

112TH CONGRESS  
1ST SESSION

# S. 1803

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 prohibition against revising any national ambient air quality standard applicable to nuisance dust, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2011

Mrs. McCASKILL introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## 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 prohibition against revising any national ambient air quality standard applicable to nuisance dust, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Permanent Guarantee  
5 of Sensible Treatment of Farm Dust Act of 2011”.

1 **SEC. 2. REGULATION OF NUISANCE DUST PRIMARILY BY**  
 2 **STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

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

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

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

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

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

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

19 “(c) EXCEPTION.—Subsection (b) does not apply  
 20 with respect to any geographical area in which nuisance  
 21 dust is not regulated under State, tribal, or local law to  
 22 the extent that the Administrator finds that—

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

1           “(2) the benefits of applying standards and  
2           other requirements of this Act to nuisance dust (or  
3           such a subcategory of nuisance dust) outweigh the  
4           costs (including local and regional economic and em-  
5           ployment impacts) of applying those standards and  
6           other requirements to nuisance dust (or such a sub-  
7           category).”.

8 **SEC. 3. PERMANENT PROHIBITION AGAINST REVISING ANY**  
9                           **NATIONAL AMBIENT AIR QUALITY STANDARD**  
10                           **APPLICABLE TO NUISANCE DUST.**

11           After the date of the enactment of this Act, the Ad-  
12           ministrators of the Environmental Protection Agency may  
13           not propose, finalize, implement, or enforce any regulation  
14           revising the national primary ambient air quality standard  
15           or the national secondary ambient air quality standard ap-  
16           plicable to nuisance dust with an aerodynamic diameter  
17           greater than 2.5 micrometers under section 109 of the  
18           Clean Air Act (42 U.S.C. 7409).

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