

Oct. 13, 2011

The Honorable Ed Whitfield
Chairman
Subcommittee on Energy & Power
House Energy & Commerce Committee
2368 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Bobby Rush
Ranking Member
Subcommittee on Energy & Power
House Energy & Commerce Committee
2268 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman and Mr. Ranking Member,

The undersigned organizations would like to express our strong support for the Farm Dust Regulation Prevention Act of 2011, H.R. 1633, which would bring some much needed certainty to agriculture and other rural resource-based industries during these current perilous economic and regulatory times. Our organizations request the Committee's support for keeping jobs in rural America by passing H.R. 1633 as quickly as possible.

The regulation of U.S. farmers, ranchers and rural resource-based industries has been a focal point of this Administration's Environmental Protection Agency (EPA) since President Obama took office in 2009. Such regulation has often lacked a scientific or legal foundation. From questionable legal analysis and scientific modeling that resulted in EPA requiring unattainable water quality standards in Florida and the Chesapeake Bay area, to possible dust regulation that would effectively require much of rural America to stop working in the soil, their actions are making it harder for family farmers, ranchers and others to make a living, and sending America down a path toward food, infrastructure, and energy insecurity.

The EPA's Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards made two recommendations with regard to revising the 24-hr coarse particulate matter (i.e. dust, PM_{10}) standard: (1) if the Administrator were to place more weight on the uncertainties in the science, she would be justified in retaining the current standard; or (2) if the Administrator were to place little weight on the uncertainties in the science, she would be justified in revising the standard down to a level within the range of 65-85 $\mu\text{g}/\text{m}^3$ with a revised 98th percentile form. Revising the level from the current 150 $\mu\text{g}/\text{m}^3$ to 65-85 $\mu\text{g}/\text{m}^3$, despite the revised form, would bring much of rural America into nonattainment, or to the brink of nonattainment where a slight shift in climate could result in a nonattainment designation.

As you are aware, farming and other resource-based industries are dusty professions. From tilling fields, to driving on dirt roads, to extracting resources, rural Americans deal with dust every day. Working in the soil is where they derive their livelihoods, and where the world derives much of its food and other essential resources. If the EPA were to revise the dust standard to 65-85 $\mu\text{g}/\text{m}^3$, states would be put in a position of having to impose regulatory restraints on rural operations, increasing the cost of production when that cost is already at historically high levels. And, for what purpose? Scientific studies have never shown rural dust to be a health concern at ambient levels.

Thankfully, this Congress and your Committee have the opportunity to ease this potential burden on rural America. H.R. 1633 would exempt rural "nuisance dust" from regulation under the Clean Air Act (CAA) if states and localities regulate it on their own. In the event a state or locality does not regulate rural dust, the Administrator could regulate it only if scientific studies show that there is a significant health effect from such dust in that particular area, and show that the costs to the local economy associated with dust regulation would not outweigh any benefits. H.R. 1633 is common sense legislation that retains the protections of the CAA and, at the same time, would stop EPA's regulatory overreach.

Thank you for holding a hearing on the Farm Dust Regulation Prevention Act. It's important legislation that the undersigned strongly support and urge passage of as soon as possible.

Sincerely,

Agribusiness Council of Indiana
Agricultural Retailers Association
Agri-Mark Inc.
Alabama Cattlemen's Association
American Feed Industry Association
American Seed Trade Association
American Sugar Alliance
Arizona Cattle Feeders Association
Arizona Cattlemen's Association
Arkansas Cattlemen's Association
Association of National Grasslands
California Cattlemen's Association
Colorado Cattlemen's Association
Colorado Livestock Association
Colorado Wool Growers Association
Dairy Farmers of America
Dairy Producers of New Mexico
Dairy Producers of Utah
Dairylea Cooperative
Delaware Maryland Agribusiness Association
Florida Cattlemen's Association
Georgia Agribusiness Council
Georgia Cattlemen's Association
Idaho Cattle Association
Illinois Beef Association
Independent Cattlemen's Association of Texas
Indiana Beef Cattle Association
Iowa Cattlemen's Association
Kansas Livestock Association
Kentucky Cattlemen's Association
Minnesota Crop Production Retailers
Minnesota State Cattlemen's Association
Mississippi Cattlemen's Association
Missouri Agribusiness Association
Missouri Cattlemen's Association
Montana Agricultural Business Association
Montana Stockgrower's Association
National Association of Wheat Growers
National Cattlemen's Beef Association
National Council of Farmer Cooperatives
National Livestock Producers Association
National Renderers Association
National Stone, Sand & Gravel Association
National Turkey Federation
Nebraska Agri-Business Association
New Mexico Cattle Growers Association

New Mexico Wool Growers Inc.
North Carolina Cattlemen's Association
Northeast Dairy Farmers Cooperative
Oklahoma Agribusiness Retailers Association
Oklahoma Cattlemen's Association
Oklahoma Grain and Feed Association
Oklahoma Seed Trade Association
Pennsylvania Cattlemen's Association
Pennsylvania Cattlewomen's Association
Public Lands Council
South Carolina Cattlemen's Association
South Dakota Cattlemen's Association
Southeastern Livestock Network
Southern Crop Production Association
St. Albans Cooperative Creamery
Tennessee Cattlemen's Association
Texas and Southwestern Cattle Raisers Association
Texas Cattle Feeders Association
The Fertilizer Institute
Upstate Niagara Cooperative
US Beet Sugar Association
USA Rice Federation
Virginia Cattlemen's Association
Washington Cattle Feeders Association
Washington Cattlemen's Association
Western Business Roundtable
Wisconsin Agri-Service Association
Wyoming Stock Grower's Association

cc'd

The Honorable Fred Upton
The Honorable Henry Waxman