



Fact Sheet

Federal Control of Dust

Revised May 22, 2011

Under the federal Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) is required to review the dust (coarse particulate matter) standard every five years. EPA has released its final *Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards*. This policy assessment is an important document in the regulatory process that sets forth the EPA staff's advice to the EPA administrator about the federal regulation of dust.

Included in the assessment was a recommendation to regulate dust at a level that is twice as stringent as the current level. Making the dust standard more stringent would have a devastating impact on ranchers and all of rural America.

Currently, the vast majority of Texas is in compliance with the current federal dust standards, which means most of Texas is not subject to federal regulation under the CAA. If the EPA tightens the dust restrictions, Texas and other states will be classified as a nonattainment area, subjecting Texas to expensive and unnecessary federal regulation. These areas are primarily located in rural parts of the country where dust naturally occurs.

The potential revision of the federal dust standard could be below naturally occurring levels of dust in some states, making it impossible to meet.

If implemented, the proposed revision of the federal dust standard could subject ranchers to expensive and burdensome compliance costs such as having to implement dust suppression practices on their ranch. If ranchers fail to comply with these regulations, they could have to pay fines of up to \$37,500 a day. This will increase commodity production costs, increase food prices and most likely create job losses in rural America.

U.S. Rep. Kristi Noem (R-S.D.) and others have introduced H.R. 1633, the *Farm Dust Regulation Prevention Act*. This legislation would halt the current revision of the federal dust standard for one year. H.R. 1633 would exempt agricultural dust if state and local authorities have already implemented dust control measures. In areas where there are no state or local dust control measures, the EPA would be required to prove substantial negative health effects and show how addressing those effects outweigh the economic costs of implementing the more stringent regulations.

What is TSCRA doing?

TSCRA opposes the recommended changes in the EPA's policy assessment and will continue to work against any regulatory or legislative acts that would allow the federal government to further regulate dust.

TSCRA supports H.R. 1633 and is actively working with members of Congress and their staff to gain support for this legislation.

Additionally, TSCRA members and staff have communicated with members of Congress and their staff to garner opposition for any increases in EPA regulation.

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