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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

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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.

Be it enacted by the Senate and House of Representatives 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 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, 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.".

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