

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1633  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**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).

1 **SEC. 3. NUISANCE DUST.**

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

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

6 “(a) IN GENERAL.—Except as provided in subsection  
7 (b), this Act does not apply to, and references in this Act  
8 to particulate matter are deemed to exclude, nuisance  
9 dust.

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

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

17 “(2) the benefits of applying standards and  
18 other requirements of this Act to nuisance dust (or  
19 such subcategory of nuisance dust) outweigh the  
20 costs (including local and regional economic and em-  
21 ployment impacts) of applying such standards and  
22 other requirements to nuisance dust (or such sub-  
23 category).

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

1           “(1) is generated primarily from natural  
2 sources, unpaved roads, agricultural activities, earth  
3 moving, or other activities typically conducted in  
4 rural areas;

5           “(2) consists primarily of soil, other natural or  
6 biological materials, or some combination thereof;  
7 and

8           “(3) is not emitted directly into the ambient air  
9 from combustion, such as exhaust from combustion  
10 engines and emissions from stationary combustion  
11 processes.”.

