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**MINE** Update  
MINING INDUSTRY NEWS E-COMM UPDATE

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## **This Week in The News**

Congress returned to Washington, D.C., for what promises to be an active three-week session as the debate on a major infrastructure package drags on and President Biden continued his first international trip. 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**

[“Shisa kanko”](#) is a Japanese system of pointing-and-calling that helps workers associate tasks with physical movements and vocalizations to prevent errors by “raising the consciousness levels of workers.” The Japanese railway system uses it to reduce workplace errors by up to 85 percent.

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## House Moderates Looks for Ways to Promote Domestic Mining and Processing with Biden Administration

On June 15, a group of 14 Congressional Democrats – led by Rep. Jim Costa (D-Calif.) – urged President Biden to prioritize mineral supply chain security by supporting domestic mining and the production of raw minerals and materials, core competencies, and industrial processes – including processing, refining and smelting – that are essential for key domestic industries. The [NMA-drafted letter](#) goes on to say that “reducing timeframes and streamlining permitting efficiencies – without eroding environmental and safety protections – will incentivize greater private investment in all types of domestic infrastructure and manufacturing processes.” Cosigners of the letter include Reps. Costa, Vicente Gonzalez (D-Texas), Sanford Bishop (D-Ga.), Marcy Kaptur (D-Ohio), Mike Thompson (D-Calif.), Elissa Slotkin (D-Mich.), Brian Higgins (D-N.Y.), Susan Wild (D-Pa.), Chrissy Houlahan (D-Pa.), Mike Doyle (D-Pa.), Eric Swalwell (D-Calif.), Lucy McBath (D-Ga.), Raul Ruiz, M.D. (D-Calif.) and Frank Mrvan (D-Ind.). These members represent a unique cross-section of the Democrat Caucus in the House of Representatives and are indicative of a small but growing recognition among congressional Democrats that the renewable energy goals of the Biden-Harris administration can only be achieved through minerals and that those minerals should be produced domestically. The NMA will continue to engage with these offices and others to support robust domestically produced mineral supply chains.

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# House Coal Transition Reclamation Hearing



NMA  
@NationalMining



Today, the House Natural Resources Committee held an oversight hearing focused on environmental justice for coal country and supporting communities through the energy transition.

 Watch here:



Environmental Justice for Coal Country: Supporting Co...  
Rural and tribal coal mining communities are on the front lines of our nation's ongoing energy transition. Bankrup...  
[youtube.com](#)

On Tuesday, June 15, 2021, the House Natural Resources Subcommittee on Energy and Mineral Resources held a virtual oversight hearing titled, “Environmental Justice for Coal Country: Supporting Communities Through the Energy Transition.” As expected, the hearing focused on the impacts of coal company bankruptcies on states’ bonding programs and overall reclamation.

Several witnesses used their testimony to draw attention to the impact of recent bankruptcies in the coal industry on the issue of financial assurance in coal mine reclamation for permits approved post-Surface Mining Control and Reclamation Act (SMCRA). Many raised the recent environmental groups’ lawsuits against individual states, claiming that state reclamation funds will not be sufficient to cover outstanding liability, and targeted Office of Surface Mining, Reclamation and Enforcement for failing to provide enough oversight of state-level financial backing requirements.

Kyle Wendtland, Administrator of the Land Quality Division of the Wyoming Department of Environmental Quality, defended state programs saying that states are in the best position to regulate coal mining activities within their borders and states should maintain authority over bonding policies to ensure reclamation responsibilities are fulfilled.

A detailed memo on the hearing is available [here](#). During the hearing, the NMA live-tweeted a series of posts available [here](#).

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## **Sec. Granholm Testifies in the Senate; Supports CCUS, Domestic Mineral Supply Chains and Announces First Step for Uranium Reserve**



On June 15, Department of Energy (DOE) Secretary Jennifer Granholm testified before the Senate Energy and Natural Resources Committee on the agency's FY2022 budget priorities. Please find a link to the hearing [here](#). NMA priority issues discussed by several members at the hearing included critical minerals and domestically produced mineral supply chains, carbon capture, utilization and storage, as well as the establishment of a national uranium reserve. During his time, Senator Martin Heinrich (D-N.M.) briefly discussed increased demand for minerals as rational for amending the General Mining Law.

During her testimony, Sec. Granholm announced the department's first step in establishing a uranium reserve. Recall, in late 2020, Congress included initial funding for creation of the reserve, but the Biden administration had not yet articulated a plan for moving forward. Granholm indicated the department would be issuing a request for information on the establishment of the reserve later this month.

A more detailed memorandum on the budget hearing will be forthcoming. The NMA will continue to work with congressional allies to push industry priorities with the DOE and to be a resource for the agency moving forward.

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## House Committee Moves National Science Foundation Bill with Critical Minerals Provisions

Today, the House Science, Space and Technology Committee held a [markup](#) of the bipartisan [H.R. 2225](#), the "National Science Foundation for the Future Act," which serves as a House response to the Senate-passed "United States Innovation and Competition Act" (USICA). Both the House and Senate bills intend to strengthen U.S. economic and national security competitiveness related to technology, research and development, and the revitalization of domestic manufacturing sectors to counter China. An overview of the Senate legislation can be found [here](#). The House bill, which was favorably reported out of Committee, differs slightly because the Committee jurisdiction does not include Department of Commerce activities and focuses specifically on activities related to the National Science Foundation (NSF).

The NMA worked with Representative Michael Waltz (R-Fla.), who included language in Section 7 in the Committee chairwoman's [amendment in the nature of a substitute](#) for H.R. 2225 which mirrors the NSF language supporting critical minerals mining research and development found in [Section 2214](#) of the Senate passed USICA. The Waltz amendment in the House bill directs the NSF to provide grants to institutions and organizations that support mining research and development of further mapping and mining technologies and techniques for critical mineral extraction, production, separation,

alloying or processing and also provides training and research opportunities to students to prepare the next generation of mining engineers and researchers. The bill will head to the House floor for a vote at a time yet to be announced.

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## EPA and Army Corps to Revise WOTUS Rule

Last week, the U.S. Environmental Protection Agency (EPA) and the Army Corps announced in a [press release](#) their intent to repeal and replace the 2020 Navigable Waters Protection Rule (NWPR). Concurrently, the Department of Justice filed a [motion](#) asking a Massachusetts court to voluntarily remand the NWPR to the agencies without vacatur. The filing included sworn declarations from Radhika Fox, Principal Deputy Assistant Administrator of EPA's Office of Water (and nominee for Assistant Administrator), and Jaime Pinkham, Acting Assistant Secretary of the Army for Civil Works that claim the NWPR is causing environmental harm. There is still significant uncertainty about how the agencies plan to revise the NWPR and the timeline for any new rulemaking. The NMA remains engaged with our industry allies and will keep you informed of important developments. For more background on the agencies' recent filings, please see the [NMA's June 11 memo](#).

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## EPA Plans for Particulate Matter NAAQS Review

The EPA last week [announced](#) plans to reconsider the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). EPA's rationale is that the that the current standards, which the Trump administration decided to retain in December, may not be adequate to protect public health and welfare. As a result EPA will (1) supplement the 2019 final integrated science assessment to account for the latest science, including new studies in the emerging area of COVID-related research; (2) have the Clean Air Scientific Advisory Committee and a reconstituted PM review panel review the supplemented assessment; and (3) provide the public an opportunity to comment on the relevant documents and assessment. EPA set an aggressive timeline for completing these tasks,

with a proposed rulemaking in Summer 2022 and a final rule in Spring 2023. For more information on this development, see the [NMA's June 15 memo](#).

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## NMA Submits Comments on SEC Climate & ESG Disclosure

The NMA recently filed [comments](#) on the U.S. Securities and Exchange Commission's (SEC) [request for information](#) on climate-related disclosures. The comments: (1) recommend that the SEC complete its review of the 2010 climate change guidance before pursuing a rulemaking to mandate climate disclosures; (2) explain how current voluntary disclosures on climate change adequately inform investors of known material risks and opportunities; (3) provide a legal analysis on SEC's authority regarding the disclosure of climate- or ESG-related risks; (4) emphasize that SEC disclosure rules are not the appropriate means to drive other policy initiatives; and (5) provide important considerations if the SEC decides to pursue a rulemaking to mandate climate or other Environmental, social and governance (ESG) disclosures. Additionally, the SEC revealed in the latest unified agenda and regulatory plan it intends to issue a proposed climate change disclosure rule in October 2021.

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## U.S. Fish and Wildlife to Revisit ESA Reforms

Earlier this month, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services) issued a [press release](#) on a proposed plan to revise, rescind, or reinstate five regulatory revisions to the Endangered Species Act that were finalized under the Trump administration. The proposed actions are in response to Executive Order [13990](#), that directed federal agencies to review and address agency actions during the last four years that may conflict with the new administration's priorities, including climate change. In the coming months, the Services will initiate rulemaking on the regulations. These developments were not unexpected given the inclusion of the rules

on President Biden’s Jan. 20 “List of Agency Actions for Review.” For additional information, see the [NMA’s June 11 memo](#).

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## OSHA Releases Emergency Standard for COVID-19



UNITED STATES  
DEPARTMENT OF LABOR

Occupational Safety and Health Administration

### **EMERGENCY TEMPORARY STANDARD**

The Occupational Safety and Health Administration (OSHA) recently posted an [emergency standard](#) (ETS) addressing coronavirus disease (COVID-19) on its website. The agency is still working to codify the language, and the final rule will be effective on its date of publication in the Federal Register.

Narrowly tailored for the healthcare industry, the ETS affects employees working hospitals, nursing and assisted living homes, as well as ambulatory care facilities where COVID-19 patients are treated. The ETS exempts fully vaccinated workers from masking and social distancing requirements if located in well-defined areas. OSHA will use the agency’s [policy guidance](#) and standards already in place to control COVID-19 in the general industry (most manufacturing locations) and construction sectors.

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## House Considers New Disclosure Requirements

This week the House will consider a [package of bills grouped together as the new text of H.R. 1187, the ESG Disclosure Simplification Act of 2021](#). The entire package of legislative text for H.R. 1187 also includes the House Financial Services Committee reported text of H.R. 1087, H.R. 1188, H.R. 2570 and H.R. 3007. The House Financial Services Committee reported each bill from Committee in mark ups between April 21 and May 12, 2021, by party line votes. The bills focus on new ESG, climate risk, political contributions, executive pay and tax disclosures, which will likely receive as much of a partisan vote on the House floor as the bills received in the House Financial Services Committee. In combining the text of five bills into H.R. 1187, the [Rules Committee also made ten amendments eligible for consideration to H.R. 1187](#) including Congressman French Hill's (R-Ark.) amendment, which he also unsuccessfully offered to H.R. 2570 in the House Financial Services Committee mark up on May 12. His amendment would strike the disclosures required in H.R. 2570 and replace them with language directing the SEC to evaluate inconsistencies by the differing ESG and climate disclosure frameworks before promulgating new disclosure requirements from public companies. The NMA will continue to keep you updated on legislative and regulatory developments at the SEC concerning new disclosure requirements.

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## NMA and Third-Party Voices

The [National Journal](#) quoted Rich Nolan in its coverage of the Biden administration's plans for more domestic production of metals that are pivotal to the emerging clean-energy economy.

[E&E Greenwire](#) quotes Katie Sweeney in a report on the Interior Department's decision to withdraw a Trump administration rule that would have lowered companies' royalty payments on publicly owned fossil fuels by millions of dollars each year.

[The Washington Examiner](#) covered House Democrats' letter to the White House supportive of domestic critical mineral production, noting, "the Democrats encouraged the president to reduce timeframes and streamline permitting associated with mining."

The NMA is quoted in a [Washington Times](#) story on the G7's pledge to end international investments in unabated coal.

[Creamer Media's Mining Weekly](#) mentions MINExpo INTERNATIONAL®.

From our third parties, [Casper Star-Tribune](#) carries an op-ed by Jaak Daemen, a professor emeritus of Mining Engineering at the University of Nevada, Reno, in which he argues it's time for Congress to pass an infrastructure measure that strengthens the mineral supply chains for materials like polysilicon and put our country back on the right track.

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## Mining and Energy News

[The Wall Street Journal reported](#) that global mining companies are trying to get Covid-19 vaccines into areas where shots are scarce, and that the pandemic is helping to soften the reputation of mining companies.

[E&E News reported that](#) "More than twice the number of mine workers have died on the job so far this year compared with this point in 2020, according to federal safety regulators," and [West Virginia MetroNews reported](#) that the Mine Safety and Health Administration is planning to increase mine inspections after the rash of fatal accidents this year.

[The Wall Street Journal reported](#) on the mining industry's struggles to hire more women. "A drive by mining companies to hire more women has stalled, leaving the industry as one of the world's most male-dominated professions and exacerbating a looming recruitment crisis in many key roles."

[The Wall Street Journal reported](#) that an Amazon and MGM backed hedge fund deal is betting big on uranium. They are anticipating higher nuclear fuel prices in the future.

[Quartz reported](#) that the rare earth industry is drawing supply chain lessons from the semiconductor shortage.

[S&P Global reported](#) on U.S. Census Bureau data showing that U.S. coal exports in April were 24.3 percent higher year-on-year at 6.2 million tons.

[Argus Media reported](#) that the Energy Information Administration (EIA) lowered its 2021 coal consumption outlook marginally and raised its coal export forecast.

[Argus Media reported](#) that coal-based generation in the two largest power grids (PJM and MISO) climbed to more than three-month highs this week as unseasonably warm weather led to greater electric cooling demand.

[NBC News and others](#) reported that officials with Texas' power grid operator pleaded with residents Monday to limit their electrical usage amid soaring temperatures and a series of mechanical problems at power plants.

U.S. Senator Joe Manchin (D-W.Va.) [defended coal-fueled power generation](#) at a meeting of Edison Electric Institute.



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