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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

Following a virtual global climate summit that began on Earth Day last week, President Joe Biden is preparing for his first speech to a joint session of Congress tonight. As the president prepares for the symbolic 100-day mark of his presidency tomorrow, another major tax and domestic spending proposal is expected. Meanwhile, Congress continues to consider how to address the President's previous \$2.1 trillion infrastructure proposal, which could be split into separate packages or could be configured to allow Democrats to go it alone through reconciliation. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue. Plus we have updates on how the mining and energy markets are faring.

Safety Share

The U.S. Centers for Disease Control and Prevention loosened its guidance on [mask wearing](#), while the Occupational Safety and Health Administration provided guidance for employers who [recommend or require](#) employees to receive COVID-19 vaccinations.

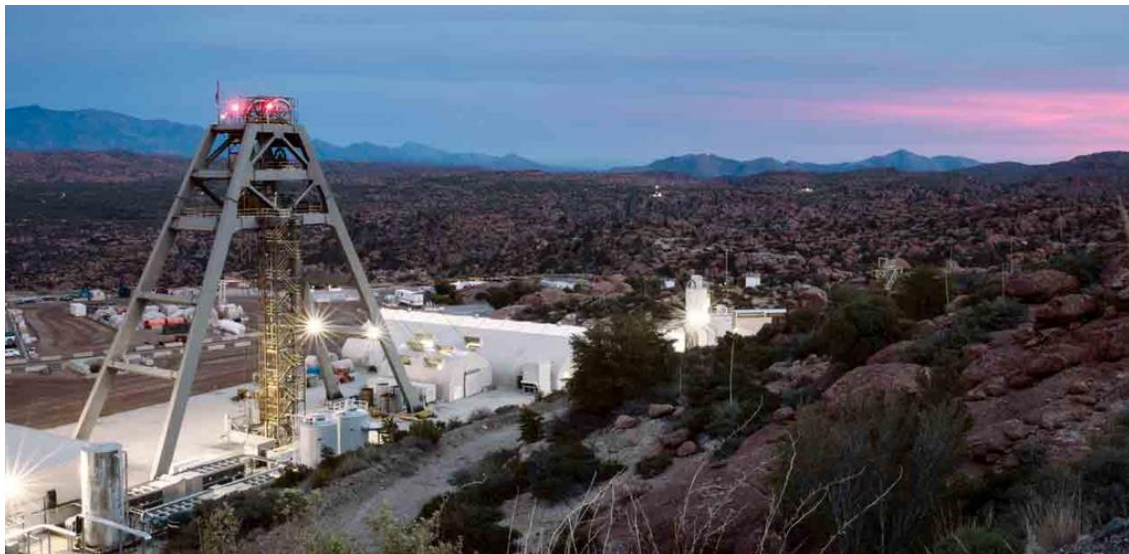
Bipartisan Senate Bill Introduced to Improve Minerals Permitting and Strengthen Domestic Mineral Supply Chains

On April 23, 2021, Senator Lisa Murkowski (R-Alaska) and Senator Joe Manchin (D-W.Va.) introduced the bipartisan S.1352 to improve the quality and timeliness of the federal permitting process for domestic mining projects. Consisting of the NMA-backed permitting provisions from Senators Murkowski and Manchin's bipartisan American Mineral Security Act not included in the end-of-year Consolidated Appropriations Act (Public Law 116–260), the legislation would modernize our nation's minerals permitting system by requiring coordination among agencies and other best practices to reduce duplication and unnecessary delays. It also uses the updated and broadened definition of a critical mineral from the Consolidated Appropriations Act to include critical minerals recovered as byproducts as well as their host minerals. Current cosponsors are Senators James Lankford (R-Okla.), Dan Sullivan (R-Alaska), Kevin Cramer (R-N.Dak.), James Risch (R-Idaho), Thom Tillis (R-N.C.), Shelley Moore Capito (R-W.Va.), Steve Daines (R-Mont.), and Mike Crapo (R-Idaho). The NMA is working with Senator Murkowski's office to support the legislation and gain additional bipartisan allies on the bill.

On April 20, 2021, Representatives Vicente Gonzalez (D-Texas) and Lance Gooden (R-Texas) reintroduced their bipartisan Reclaiming American Rare Earths Act (H.R. 2688). The legislation supports strengthening supply chains through domestic mineral production

by establishing tax incentives for the mining, reclaiming, or recycling of critical minerals and metals from domestic sources as well as secondary recovery sources including coal waste, abandoned mine lands cleanup, and recycling. The NMA is working with both Gonzalez and Gooden's offices to support the legislation by growing the list of bipartisan cosponsors on the bill.

House Committee Votes to Repeal Resolution Copper Land Exchange



On Wednesday, the full House Natural Resources Committee held markup on Chairman Raul Grijalva's (D-Ariz.) Save Oak Flat Act (H.R. 1884) two weeks after a legislative hearing was held on the bill. H.R. 1884 would repeal Section 3003 of the 2015 National Defense Authorization Act which authorized the exchange of U.S. Forest Service land for several parcels throughout Arizona to facilitate development of the Resolution Copper Project, owned by Rio Tinto and BHP. Several amendments were filed to the bill, those by Pete Stauber (R-Minn.), Ranking Member of the Energy and Mineral Resources Subcommittee, to address labor, supply chain security, and economic development impacts caused by the underlying legislation. Unfortunately, those amendments were voted down. Ahead of the markup, the NMA worked with the committee minority staff as

well as committee allies, in coordination with Rio Tinto, to provide amendment ideas and additional information to oppose the legislation. During the hearing, the NMA provided a wealth of material clearing the record concerning the future mine through the NMA's social media platforms; see samples [here](#). The NMA will continue to work with Rio Tinto to build bipartisan opposition to the legislation in hopes, due to the close margins in the House majority, it will erode support for the bill and prevent it from being brought to the House floor for a vote.

NMA Board Member Ramaco Coal's Randy Atkins Testifies at Senate Hearing



The Senate Committee on Energy and Natural Resources last week held a [hearing](#) on “Opportunities and Challenges that Exist for Advancing and Deploying Carbon and Carbon-Dioxide (CO₂) Utilization Technologies in the United States.” The panel heard testimony from NMA Board Member Randy Atkins, Chief Executive Officer, Ramaco Coal. Other witnesses included Dr. Brian Anderson Director, National Energy Technology Laboratory, U.S. Department of Energy; Mr. Jason Begger, Managing Director Wyoming Integrated Test Center; and Dr. Gaurav Sant Professor, UCLA Samueli School of Engineering Founder and Chief Technology Officer, CarbonBuilt, Inc.

Chairman Joe Manchin (D-W.Va.) used his [opening remarks](#) to express support for the advancement and deployment of carbon utilization technologies. Several members echoed their support for carbon capture, utilization and storage technologies and innovative solutions to develop high value products. A detailed memo on the hearing is available [here](#).

UMWA Releases "Energy Transitions Initiative" Proposal

The United Mine Workers of America (UMWA) last week released their Energy Transitions Initiative described as a “true energy transition” that could benefit miners, their families, and their communities. The [three-point plan](#) largely aligns provisions with President Biden’s \$2.1 trillion jobs and infrastructure plan, as well as in his fiscal 2022 budget outline.

Cecil Roberts, UMWA president, called for a “tremendous investment” to help create jobs in Appalachia. Senate Energy and Natural Resources Chairman Joe Manchin (D-W.Va.) participated in the union's event and said, "Ensuring all coal miners aren't left behind as America transitions to a cleaner energy future is one of my top priorities."

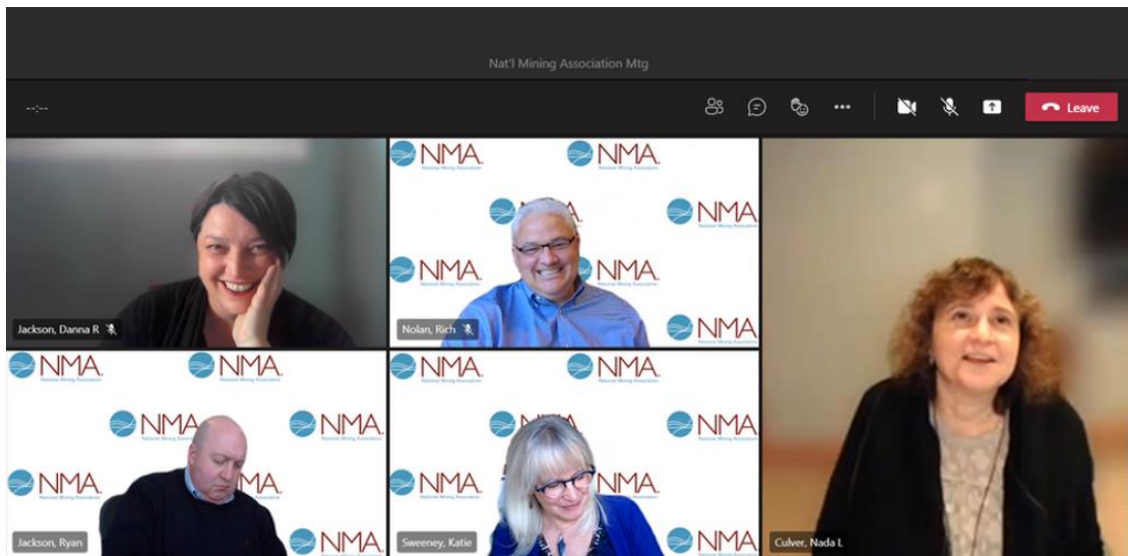
Specifically, the plan focuses on preserving coal jobs, creating new jobs, and preserving coalfield families and communities. To secure adequate resources to create a true transition for workers and communities in the coalfields, the plan proposes a “wires” charge on retail electric power sales. A detailed memo on the proposal is available [here](#).

NMA Meets with Wyoming Governor Gordon During Trip to Washington



Yesterday, the NMA met with Governor Mark Gordon (R-Wyo.) during his trip to Washington, D.C. The governor was in town for a variety of meetings, including testifying before the U.S. Senate Energy and Natural Resources Committee. The governor and NMA staff were able to talk about corporate financing and bonding issues; carbon capture and sequestration for coal utilities and the funding and support for carbon capture and sequestration voiced by U.S. Department of Energy (DOE) Secretary Jennifer Granholm; and the challenges and opportunities for the uranium industry including DOE support for the uranium reserve with initial funding Congress provided at the end of 2020.

NMA Meets with Bureau of Land Management



Last week, NMA's Rich Nolan, Katie Sweeney and Ryan Jackson met with BLM Acting Director Nada Culver and BLM staff Danna Jackson and Nick Douglas. The NMA stressed the industry's willingness to be a resource to the new administration. Primarily the discussion centered on NMA's views on BLM's implementation of the provisions of the bipartisan American Mineral Security Act that were included in the December 2020 passage of the Omnibus Appropriations Act: ensuring the methodology for the critical minerals list better reflects the relationship between host minerals and their byproducts; prioritizing new workforce training and development in coordination with the Department of Labor, the National Science Foundation, and National Academies of Sciences and Engineering; and meeting the timelines for review of Federal Register notices for mining projects to minimize permit delays. Additionally, the NMA team sought to gather additional information on potential mineral withdrawals or changes to sage grouse conservation plans and gain needed clarity on the administration's 30 x 30 conservation goals.

Secretary of Interior Haaland Rescinds Secretarial Orders from Previous Administration

Secretary of the Interior Deb Haaland last week issued Secretarial Order 3398, which revokes a dozen Secretarial Orders issued in the previous administration that were determined to be inconsistent with the department's commitment to protect public health; conserve land, water, and wildlife; and elevate science. The revocations involve previous orders designed to improve the department's NEPA process, clarify mitigation responsibilities and facilitate tribal consultations under the National Historic Preservation Act. For more details, please review [NMA's April 27, 2021 memo](#).

NMA Submits Comments to Department of Defense on Recent Supply Chain Executive Order



Today, the NMA submitted [comments](#) requested by the Department of Defense (DOD) concerning the implementation of [Executive Order 14017, "America's Supply Chains"](#) (EO). This EO tasks various federal departments with evaluating vulnerabilities in supply chains supporting a number of key technologies. The EO tasks the DOD with evaluating supply chains affecting "strategic and critical materials." The NMA was invited to represent upstream producers and attended a panel presentation with DOD's Industrial Policy office staff on April 23 to contribute to that office's understanding about key minerals, critical designations and how that is an evolving and developing designation, mineral import dependence, vulnerabilities in supply chains from different parts of the world, and

government and commercial incentives to develop more resilient supply chains for needed minerals. Earlier this month, [NMA responded](#) to a similar solicitation by the U.S. Department of Commerce requesting information on protecting supply chains concerning production of semiconductors.

Senate Banking Committee Republicans Push Back on Financing Limitations on Fossil Fuels

Following two hearings last week in the Senate Banking Committee, Republican members of the committee sent a [letter to Climate Envoy John Kerry](#) calling out efforts to pressure banks regarding energy-related lending and investments and efforts at the U.S. Securities and Exchange Commission to create new corporate disclosures without additional legislation enacted from Congress. This action complements the [NMA-supported legislation Senator Kevin Cramer \(R-N.Dak.\) introduced last month](#) preventing discrimination by banks and financial services and imposing sanctions on banks discriminating in their lending practices against energy producing companies. The NMA, among other trade associations, is following this legislation and disclosure legislation contained in the House's proposed CLEAN Future Act.

Finance Committee Pushing for Innovation Tax Incentives

The Senate Finance Committee on April 27, 2021 held its [first hearing on climate](#) since 2009. It came on the heels of [President Biden's announcement](#) of a new climate goal: cutting emissions at least in half by the end of the decade. The committee focused on changes to the tax code that could stimulate innovation to meet these challenges.

Climate change tax reform shouldn't favor particular technologies, the Democratic and

Republican leaders of the Senate Finance Committee asserted throughout the hearing. The theme of no tech “winners and losers” and “technology neutral” in new laws to reduce carbon emissions were used regularly by Chairman Wyden and Ranking Member Mike Crapo (R-Idaho), as well as other Committee members from both parties at the hearing.

FERC Finalizes Carbon Pricing Policy Statement

The Federal Energy Regulatory Commission (FERC or Commission) recently finalized its [carbon pricing policy statement](#), effective immediately. The policy statement explains how the Commission will approach filings submitted pursuant to Federal Power Act (FPA) section 205 that propose regional transmission organization/independent system operator (RTO/ISO) market rules that incorporate a state-determined carbon price. The NMA previously filed comments that noted that, based on case-by-case circumstances, regional market rules incorporating a state-determined carbon price may fall within the Commission’s jurisdiction over wholesale rates. Overall, however, FERC should wait to make such a determination until a FPA section 205 filing was before it for consideration rather than prematurely encouraging carbon pricing across the board. The NMA’s comments also outlined several important policy considerations that the Commission should consider if a section 205 filing comes before the Commission in order to prevent unintended consequences for NMA members. For more details, please review [NMA’s April 21, 2021 memo](#).

NMA Reiterates Importance of Coal Industry in FERC Comments

Last week the NMA filed comments explaining the importance of the coal industry’s perspective on the establishment and operation of FERC’s Office of Public Participation (OPP). Congress initially enacted legislation creating this office in 1978, but the office did not receive funding until last December’s COVID omnibus bill. The goal of the OPP is to

facilitate better public participation in FERC proceedings, including participation from environmental justice communities, consumers, landowners, and others. Access the [NMA's comments here](#). The NMA will continue to engage with FERC and find opportunities to advocate the coal industry's perspective.

MSHA Acknowledges Mining Industry's Role in Preventing COVID at Mine Sites

After the Mine Safety and Health Administration (MSHA) unveiled its COVID-19 [policy guidance](#) during a stakeholder call last month, the [NMA wrote](#) to Acting Assistant Secretary for Mine Safety and Health Jeannette Galanis commending the agency for its cooperation with NMA's members in developing best practices to prevent the spread of COVID-19. MSHA's guidance does not establish any emergency temporary standard, rather it provides recommendations on identification of risks of being exposed to the virus at work and to determine appropriate control measures to reduce such risk. [MSHA recently replied](#) to the NMA letter, acknowledging our members' willingness to share information about prevention programs, which helped shape the agency's guidance and decision not to impose an ETS.

Administration Appoints New MSHA Chief of Staff

In an [Administrative Information Bulletin](#), Jeannette Galanis, MSHA Principal Deputy Assistant Secretary, internally announced that Julie E. Aaronson has been appointed the MSHA Chief of Staff (COS). The Bulletin provides information about Ms. Aaronson's educational and professional experience, including a previous position as MSHA COS in 2011. The NMA is in the process of seeking a meeting with the new Chief of Staff.

NMA Board Meeting Wrap-up



The NMA team would like to thank all of our board members and member company representatives who participated at last week's Spring Board Meeting, hopefully our last to be held virtually. We heard from a wide range of distinguished guests including United States Secretary of Energy Jennifer M. Granholm, Senator Joe Manchin (D-W.Va., Chairman of the Senate Energy and Natural Resources Committee), Senator Catherine Cortez Masto (D-Nev., Chairwoman of the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining), and Congressman Bruce Westerman (R-Ark., Ranking Member of the House Natural Resources Committee). Each speaker showed a tangible understanding of how important our industry is to the nation's economic health and future, and a willingness to collaborate and engage on our issues moving forward. Meeting materials can be accessed [here](#).

NMA and Third-Party Voices

[Inside Sources](#) (D.C.) ran an op-ed by Rich Nolan in which he argues that the U.S. needs more domestic mines producing minerals to tackle its infrastructure challenges. The piece was also picked up by the [Fredericksburg Free Lance-Star](#) (Va.) and [Duluth News Tribune](#) (Minn.).

[Politico](#) quotes Rich Nolan in a report on Washington's race for money to build batteries for cars and the electric grid.

[E&E Daily](#) and [Argus](#) quoted Rich Nolan in reports on Wyoming Republican Rep. Liz Cheney's introduction of a bill to lower the fees coal companies pay to clean up abandoned mines.

The NMA was quoted in stories from [Reuters](#), [The Daily Star](#) and [WHTC](#) covering corporate executives and investors thoughts in advance of last week's climate summit.

The NMA is quoted in a story from [Bloomberg Law](#), [E&E Greenwire](#) and [The Washington Post](#) covering the Interior Department's decision to "tap the brakes" on a series of Trump administration orders that proposed to open as much as 28 million acres of federal lands in Alaska to mining and other mineral extraction activities.

The NMA is mentioned in reports from [Yahoo!News](#) and the [Duluth News Tribune](#) that U.S. Rep. Pete Stauber, R-Hermantown, introduced a bill that would speed up the federal permitting process for mining projects on federal land.

From third parties, the [Bangor Daily News](#) (Maine) carries an op-ed by Thomas Madison, an infrastructure consultant and former federal highway administrator, in which he argues rebuilding America's infrastructure must include support for the minerals supply chains that underpin infrastructure projects.

[The Washington Times](#) (D.C.) carries an op-ed by Terry Jarrett, an energy attorney and consultant who has served on both the board of the National Association of Regulatory Utility Commissioners and the Missouri Public Service Commission, in which he argues that the causes of the Texas grid crisis this winter could lead to another crisis in the future if action isn't taken to ensure fuel security and reliability by adequately valuing coal and nuclear power.

[The Cleveland Plain Dealer](#) (Ohio) carries an op-ed by Robert Chase, professor Emeritus at Marietta College, where he chaired the Department of Petroleum Engineering and Geology from 1978 to 2015, in which he argues we need a public policy that encourages

investment in domestic mining, reduces permitting barriers, and encourages domestic manufacturers to use responsibly produced domestic materials.

Mining and Energy News

Weekly U.S. coal train loadings [continued to increase](#), reaching a six-week high.

E&E Climatewire reported that coal plant retirements are likely to slump to their lowest level since 2014 in President Biden's first year in office, according to federal data.

Argus reported on International Energy Agency (IEA) analysis projecting that global coal demand in 2021 is poised to [exceed 2019 levels](#) and approach its 2014 peak.

New York Times reported on the IEA's recent energy review showing global [coal demand rising sharply](#) despite climate change concerns.

E&E News reported on analysis from various sources predicting that Biden's proposed climate goals would [require an end](#) to American coal.

World Steel Association reported that global crude steel production was 169.2 million metric tons in March 2021, a [15.2 percent increase](#) compared to March 2020.

Mining.com reported that battery metals are in [high demand](#) as electric sports cars gain popularity.

Wall Street Journal released a video explaining the rise in demand for lithium.

AZO Materials reported on [lithium-ion battery](#) supply chain issues.

Washington Post reported that palladium is the most valuable of the four major precious metals, with an acute shortage driving prices to records in recent years.

MarketWatch reported palladium prices [hit a record](#), extending a rally into a sixth straight year.

The Silver Institute reported that the pandemic [fueled renewed interest](#) in silver in 2020.

The International Copper Study Group [reported preliminary data](#) indicating that world copper mine production increased by 4 percent in January 2021 compared to January 2020, with concentrate production increasing by 5 percent and solvent extraction-electrowinning (SX-EW) increasing by about 0.5 percent.

Reuters profiled the [permitting controversy](#) surrounding a new Arizona copper mine.

Wall Street Journal reported “small mining companies in North America are [struggling to attract funding](#), despite growing demand for lithium and cobalt for electric vehicles and batteries.”

DOE announced [\\$6 million in federal funding](#) for research and development projects for: “Advanced coal waste processing: production of coal-enhanced filaments or resins for advanced manufacturing and research and development of coal-derived graphite.”

White House Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization named an executive director as U.S. Department of Energy identified \$109 million of research funding as [“support for energy workers.”](#)

The Interagency Working Group also identified an additional “\$38 billion in existing federal funding that could be accessed by energy communities,” which *UtilityDive* reported is [“likely not enough.”](#)

A report by the White House Council of Economic Advisers acknowledged “workers could be hit by the [dual negative effects](#) of declining jobs in high-carbon industries alongside too few new domestic jobs in the emerging carbon-free industries of the future.”

At an Earth Day climate summit, President Biden pledged to [cut carbon emissions in half](#) from 2005 levels by the end of the decade.

Biden administration officials said a proposed [clean energy standard](#) should require the U.S. grid to get 80 percent of its power from emissions-free sources by 2030.

China interrupted its coal plant construction binge momentarily to claim that it [won't use the plants very much](#).

Wall Street Journal pointed out that as major energy companies begin to transition away from fossil fuels, there “is a band of smaller competitors that wager that fossil fuels will remain the world’s main energy source [for years to come](#).”



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