

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY,
et al.,

Plaintiffs,

v.

LISA P. JACKSON, *et al.*,

Defendants,

Civil Action No. 1:10-cv-02007-EGS

**DEFENDANT-INTERVENOR, ASSOCIATION OF BATTERY RECYCLERS'
RESPONSE TO DEFENDANT EPA'S RESPONSE TO THE COURT'S
ORDER OF DECEMBER 12, 2011**

Due to an apparent miscommunication among counsel, Defendant, the Environmental Protection Agency, in its Response to the Court's Order of December 12, 2011 submitted on February 29, 2012, mistakenly informed the Court that Defendant-Intervenor, the Association of Battery Recyclers, Inc. ("ABR"), "plans to file a motion on February 29, 2012, seeking a stay of the case until April 16, 2012."¹

For clarification, ABR agreed to and co-signed the parties' Joint Motion for Extension of Time to File Recommendations for Further Proceedings requesting a 14-day extension as correctly indicated in that motion submitted by Plaintiffs on February 29, 2012. ABR has not filed any other motions at this time.

¹ Monday, April 16, 2012 is the last date by which Plaintiffs Center for Biological Diversity, Project Gutpile, and non-party, Loon Lake Loon Association, may file an action in U.S. district court challenging EPA's February 14, 2012 denial of their petition under TSCA section 21, 15 U.S.C. § 2620, requesting EPA to "evaluate the unreasonable risk of injury to the environment from fishing tackle containing lead...."

Dated: March 1, 2012

Respectfully submitted,

/s/ Michael S. Snarr

Robert N. Steinwurtzel (D.C. Bar No. 256743)

Michael S. Snarr (D.C. Bar No. 474719)

BAKER & HOSTETLER LLP

1050 Connecticut Avenue, N.W.

Washington D.C. 20036-5304

Telephone: (202) 861-1500

Facsimile: (202) 861-1783

E-mail: rsteinwurtzel@bakerlaw.com

E-mail: msnarr@bakerlaw.com

Counsel for Defendant-Intervenor
Association of Battery Recyclers, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed using the Court's electronic case filing system this 1st day of March, 2012, which results in service on all counsel of record registered on the case management/electronic case filing ("CM/ECF") system.

/s/ Michael S. Snarr
MICHAEL S. SNARR