

**Defending Agriculture**

Legal, environmental hot button issues that impact U.S. farmers.

Farm Dust Will Lead to Dust up with EPA

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"One of Ronald Reagan's lasting insights is that federal regulatory intrusion can kill the economy. We are there."

So says The Wall Street Journal's Dan Henninger on November 4, 2010. He further says, "The simplest way for the Republican party to free itself and the economy from this unending Beltway hell is by reviving a core belief of one of the country's most successful presidents: if the government will get out of the way, Ronald Reagan argued, there's no limit to what the American people can achieve."

The Environmental Protection Agency (EPA) is certainly not heeding this advice. A candidate elected on Tuesday claimed, "We have a president who is forcing the EPA down our throats."

The quote reminded me of prior articles I have written on EPA's proposed regulation of farm dust, otherwise known as PM-10. EPA, in its never ending effort to control agriculture, demonstrates what it can do to agriculture in a proposed rule issued on September 9, 2010, with the innocuous sounding title of "Approval and Promulgation of Implementation Plans – Maricopa County (Phoenix) PM-10 Nonattainment Area".

This is 80 pages of federal regulatory intrusion.

Agriculture creates dust. EPA claims that Maricopa County is insufficiently reducing dust emissions from agricultural sources. EPA is proposing 53 measures in the Maricopa area to reduce dust. Many of these measures impact agriculture and provide an insight into what EPA may have in mind for other sections of the country under its proposed dust rule.

You may be interested in peering into the future of farm dust control through the eyes of Maricopa County as it relates to agriculture.

EPA is dissatisfied with Maricopa County's Best Management Practices (BMPs) to control dust emissions from tillage, harvest, and transportation from non-cropland and cropland. EPA claims Maricopa County has insufficient specificity to control agricultural practices creating dust.

An example – the county, in its regulation, would require "modifying agricultural equipment to prevent or reduce particulate matter (dust) generation from crop land".

EPA says equipment modification is not specific enough. The county had proposed using shields to redirect fan exhaust from the tractors and also using water spray bars that would emit a mist to reduce the dust on the tillage equipment. EPA wants the county to be more specific, as it says "...using appropriately designed spray bars would be far more effective at reducing PM-10 than redirecting a machine's fan exhaust."

EPA complains in its Federal Register notice that Maricopa County's BMP "...does not require the farmer to record what type of equipment modification he will be implementing."

Dust control 'training' Maricopa County's plan has other measures you will find interesting. One measure in the county plan requires the development of training programs for the suppression of dust emissions. This government program will require "...completion of dust control training for water truck and water pull drivers and onsite representatives of sites with more than one acre of disturbed surface area..."

Any site, which presumably covers most farms because the rule applies to five or more acres of disturbed surface area, will be required to have a trained dust control coordinator on site! Measure five of the EPA proposal directs the Arizona Department of Environmental Quality to establish "...Dust-Free Developments Program." Apparently the purpose of this program is "to certify persons and entities that demonstrate exceptional commitment to the reduction of airborne dust."

The best managed practices presently established by Maricopa County are not getting the job done, claims EPA. As a result, agriculture has promised it will implement certain BMPs including some which may be of interest to you, such as:

- Limited activity during a high wind event; planting based on soil moisture;
- combining tractor operations;
- a track-out control system;
- multiyear crop; and
- windbreak planting.

EPA considers track-out, which is simply the mud and soil on the tires of farm equipment and other vehicles dropping off onto paved public roads, as one of agriculture's biggest violations!

Arizona recommends a control system of keeping your dirt and dust in your field using a device similar to a cattle guard which is used to dislodge mud and debris from your tires. I assume this would have to be at each field. A farmer can also develop a gravel pad of crushed stone or coarse gravel that is one inch or larger in diameter. Finally, the farmer can always put down pavement at the entrance of the field in order for the tires to not track-out dirt onto a public road.

Let's put these EPA demands into perspective. In 2008 Maricopa County had 5,856 total daily PM-10 monitor readings. The dust monitors exceeded the PM-10 standard only 0.27% of the time. Consequently Maricopa County monitors recorded that EPA's PM-10 dust standard was being met 99.73% of the time.

Yet, this is not good enough for EPA!

If EPA's demands to control dust are not met, Arizona risks losing \$1.7 billion in federal highway funds and \$7.4 billion in the transportation improvement program. This freeze could occur by February 28, 2011.

Newly elected congressmen and senators who want to roll back regulatory actions will have their hands full with EPA unless they lock down regulatory efforts, such as the one facing Arizona.

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