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MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

This Week in The News

Renewed discussions between House Democrats and the White House concerning potential COVID relief legislation before November's election resulted in no action. With the House now on recess until after the election, the U.S. Senate pressed forward on confirmation hearings for U.S. Supreme Court Justice nominee Amy Coney Barrett. The National Mining Association (NMA) remains focused on efforts to advance mining's interests with congressional committees and federal agencies. Plus we have updates on how energy and mining markets are faring.

Safety Share

[Halloween safety](#) this year comes with some extra precautions.

Trump Administration Mining Moves

Two weeks ago, President Trump issued [Executive Order 13953, “Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries.”](#) One element of the new Executive Order aims to reduce permitting delays on mineral production, stating, “a stronger domestic mining and processing industry fosters a healthier and faster-growing economy for the United States.”

The NMA is already working with the federal departments and White House offices implementing the short-term and long-term goals in the new Executive Order, contributing to an implementation session at the U.S. Department of Energy last week and the U.S. Department of the Interior this week. The NMA is also working to [highlight](#) two new regulatory actions with the Office of Information and Regulatory Affairs (OIRA) at the White House. OIRA is currently reviewing the Federal Permitting Improvement Steering Council’s [RIN 3121-AA01](#), Adding Mining as a Sector of Projects Eligible for Coverage Under Title 41 of the Fixing America’s Surface Transportation Act (FAST-41) rule. This rule will further codify the Council’s [January 2020 vote](#) adding new non-energy related mining projects as a covered sector helping them through the federal permitting process. Last week, OIRA began review of the U.S. Forest Service’s [RIN 0596-AD32](#), Locatable Minerals Regulations. This review would update the Forest Service’s exploration and production Section 228A regulations to provide more certainty and consistency for domestic mineral production from Forest Service land. The NMA will continue to update you on developments on these rules and the opportunity to provide public comment.

Secretary Dan Brouillette Visits Norfolk Coal Terminal

This week U.S. Secretary of Energy Dan Brouillette toured Norfolk Southern’s Lambert’s Point Coal Terminal in Norfolk, Virginia and met with Norfolk Southern employees. Lambert’s Point is a major coal export hub, with more than one-third of America’s coal

exports passing through the site. The Norfolk/Hampton Roads customs district exported 32.9 million short tons of coal in 2019 and so far this year has exported 18.3 million short tons. It continues to hold the top spot as the nation's largest coal export terminal. During the visit, the Secretary highlighted the importance of coal in America's energy future, both as a reliable source of continuous power and a key component of American energy trade.

NMA Honors Leaders in Mine Safety, Environmental Stewardship and Technology

This week, the NMA [recognized](#) outstanding achievements in mine safety, environmental stewardship and technology. NMA's Sentinels of Safety Award recognizes coal and mineral mining operations in 10 categories for recording the most hours in a calendar year without a single lost-time injury. A minimum of 4,000 hours is required for award consideration. The award categories reflect the safety accomplishments of both small and large mines. Twenty American mining operations – six coal mines and 14 mineral/metal mines, including five NMA members – were honored with the award recognizing performance in 2019.

NMA's press release also highlighted the U.S. Department of the Interior's Office of Surface Mining Reclamation and Enforcement "Excellence in Surface Coal Mining Reclamation Awards," presented to the coal mining companies that achieve the most exemplary coal mine reclamation in the nation. Two companies were recognized with both representing NMA members. The National Institute for Occupational Safety and Health's Mine Safety and Health Technology Innovations Awards winners, both NMA member companies, were selected for the significant advancements they have made to enhance mine safety by applying technology or improved processes in innovative ways.

Read more about each award and the winners [here](#).

NMA Submits Comments on Critical Habitat Exclusions

Last week, the National Mining Association (NMA) submitted [comments](#) on the [proposed](#) Fish and Wildlife Service's (FWS) process for excluding areas of critical habitat under Section 4(b)(2) of the Endangered Species Act . This section allows FWS to exclude any particular area from a critical habitat designation if the benefits of exclusion outweigh the benefits of inclusion for that area, so long as excluding it will not result in the extinction of the species. NMA's comments strongly supported the proposal, especially the clarification that federal lands will no longer be automatically ineligible for exclusion consideration.

EPA Releases Final Rule to Promote Guidance Transparency

The U.S. Environmental Protection Agency (EPA) recently signed a [final rule](#) establishing the procedures and requirements for how the agency will manage the issuance of guidance documents consistent with [Executive Order \(EO\) 13891](#), "Promoting the Rule of Law Through Improved Agency Guidance Documents." EPA's press release can be found [here](#). The rule will become effective 30 days after it is published in the *Federal Register*.

According to EPA, "[i]mplementing these procedures will lead to enhanced transparency and help to ensure that guidance documents are not improperly treated as legally binding instruments by the EPA or by the regulatory community." The purpose of this rule is to ensure that the agency's guidance documents are: (1) developed with appropriate review; (2) accessible and transparent to the public; and (3) benefit from public participation in the development of significant guidance documents. EPA's final rule also establishes the first formal petition process for the public to request the modification, withdrawal, or reinstatement of a guidance document.

Rio Tinto's Resolution Copper Welcomes Secretary Wilbur Ross

Rio Tinto last week welcomed a visit from U.S. Department of Commerce Secretary Wilbur Ross in which the company was able to discuss the contributions their project can make to employment, economic growth and critical minerals supply chains in the U.S. In discussing the project, Secretary Ross said, "Resolution Copper's progress is encouraging as we rise out of the challenges resulting from the COVID-19 pandemic and advance through economic recovery."





NMA and Third-Party Voices

The NMA and its third parties continue to work with media and place editorials across the country on the importance of our industry to the country and economy.

Outlets including [The Rolla Daily News](#), [Pit & Quarry](#) and [Elko Daily Free Press](#) reported on winners of NMA's Sentinels of Safety Award.

[Investing.com](#) quoted NMA in its coverage of investing trends and the importance of mining.

Mine the Vote

With the election only 20 days away, the NMA is providing Mine the Vote materials to all our members. We know that employees look to their employers for credible information, and [Mine the Vote](#) makes it easy for you to engage your employees, vendors and community partners with information about voter registration, early voting, absentee ballots, and polling locations. NMA has prepared a brief message you can customize and send to your employees, vendors and partners explaining the Mine the Vote platform, how to get on the site and get your folks involved. NMA is also offering Mine the Vote posters that can be displayed on bulletin boards at headquarters and operations sites, flyers that can be handed out at company and community events, and even hard hat stickers. Should you have questions, please contact your NMA Government Affairs team and send us the location, address, and contact information where you want the materials shipped.

Energy and Mining News

[Utility Dive and others](#) reported on the Energy Information Administration's (EIA) October short-term outlook forecasting higher coal power sector consumption and generation

numbers for 2020 and 2021.

Argus Coal Daily (subscription) reported 10/7/2020 that Europe increased its coal-based generation in September due to weak renewable and nuclear output.

Argus Coal Daily (subscription) reported 10/8/2020 on EIA's latest estimated coal production [numbers](#) showing a production decrease of 26% for the 3rd quarter compared to the 3rd quarter of 2019. This is an improvement over the 37% decrease in the 2nd quarter.

Bloomberg examined coal producers [shifting focus](#) from thermal to metallurgical coal.

[S&P Global and others](#) reported on recent U.S. Census data showing that coal exports totaled about 4.1 million metric tons in August, down 15.6% from July.

[E&E reported](#) that "Tesla Inc. is in talks with BHP Group on a nickel deal as the electric-car maker targets higher production and seeks to avoid a supply crunch, according to people familiar with the matter."

[Bloomberg reported](#) that the U.S. and Russian governments have agreed to extend for 20 years limits on imports of Russian uranium, a policy that should benefit the domestic uranium industry.



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