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MINE Update
MINING INDUSTRY NEWS E-COMM UPDATE

Issue 5 | October 28, 2020

Brought to you by the National Mining Association

In Memoriam

This week the mining industry mourns the loss of a profound leader and friend, Bob Murray. A longtime, engaged board member at the National Mining Association (NMA), perhaps his obituary describes him best, “While Mr. Murray could be described as demanding, personable, whimsical, impatient, visionary, diligent, he was a person who knew exactly who he was and what he expected of himself and those around him.” He will be deeply missed. Access the full obituary [here](#) and NMA president and CEO Rich Nolan’s statement [here](#).



This Week in The News

With less than a week until Election Day, prospects for another legislative COVID response package appear dead. But both sides are leaving the door open for additional negotiations immediately after the elections. In the meantime, 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

Daylight Saving Time ends Sunday. It's an ideal time to change batteries in carbon monoxide detectors and brush up on [carbon monoxide safety](#).

Significant Win in Long-Fought Earthworks v. Department of Interior Case

In a victory for the mining industry and NMA, yesterday the U.S. District Court for the District of Columbia issued a long-awaited [decision](#) in *Earthworks vs. Department of the Interior* (DOI) that reaffirms important rights of miners to explore and operate on federal lands pursuant to the Mining Law. In the case, a coalition of environmental groups challenged DOI regulations issued in 2003 and 2008 relating to use of millsites and claim validity, asserting that the regulations improperly interpreted the Mining Law. The NMA intervened in the litigation in defense of the DOI regulations. NMA's press release welcoming the decision is available [here](#).

Trump Administration Streamline Federal Process for Overseeing Coal Mine Operations

In an action advocated for by NMA, the DOI this week announced a final rule to improve the processing of Ten-Day Notices. Ten days is the amount of time the Office of Surface Mining Reclamation and Enforcement provides to state partners to address a reported mining complaint or potential violation. The finalized rule improves the process by requiring timely, direct coordination with state partners and the elimination of wasteful, duplicative investigations that can cause unnecessary delays in addressing concerns or potential violations. Read NMA's press release [here](#). Rich Nolan is quoted in coverage from [Bloomberg Law](#) and [Argus](#).

NMA's Rich Nolan Addresses Metallurgical Coal Producers

NMA President and CEO Rich Nolan took part in the Metallurgical Coal Producers Association and the Southern States Energy Board, virtual 41st Annual Meeting on Monday, October 26, 2020. During Nolan's remarks he emphasized the Association's commitment to domestic coal exports and transportation challenges, and provided a briefing to the group on the potential impacts of Tuesday's election.

NMA Interview with Administrator Wheeler

As noted in last week's newsletter, NMA's Rich Nolan recently sat down with EPA Administrator Andrew Wheeler to discuss the administration's accomplishments over the last four years, and what lies ahead. Excerpts from that session are included below.

Nolan: Can you tell us a little bit about the focus of your agenda and what you've been working on?

Wheeler: We will by the end of this year have 10 major regulations out the door, which I think is a record. We have also focused on internal process improvements across the board... And permitting is a perfect example. At the beginning of this administration President Trump said he wanted all federal permits to be done within two years. My predecessor Administrator Pruitt set a goal for EPA for six months. But we learned right away that EPA wasn't even tracking how long it took to issue a permit. You can't improve a process unless you first track the process. So we started tracking all of our processes and we have now eliminated 65% of our backlog on permitting and we are getting the new permits done within six months.

Nolan: Permitting has been a huge priority for the National Mining Association for quite a

long time and you all have made great strides there. About a week ago the president issued an executive order on minerals mining and the importance of speeding up permitting and doing some of things you are talking about. We have also worked with your office on liability and financial assurance issues in the past. Maybe you can talk a little about that?

Wheeler: On the financial assurances, which is of course under CERCLA, we are required to do that across the board. We did mining at the end of last year and that was important to get done. It was important for financial stability and for certainty. And certainty is something I have been preaching and something President Trump has been preaching.... That's certainly true on the permitting, and I hope you have seen – I hope your industry has seen – the recognition of this administration of the importance of critical minerals and the importance to the economy and to a number of products. We can't be dependent on foreign sources of critical minerals. We have them here in the United States and we need to get the permits done in order to access those. When we mine something... we do it in a much more environmentally conscious manner than any other country in the world.

Nolan: Turning to the ACE rule. About a week ago West Virginia was the first state to submit a SIP. We've been working with several states. What will be EPA's process for reviewing those and getting them locked in place?

Wheeler: We are working with all of the states. We worked with West Virginia before their submittal. We want to make sure that what the states submit is something that we have the information so that we can make a decision.... I really think it's important to get some of these decided – approved or denied – as quickly as possible to provide more guidance to the states.

Nolan: What are some of the priorities going to be for the EPA?

Wheeler: We will continue to deregulate to help the economy. But in almost every case we have replaced regulations with something that makes more sense, that's more efficient, that focuses on environmental protections.

NMA and Third-Party Voices

In coverage that includes comments from Rich Nolan, [Reuters](#) reports Joe Biden's campaign has privately told U.S. miners it would support boosting domestic production of metals used to make electric vehicles, solar panels and other products crucial to his climate plan, according to three sources familiar with the matter, in a boon for the mining industry.

[Inside Sources](#) (DC) carries an op-ed by Syd S. Peng, the Charles E. Lawall Chair of Mining Engineering emeritus in the Department of Mining Engineering at West Virginia University, in which he argues carbon capture, utilization and storage (CCUS) is necessary for an environmentally sound future.

[The Lima News](#) (OH) carries an op-ed by Robert Chase, former professor and chair of the Department of Petroleum Engineering and Geology at Marietta College and former Department of Energy employee, in which he argues that the U.S. should invest in mining and other critical industries to combat China's aggressive industrial policy.

NMA is quoted in an [E&E Energywire](#) piece on the cost of utilizing CCUS at a large coal plant visited by Energy Secretary Dan Brouillette this month.

Energy and Mining News

[Coal Zoom](#) reports that Rep. Carol Miller, R-W.Va., along with Representatives Henry Cuellar, D-Texas; Jodey Arrington, R-Texas; and Lou Correa, D-Calif., have formed the Congressional Energy Export Caucus, a bipartisan group of U.S. House members spearheading an initiative to maximize energy exports, including coal.

[E&E News reported](#) on [analysis](#) by Moody's Investor Service indicating that a thermal coal demand decline would accelerate under a Biden administration, but would occur

regardless under either Trump or Biden.

Argus Coal Daily (subscription) reported October 19 that based on Mine Safety & Health Administration's [fatality data](#), coal fatalities are at a record low this year.

[Power Magazine reported](#) on analysis by Stan Kaplan on the improving prospects for coal-based generation in 2021 based on the Energy Information Administration's October [Short-term Outlook](#).

[The World Steel Association's recent crude steel production figures show](#)

September production at 156.4 million metric tons in September 2020, a 2.9% increase compared to September 2019. Production was 1,347.4 Mt in the first nine months of 2020, down by 3.2% compared to the same period in 2019.

[S&P Global reported](#) on research indicating that “Relatively flat silver mining costs and metals prices improving as economies gradually reopen lead to a positive outlook for silver mine margins into 2021.” Mine margins are expected to more than double this year due to an increase in labor costs in the main producing countries and higher sustaining capital expenditures.

[Mining.com reported on recent Wood Mackenzie analysis](#) estimating that “An investment of over \$1 trillion will be needed in key energy transition metals – aluminum, cobalt, copper, nickel and lithium – over the next 15 years just to meet the growing demands of decarbonization.”

[Mining.com reported](#) on a recent World Economic Forum [study](#) estimating that “About 20% of people currently working in the mining and metals industry are at risk of being replaced by robots as companies accelerate the adoption of automation in light of the ongoing covid-19-related restrictions.”

[The International Copper Study Group's](#) recent copper forecast expects global copper production to decrease 1.5% this year, followed by a 4.5% increase in 2021.



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