

COMMITTEE PRINT

[SHOWING THE TEXT OF H.R. 1633 AS FAVORABLY REPORTED BY THE
SUBCOMMITTEE ON ENERGY AND POWER ON NOVEMBER 3, 2011]

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.

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

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

8 Before the date that is one year after the date of the
9 enactment of this Act, the Administrator of the Environ-
10 mental Protection Agency may not propose, finalize, im-
11 plement, or enforce any regulation revising the national
12 primary ambient air quality standard or the national sec-
13 ondary ambient air quality standard applicable to particu-
14 late matter with an aerodynamic diameter greater than
15 2.5 micrometers under section 109 of the Clean Air Act
16 (42 U.S.C. 7409).

17 **SEC. 3. NUISANCE DUST.**

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

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

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

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

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

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

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

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

21 “(2) consists primarily of soil, other natural or
22 biological materials, or some combination thereof;
23 and

24 “(3) is not emitted directly into the ambient air
25 from combustion, such as exhaust from combustion

1 engines and emissions from stationary combustion
2 processes.”.