

**Opening Statement of the Honorable Fred Upton**  
**Subcommittee on Energy and Power**  
**Markup of H.R. 1633, The Farm Dust Regulation Prevention Act**  
**November 3, 2011**  
*(As Prepared for Delivery)*

Today this subcommittee will mark up H.R. 1633, the "Farm Dust Regulation Prevention Act of 2011." This bill precludes EPA from setting new, more stringent standards to regulate farm dust, and I urge those concerned about American agriculture to support it. Like virtually everything we have done this year, this bill is about jobs. It's about regulatory certainty and relief. It's about making government work for America, so that Americans can get back to work.

The main difference between our previous regulatory relief efforts and the "Farm Dust Regulation Prevention Act of 2011" is the primary target of EPA's standard. This time it is not domestic manufacturers and energy producers – it is farmers, ranchers and rural businesses expressing concern and explaining how they may be harmed by changes in the current dust regulations.

That is not to say that agriculture and rural America have not been affected by other EPA regulations. Since farming and ranching are energy intensive, EPA regulations that raise the cost of energy are a significant burden on America's agriculture sector. I appreciate the support from organizations such as the American Farm Bureau Federation for bills like H.R. 910, the Energy Tax Prevention Act, as well as the bipartisan support that the bill received from representatives of agricultural districts.

The Farm Bureau has identified potential revisions to EPA dust regulations as a significant concern for American farmers. As it is, the EPA has a standard in place for coarse particulate matter, or PM10, which includes the dust routinely kicked up on farms, ranches, and unpaved roads. This standard has necessitated costly compliance measures in locations in the arid West.

The costs of the current standard are significant, and any changes could be very burdensome and widespread - impacting nearly all of the West and major parts of the Midwest and other regions. EPA Administrator Lisa Jackson recently made it clear that she does not plan to propose changing the current dust standard, and I appreciate those assurances. However, it is justified for farmers, ranchers, and businesses in rural America to fear that a change may happen, and their request for legislative relief is warranted.

Each time EPA has reviewed its particulate matter standards, the process has been fraught with uncertainty. The standards have changed throughout the review process and stakeholders have struggled to determine the costs to implement the new standards. The Farm Dust Regulation Prevention Act is a targeted bill to address the threat of these regulations and provide both certainty and regulatory relief to rural America.

H.R. 1633 would prevent any revisions to the current dust regulations during the coming year as EPA completes its review of the current PM10 standard. It would also, as EPA itself tried to do in 2006, exempt rural dust from federal regulation. At the same time, the bill would preserve EPA's authority to regulate nuisance dust in the absence of state or local regulation, if EPA finds the dust to cause substantial risks to health or the environment, and that regulation would be cost-effective. I look forward to working in a bipartisan fashion to pass this much-needed bill.