

Counsel information for the EPA was not available Tuesday.

<https://www.reuters.com/article/usa-environment-lawsuit/in-brief-cbd-takes-novel-endangered-species-challenge-to-epa-soot-standards-idUSL1N2KG03J>

(Reuters) - The Center for Biological Diversity on Tuesday in federal appeals court in Washington D.C. accused the Environmental Protection Agency of failing to consider the potential harm of soot levels on imperiled species when it left the pollution standard unchanged in December.

The lawsuit is the first to challenge the EPA's standards on soot pollution on ESA grounds, said the CBD lawyer who filed the suit, Robert Ukeiley.

The complaint asks the court to review the Dec. 18 final EPA rule that maintains at current levels National Ambient Air Quality Standards (NAAQS) for soot, also known as particulate matter.

The agency is required under the Clean Air Act to review the NAAQS soot regulation every five years, and has tended to tighten them regularly after scientific review.

Soot, which can be emitted from coal-fired power plants and vehicle tailpipes, is a known threat to imperiled wildlife such as whooping cranes and desert tortoise, the CBD says.

It can also contribute to illnesses like asthma, while long-term exposure at the current levels have been associated with deaths.

"Because this is pending litigation, EPA has no additional information to share," said EPA spokeswoman Enesta Jones.

Last month, 17 attorneys general sued the EPA in federal appellate court for not updating the soot standards. They accused the agency of a "flawed and unlawfully biased review" of the current standards.

The case is Center for Biological Div. v. EPA, et al, United States Court of Appeals for District of Columbia Circuit, No. 21-1054.

For Center for Biological Div.: Robert Ukeiley of Center for Biological Diversity