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EPA to Regulate Your Farm Dust

Posted on November 23, 2009 at 11:03 AM

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EPA is in the middle of a process which appears to be laying the groundwork for setting air standards for what it calls "coarse particulate matter," or PM10. You and I call it farm dust. After you read the next few paragraphs, I am sure you will be shaking your head!

EPA may be proposing to literally tell you on what days you can be in the field engaged in tillage agriculture...i.e. "no till" days for farmers. It seems EPA wants to control the water running off our farms, control spray drift from leaving fields, and now may be proposing to control farm dust from tillage and harvesting activities.

EPA may be proposing a dust standard which would regulate dust below naturally occurring levels in much of the West. How does this happen? The Clean Air Act (CAA) mandates EPA to periodically review the scientific foundation for setting National Ambient Air Quality Standards (NAAQS). EPA sets national air standards for pollutants such as ozone, sulfur oxides, and particulate matter. In all, EPA reviews six major ambient air pollutants every five years.

In 2006, EPA set a (PM coarse) dust standard at 150 ug/m3. Many groups in agriculture claimed they could not meet this particulate or dust standard and as a result, the American Farm Bureau, the National Cattlemen's Beef Association (NCBA), and the Agricultural Retailers Association (where I serve as General Counsel) challenged this EPA rule and lost in the United States Court of Appeals in the District of Columbia.

A standard of 150 ug/m3 needs to be put in perspective. A human hair is about 70-90 ug/m3 in size. A single grain of talcum powder is approximately 15 ug/m3. The combustion particles from the exhaust of our cars, trucks, and tractors are generally under 2.5 ug/m3. Now it appears EPA may set a new standard that may be 1/10 of the present 150 microgram dust standard and would be at 12-15 ug/m3.

EPA's Draft Proposed Integrated Science Assessment (ISA) for particulate matter, docket no. EPA-HQ-ORD-2007-0517, is composed of hundreds of pages of scientific studies and analyses. Those who review this document will see that at least a couple hundred people with doctorate degrees are urging EPA to lower the dust levels in this country, and they are doing it on shaky data.

Feedlots on notice One major agricultural group warning producers about the dangers of EPA's proposal is the NCBA. It points out that the current EPA dust standard is a major problem for agriculture, feedlots and mining. It also provides comments showing that EPA is using flawed health data. NCBA is attempting to keep EPA from setting the dust standard that many in the West and even in the Midwest simply cannot meet.

The December, 2008, first draft of EPA's integrated science assessment stated: "Evidence of biological plausibility for cardiovascular morbidity effects following PM10-2.5 exposure is sparse. Limited evidence exists for short-term PM10-2.5 exposures and cardiovascular morbidity. In its entirety, the literature shows that evidence is inadequate to determine if a causal relationship exists between PM10-2.5 exposures and cardiovascular morbidity."

The second draft of the ISA relies on a new study which claims that there are "suggestive" health effects from our farm and mining dust. It is hard to imagine EPA would lower the present dust standard relying on this type of data!

I can't tell you which study is correct. I can only tell you that it appears EPA is going to propose a new dust standard in 2010, and it is critical that EPA hear from those agricultural entities which will be affected.

The NCBA and other farm groups need your help to stop EPA from further regulating farm dust. Farmers do not need EPA telling them on what days they can farm or how many animals can be in a feed lot!

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