

Green Groups Fight EPA's Retention Of Soot Standards

By [Juan Carlos Rodriguez](#)

Law360 (February 9, 2021, 7:57 PM EST) -- The [U.S. Environmental Protection Agency](#) failed to properly research how its decision not to tighten particulate matter regulations would impact endangered plants and animals, the [Center for Biological Diversity](#) said in a new lawsuit filed Tuesday.

When the EPA in December [decided not to strengthen](#) standards for both fine and coarse particulate matter, also known as soot, it illegally neglected its statutory duty under the Endangered Species Act to consult with other agencies to ensure such a move would not cause any endangered species to go extinct, the center said in a petition for review filed in the D.C. Circuit.

The group said soot is "a known threat" to wildlife protected under the ESA, and it said research has linked the pollutant to harm in species including whooping cranes, desert tortoises and small mammals such as the Preble's meadow jumping mouse.

"The science is very clear that soot may cause devastating harm to vulnerable plants and animals," Robert Ukeiley, an attorney at the Center for Biological Diversity said in a statement Tuesday. "The EPA ignored the law when it failed to make sure soot in our air and water won't drive endangered species to extinction, and we're going to hold it accountable."

The EPA declined to comment Tuesday.

In December, the EPA announced it would not tighten rules governing particulate matter emissions, rejecting arguments by environmental groups that stricter standards would improve public health.

Former EPA Administrator Andrew Wheeler said that after a review of the science and public comments, the standards for fine and coarse particulate matter do not need to be made more stringent. He said that particulate matter levels across the country had improved in recent years.

The move attracted criticism from environmental groups that say lower limits could save lives.

And last month, a coalition of different public interest groups including the [Sierra Club](#) and American Lung Association [sued the EPA](#) over the decision not to act, arguing the decision is at odds with scientific data.

In a petition filed in the D.C. Circuit, the health and environmental groups challenged the EPA's choice to maintain the National Ambient Air Quality Standards for particulate matter. They claim the action to not lower the standards is insufficient, can be detrimental to public health and fails to meet requirements set by the Clean Air Act.

Particulate matter standards were last revised in 2012, when the EPA tightened the primary standard for fine particles, or PM2.5, to 12 micrograms per cubic meter, down from 15 micrograms per cubic meter. The 24-hour fine particle standards, also set in 2012, stayed at 35 micrograms per cubic meter.

And the 24-hour limit for coarse particulate matter, or PM10, stayed at 150 micrograms per cubic meter since 1987.

[The Center for Biological Diversity is represented by its own Robert Ukeiley.](#)