

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

CENTER FOR BIOLOGICAL DIVERSITY et al.,)

Plaintiffs)

v.)

Civ. Action No. 10-2007 (EGS)

LISA P. JACKSON, in her official capacity)
as Administrator, United States)
Environmental Protection Agency,)

and)

ENVIRONMENTAL PROTECTION AGENCY,)

Defendants,)

and)

NATIONAL RIFLE ASSOCIATION OF)
AMERICA and SAFARI CLUB)
INTERNATIONAL,)

Intervenor-Defendants,)

and)

NATIONAL SPORTS SHOOTING)
FOUNDATION, INC.,)

Intervenor-Defendant,)

and)

ASSOCIATION OF BATTERY RECYCLERS,)

Intervenor-Defendant.)

NOTICE

On March 15, 2012, Plaintiffs Center for Biological Diversity *et al.* (“CBD”) filed a motion to voluntarily dismiss this action, which challenges Defendant the United States Environmental Protection Agency’s (“EPA”) denial of their petition for regulation of lead fishing sinkers pursuant to section 21 of the Toxic Substances Control Act, 15 U.S.C. § 2620.¹ *See* Dkt. No. 44. CBD and other entities had submitted a second petition also relating to lead fishing sinkers (“Second Lead Fishing Sinkers Petition”) to EPA on November 16, 2011, which EPA denied on February 14, 2012. Plaintiffs’ motion indicated their belief that “in light of the EPA’s denial of their second petition, and in light of the reasoning expressed by the EPA for that denial, the current action filed on Plaintiffs’ first petition no longer warrants litigation.” Dkt. No. 44 at 3. Defendant-Intervenor Association of Battery Recyclers opposed voluntary dismissal, filing a motion seeking to hold this case in abeyance until the statutory deadline for challenging the denial of the Second Lead Fishing Sinkers Petition had run “so that if a second lawsuit is filed on lead fishing tackle, the Court can determine whether the cases can be consolidated,” and requesting that any voluntary dismissal of the first case be conditioned on Plaintiffs’ payment of Defendants’ and Defendant-Intervenors’ costs and attorneys’ fees. Dkt. No. 47 at 2; *see also* Dkt. No. 43. Both motions are currently pending before the Court. EPA hereby files this Notice to inform the Court that the 60-day deadline for challenging the denial of the Second Lead Fishing Sinkers Petition under 15 U.S.C. § 2620 lapsed as of April 16, 2012, and no complaint has been filed regarding that petition.

Respectfully submitted,

Dated: April 24, 2012

IGNACIA S. MORENO

¹ On September 29, 2011, the Court dismissed as untimely filed a separate claim regarding EPA’s denial of a request to regulate lead shot and ammunition. *See* Dkt. Nos. 35, 36.

Assistant Attorney General

/s/ Madeline Fleisher

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Notice was filed using the Court's electronic case filing system this 24th day of April, 2012, which results in service on all counsel of record registered on the case management/electronic case filing ("CM/ECF") system.

/s/ Madeline Fleisher
MADELINE FLEISHER