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MINE Update
MINING INDUSTRY NEWS E-COMM UPDATE

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This Week in The News

With the Biden-Harris administration's informal Memorial Day deadline for reaching a bipartisan infrastructure deal drawing closer and little progress being made, speculation mounted over whether the Democratic leadership and the White House will move to complete another major funding package along party lines using reconciliation rules. As the prospects for a deal unfold, 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

Many households acquired new pets during the COVID-19 pandemic. The U.S. Food and Drug Administration has a great list of items that can be [potentially hazardous](#) for your pet. [Pet Poison Helpline](#) offers a 24/7 call center able to address poisoning issues for all sorts of pets.

House Committee Passes Coal AML Bills

The House Natural Resources Committee earlier today considered a suite of bills impacting coal abandoned mine land (AML) cleanup.

- [H.R. 1734](#), the “Surface Mining Control and Reclamation Act Amendments of 2021,” by Rep. Matt Cartwright (D-Pa.) would reauthorize the existing AML fee until 2036.
- [H.R. 1733](#), the “Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act,” also by Rep. Cartwright, would accelerate the diversion and misuse of AML tax dollars for economic diversification instead of focusing upon priority AML sites.
- [H.R. 1146](#), the “Community Reclamation Partnerships Act” by Rep. Darin LaHood (R-Ill.) would pave the way for so-called Good Samaritan entities to fund cleanups at abandoned coal mines in part by limiting environmental liability risks that currently deter such efforts.

In advance of the markup, the NMA actively engaged with committee members, sent a [letter of opposition](#) to H.R. 1733 and H.R. 1734 and encouraged consideration of the NMA-backed H.R. 2462, the “Abandoned Mine Land Reclamation Fee Reauthorization Act,” which recognizes the state of an already strained coal industry and will provide a

realistic path for continued revenue for reclamation activities. It also helps refocus the program on priority reclamation projects and examine the oversight required to ensure funds are not squandered on overhead and administrative costs. Both H.R. 1733 and H.R. 1734 received a voice vote in committee with Republican members voting in opposition. The coal AML fee requires reauthorization this year. The NMA continues to work on both sides of Capitol Hill and both sides of the aisle to reach a bipartisan compromise and support the Representative Liz Cheney (R-Wyo.) and Senator John Barrasso (R-Wyo.) sponsored legislation.

White House Clarifies Reporting on Foreign Minerals Sourcing



Earlier today, the White House sought to clarify reporting from [Reuters](#) claiming that President Biden will rely on ally countries to supply the bulk of the metals needed to build electric vehicles (EVs) and focus on processing them domestically into battery parts, part of a strategy designed to placate environmentalists. In its clarification, the White House noted that the reporting incorrectly characterizes the Biden administration's approach, which includes responsibly developing domestic mineral resources.

Prior to the clarification, NMA President and CEO Rich Nolan participated in a series of interviews highlighting the important role that domestic mining will play in the achievement of the administration's economic and climate agendas, shaping coverage from [Newsweek](#), [Reuters](#) and the [Washington Examiner](#). The key NMA message has been that the minerals supply needed for the EV revolution and future energy technologies is going to require *both* domestic mining and foreign supply chains.

The full statement from Ali Zaidi, Deputy National Climate Advisor, follows:

“President Biden is focused on seizing the electric vehicle (EV) market, sourcing and manufacturing the supply chain here in America, and creating good-paying, union jobs. Building American-made EVs and shipping them around the world will include leveraging American-made parts and resources. This includes responsibly pursuing, developing, and mining critical minerals and materials used for EV batteries. As we strengthen our supply chains, we will pursue strong environmental standards and broad, rigorous consultations with local and indigenous communities to support a responsible, fair, and sustainable EV industry. President Biden will also make sure no workers or communities are left behind – working to revitalize economies and create good jobs in coal and power plant communities.”

Rich Nolan had a follow-up meeting with Zaidi and Sameera Fazili, deputy director of the National Economic Council, today; a readout from that meeting will be included in next week's newsletter.

Senate Continues Consideration of U.S. Innovation and Competition Act with Minerals Provisions

For the second week in a row, the Senate continues to consider the bipartisan "United States Innovation and Competition Act" (USICA), (S. 1260), which incorporates several different pieces of legislation from six separate committees, including revised versions of the "Endless Frontier Act", the "Strategic Competition Act", and the "Meeting the China

Challenge Act of 2021". At present, the legislative package is largely focused on strengthening U.S. economic and national security competitiveness related to technology, research and development, and the revitalization of domestic manufacturing sectors to counter China's global dominance. The NMA has been tracking these different pieces of legislation throughout the process, including the nearly 500 amendments that have been filed to the package. The NMA has also worked with bipartisan congressional allies to help draft and advance several amendments based on NMA-member priorities. These include an amendment from Senators Cynthia Lummis (R-Wyo.) and Jackie Rosen (D-Nev.) that was successfully included in the Endless Frontier Act as [section 214](#), prior to its inclusion in the USICA and updated as Section 2214. Section 2214 directs the National Science Foundation (NSF) to award financial assistance for critical mineral production, support mining research and development for mapping and mining technologies and techniques for critical mineral extraction, production, separation, alloying or processing. It also directs the Critical Minerals Subcommittee of the National Science and Technology Council to assist in coordinating federal science and technology efforts to ensure secure and reliable supplies of domestic critical minerals. Please find a summary of her amendment [here](#).

Another amendment that the NMA is supporting was filed by Senator Catherine Cortez Masto (D-Nev.) that would amend Section 2214 to shift funding from the NSF to the Department of Energy (DOE) and enhance the current section 2214 with language directly benefiting domestic mining. Please find a link to that amendment [here](#). Two additional bipartisan amendments of note are one offered by Senator Lisa Murkowski (R-Alaska), Energy and Natural Resources Chairman Joe Manchin (D-W.Va.), and several bipartisan senators to include the text of their minerals permitting reform legislation (S. 1352), and another by Senators James Lankford (R-Okla.) and Angus King (I-Maine) that would build on DOE's Loan Programs Office Dec. 2020 [guidance](#) and expand loan guarantee eligibility under DOE Title 17 for critical minerals production, processing and recycling. The NMA is also following a number of other amendments to the USICA. A list of those amendments can be found [here](#).

The NMA is also tracking a recently released managers package to the legislation that includes a large number of bipartisan amendments that have been cleared by the majority and minority. There are also several amendments that were not included in the managers package that the NMA will be following. The Senate will then proceed through these

amendments and vote on final passage of the legislation, likely by week's end, ahead of the Memorial Day recess. Although concerns remain from Senate Republicans about the cost of the overall package, which is estimated to be \$250 billion, as well as certain provisions that have been included, the package is expected to pass the Senate with bipartisan support.

President Biden Signs Executive Order on Climate-Related Financial Risk

On May 20, President Biden signed an [executive order](#) on “Climate-Related Financial Risk.” The executive order highlights the physical risks of climate change on assets, publicly traded securities, private investments and companies, as well as the transition away from carbon-intensive energy sources and industrial processes that in turn presents risks to companies, communities and workers. The executive order asserts that “[t]he failure of financial institutions to appropriately and adequately account for and measure these physical and transition risks threatens the competitiveness of U.S. companies and markets, the life savings and pensions of U.S. workers and families, and the ability of U.S. financial institutions to serve communities.”

Overall, President Biden seeks to “to advance consistent, clear, intelligible, comparable, and accurate disclosure of climate-related financial risk” and mitigate those risks while also accounting for other firmly entrenched policies such as environmental justice, job creation and achieving a net-zero emissions economy by no later than 2050. Read the NMA's full memo on the executive order [here](#). The NMA will continue to monitor the Executive Branch's implementation of this executive order and any direct impacts to the mining industry.

EPA Rescinds Clean Air Act Benefit-Cost Analysis Rule



The Environmental Protection Agency (EPA) [published](#) an interim final rule rescinding the Trump EPA final rule, “Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process” (CAA Benefit-Cost Rule), and opened this decision up for public comment. The rule is effective on June 14, 2021. EPA will receive comments on this interim final rule until June 13, 2021.

The Trump EPA [finalized the rule](#) in December 2020. At the time, the NMA applauded the rule, issuing a [press release](#) emphasizing that the rule would provide “a far more transparent regulatory process and fair accounting practices for the future.” On his first day in office, President Biden directed EPA to review this rule, among others, under [Executive Order 13990](#), “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” According to EPA’s [press release](#), the agency “found that it imposed procedural restrictions and requirements that would have limited EPA’s ability to use the best available science in developing Clean Air Act [(CAA)] regulations, and would be inconsistent with economic best practices.” In the preamble to the interim final rule, EPA asserts that “the changes advanced by the rule were inadvisable, untethered to the CAA,

and not necessary to effectuate the purposes of the Act.” A detailed summary of this action is available [here](#).

Alaska's HyLab is Ready to Support Industry



Mining is a key part of Alaska’s economy, and hyperspectral imagery can help as Alaska’s summer minerals exploration season approaches. The University of Alaska Fairbanks Geophysical Institute has Alaska’s only hyperspectral imaging facility at its [Hyperspectral Imaging Laboratory](#) (HyLab), a project funded by the National Science Foundation. HyLab’s airborne cameras and ground spectrometers can provide a detailed map of an area’s geologic makeup by measuring surface reflectivity in a variety of wavelengths, including many not visible to the human eye. Mining exploration experts can then look at the mineral composition of a surface and deduce what might lie beneath. The university hopes to help industry and the economy by helping target specific minerals in an environmentally least invasive method, including strategic and critical elements such as thorium, niobium, tantalum, indium, gallium, germanium, rare-earth elements, platinum-group metals, tin, manganese, titanium and vanadium.

NMA and Third-Party Voices

Rich Nolan is quoted in a story from [Inside Sources](#) and the [Prescott ENews](#) on a forum hosted by Republicans highlighting that minerals for an EV future should be mined here in the U.S.

The NMA is quoted in a story from [Canary Media](#) on coal mining firms and money required to cover cleanup costs.

The NMA is mentioned in a [Colorado Politics](#) report from the Associated Press that the Biden administration announced it will consider a ban on new mining on large expanses of public lands in Western states related to sage grouse conservation.

From the NMA's third parties, [Inside Sources](#) (D.C.) carries an op-ed by Forrest J. Remick, a retired commissioner of the U.S. Nuclear Regulatory Commission, in which he argues we need coal and nuclear power plants in order to ensure grid reliability.

[RealClearEnergy](#) (D.C.) and the [Capital Journal](#) (S.D.) ran an op-ed by Jude Clemente in which he argues extracting the raw materials and manufacturing technologies here at home must become a non-negotiable pillar of America's energy and climate goals.

[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 we must embrace and properly value the reliability of coal and nuclear power generation.

[The Eastern New Mexico News](#) (N.M.) carries an op-ed by Jim Constantopoulos, a geology professor at Eastern New Mexico University, in which he argues reducing barriers to mining investment and standing up new production must be given the same focus as reshoring American manufacturing.

[The Las Vegas Sun](#) (Nev.) carries an op-ed by Michael Stumo, CEO of the Coalition for a

Prosperous America, in which he argues to meet soaring demand and reduce imports from China, the United States must start mining more minerals resources at home.

And the [Pottstown Mercury](#) (Pa.), [Exton Daily Local](#) (Pa.), [Swarthmore Times Herald](#) (Pa.), [Lansdale Reporter](#) (Pa.), [Delaware County Daily Times](#) (Pa.), [Phoenix Reporter and Item](#) (Pa.), [Mainline Times](#) (Pa.), [Montgomery News](#) (Pa.), [Elko Daily Free Press](#) (Nev.), [Fort Myers News Press](#) (Fla.) and [Naples Daily News](#) (Fla.) carry an op-ed by Matthew Kandrach, president of Consumer Action for a Strong Economy, a free-market advocacy organization, in which he argues we need a grid we can rely on, supported by baseload capacity such as coal, nuclear and natural gas, in order to support an electric vehicle revolution.

Mining and Energy News

[The Northern Miner reported](#) that while we may not be seeing a metals sector supercycle, the bull market we are currently in is likely to continue for a while, especially for metals important to future technologies.

Recent Silver Institute [analysis](#) indicates that silver demand for printed and flexible electronics is forecast to increase 54%, from 48 million ounces (Moz) in 2021 to 74 Moz in 2030.

The U.S. Energy Information Administration's [Uranium Marketing Annual Report](#) shows that foreign purchased uranium of 39.6 million pounds U₃O₈e represented more than 80 percent of total power reactor fuel purchases in 2020.

[S&P Global](#) reported that soaring raw-material costs are putting a damper on the renewable energy industry, which rocketed into 2021 on the back of record growth forecasts and new commitments from governments and businesses to limit climate change.

The World Steel Association's recent [data](#) release shows world crude steel production for

the 64 countries reporting at 169.5 million metric ton (Mt) in April 2021, a 23.3 percent increase compared to April 2020.

[Utility Dive reported](#) on the recent North American Electric Reliability Corp.'s (NERC) 2021 Summer Reliability Assessment warning that California, Texas, New England and the Midwest electric grids may be at risk of energy shortfalls in the case of above-normal temperatures and cybersecurity risks.

[Argus Media reported](#) that in the midcontinent and northeast power regions' coal generation became more economic with the recent unusually warm weather. U.S. coal margins increased with the higher electric cooling demand.

[Argus Media reported](#) that FERC expects coal-based generation to increase this summer despite power plant retirements as high natural gas prices lead to fuel switching.

[The New York Times](#) reported that the U.S. and the European Union said they had begun discussions to resolve a conflict over steel and aluminum imports that was a major front in the Trump administration's trade wars and a serious burden on trans-Atlantic relations.

Anglo American executives highlighted the [role of metallurgical coal](#) in decarbonizing economies.

EIA reported for the first four months of 2021 natural gas-fueled electricity generation saw its [first decline in three years](#).

The new White House Environmental Justice Advisory Council expressed [opposition to nuclear and carbon capture projects](#), which Biden administration officials have supported in the past. President Biden's climate adviser said the administration will [continue to support](#) those strategies.



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