. LUGAR, Mr. BOOZMAN, Mr. ROBERTS, Mr. VITTER, Mr. KIRK, Mr. INHOFE, Mr. PAUL, Mr. JOHNSON of Wisconsin, Mr. SESSIONS, Mr. THUNE, Mr. ENZI, Mr. MORAN, Mr. ISAKSON, Mr. BLUNT, Mr. HOEVEN, Mr. CHAMBLISS, Mr. NELSON of Nebraska, and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

Be it enacted by the Senate and House of Representa-
SECTION 1. SHORT TITLE.

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

SEC. 2. 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) DEFINITION OF NUISANCE DUST.—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, windblown dust, or other natural or biological materials, or some combination of those materials.

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

“(c) EXCEPTION.—Subsection (b) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law to the extent that 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 a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or such a subcategory).”.

SEC. 3. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is 1 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).