



THE COMMITTEE ON ENERGY AND COMMERCE

INTERNAL MEMORANDUM

November 1, 2011

TO: Members, Subcommittee on Energy and Power

FROM: Committee Staff

RE: Subcommittee Markup of H.R. 1633, the “Farm Dust Regulation Prevention Act of 2011”

On Thursday, November 3, in 2123 Rayburn House Office Building, the Subcommittee on Energy and Power will mark up H.R. 1633, the “Farm Dust Regulation Prevention Act of 2011.”

Members must submit any amendments they may have two hours before they are offered during the markup. Members may submit amendments by email to: peter.kielty@mail.house.gov. Any information with respect to an amendment’s parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

I. H.R. 1633, FARM DUST REGULATION PREVENTION ACT

The “Farm Dust Regulation Prevention Act of 2011” was introduced on April 15, 2011, by Representatives Noem, Hurt, Boswell, and Kissell. The bill includes the following provisions:

Section 1: This section provides the short title of “Farm Dust Regulation Prevention Act of 2011.”

Section 2: Section 2 prohibits EPA from proposing, finalizing, implementing or enforcing any regulation revising the National Ambient Air Quality Standards applicable to coarse particulate matter for one year from the date of enactment.

Section 3: Section 3 provides that “nuisance dust” shall not be subject to regulation under the Clean Air Act, except to the extent that nuisance dust in a geographic area is not currently regulated by state, tribal or local law and the Administrator of the Environmental Protection Agency (EPA) finds: (1) nuisance dust causes substantial adverse public health and welfare effects at ambient concentrations; and (2) the benefits of applying standards and requirements of the Clean Air Act to nuisance dust outweigh the costs (including economic and employment impacts) of applying the standards.

Section 3 defines “nuisance dust” to mean 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.

II. AINS to H.R. 1633

The Majority anticipates that the attached Amendment in the Nature of a Substitute (AINS) will be offered to H.R. 1633. The AINS revises Section 3 of H.R. 1633 to clarify the definition of “nuisance dust” by providing that “nuisance dust” means “particulate matter that -- (1) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas; (2) consists primarily of soil, other natural or biological materials, or some combination thereof; and (3) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes.”

III. STAFF CONTACT

If you have any questions regarding the markup, please contact Mary Neumayr at (202) 225-2927.