

112TH CONGRESS
1ST SESSION

S. 1528

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. JOHANNNS (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.

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. NUISANCE DUST.**

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

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

9 “(a) DEFINITION OF NUISANCE DUST.—In this sec-
10 tion, the term ‘nuisance dust’ means particulate matter—

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

14 “(2) consisting primarily of soil, windblown
15 dust, or other natural or biological materials, or
16 some combination of those materials.

17 “(b) APPLICABILITY.—Except as provided in sub-
18 section (c), this Act does not apply to, and references in
19 this Act to particulate matter are deemed to exclude, nui-
20 sance dust.

21 “(c) EXCEPTION.—Subsection (b) does not apply
22 with respect to any geographical area in which nuisance
23 dust is not regulated under State, tribal, or local law to
24 the extent that 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 a subcategory of nuisance dust) outweigh the
 7 costs (including local and regional economic and em-
 8 ployment impacts) of applying those standards and
 9 other requirements to nuisance dust (or such a sub-
 10 category).”.

11 **SEC. 3. TEMPORARY PROHIBITION AGAINST REVISING ANY**
 12 **NATIONAL AMBIENT AIR QUALITY STANDARD**
 13 **APPLICABLE TO COARSE PARTICULATE MAT-**
 14 **TER.**

15 Before the date that is 1 year after the date of the
 16 enactment of this Act, the Administrator of the Environ-
 17 mental Protection Agency may not propose, finalize, im-
 18 plement, or enforce any regulation revising the national
 19 primary ambient air quality standard or the national sec-
 20 ondary ambient air quality standard applicable to particu-
 21 late matter with an aerodynamic diameter greater than
 22 2.5 micrometers under section 109 of the Clean Air Act
 23 (42 U.S.C. 7409).

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