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## Pesticides/Endangered Species Act: Center for Biological Diversity Sends U.S. Environmental Protection Agency of Notice of Intent to Sue for Approving Cuprous Iodide

### Arkansas Environmental, Energy, and Water Law Blog

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The Center for Biological Diversity ("CBD") has sent a January 6<sup>th</sup> Notice of Intent to Sue the United States Environmental Protection Agency ("EPA") for alleged violations of the Endangered Species Act ("ESA").

The Notice of Intent to Sue is related to EPA's approval of an antimicrobial pesticide.

CBD alleges that EPA violated Section 7 of the ESA. Section 7 addresses a federal agency's obligation to ensure that it does not jeopardize the continued existence of listed species or adversely modify or destroy critical habitat.

CBD objects to EPA's approving of cuprous iodide under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA").

The organization argues that EPA's risk assessment determined that the "may affect" ESA threshold was triggered for multiple ESA-listed species nationwide that can be harmed by the pesticide. It, therefore, argues that the federal agency was required to initiate consultation to ensure that the FIFRA pesticide registration will not jeopardize listed species or adversely modify critical habitat.

[Click here to download a copy of the January 6<sup>th</sup> letter.](#)