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

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## This Week in The News

After months of negotiations, U.S. senators introduced a bipartisan, 2,702-page, \$1.2 trillion infrastructure bill whose path to enactment remains fraught with challenges, but Senate passage appears imminent, at least by early next week. The House departed for summer recess while the Senate remained in session for another week to complete its infrastructure bill and to pass its budget resolution to start the budget reconciliation legislative process. Recess plans for both chambers may change as legislative debate over the infrastructure package continues. 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

If your summer vacation plans include wildlife viewing, Colorado Parks and Wildlife has a [“rule of thumb”](#) to make the activity safe.

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## Senate Includes NMA Priorities in Infrastructure Legislation



After much anticipation and negotiation, the Senate is considering its 2,702-page, \$1.2 trillion [Infrastructure Investment and Jobs Act](#). Overall highlights of the legislation for the mining industry include:

**AML:** A 20 percent reduction in fees coal mining companies pay through the reauthorization of the coal abandoned mine land (AML) program through 2034 including: \$11.3 billion for legacy abandoned coal mine reclamation; a \$3 billion authorization for legacy hardrock mine reclamation.

**New Mine Permitting Reforms:** Proposed permitting reforms include: codifying One Federal Decision setting a two-year clock to complete project Environmental Impact Statements; reauthorizing the Federal Improvement Steering Council; and requiring new evaluation and report to Congress on permitting improvements at the Department of Interior.

**Minerals and Critical Minerals Production and Processing:** Production and processing language includes: a new Department of Energy (DOE) \$100 million grant program for the production, processing and recycling of critical minerals with 1/3 of the program reserved for secondary recovery projects; a new DOE Loan Program Office eligibility for production, processing, and recycling of critical minerals (Title 17 eligibility).

**Carbon Utilization and Control:** Highlights in the legislation include \$7.5 billion for carbon capture activities within the DOE Office of Fossil Energy and Carbon Management. The bill also includes \$2.1 billion for a carbon capture-related infrastructure financing program. Specifically, it provides:

- \$310 million to establish a grant program for state and local governments to procure and use coal-based products. It expands DOE's Carbon Utilization program objectives to include the development of standards and certifications to support commercialization of carbon oxide products;
- Clarifying language expanding DOE's Carbon Capture Technology program to include front-end engineering (FEED) for carbon dioxide transport infrastructure. The new version authorizes an additional \$500 million for FEED activities; \$2.5 billion to expand DOE's Carbon Storage Validation and Testing program to include large-scale commercialization of new or expanded carbon sequestration projects and associated carbon dioxide transport infrastructure. The government could finance up to 80 percent of approved projects, according to the bill language. It would also have to start permitting carbon storage sites in the Gulf of Mexico.
- \$2.5 billion in funding for the permitting of wells for the geologic sequestration of carbon dioxide and creates a grant program for states to establish their own Class VI permitting programs.
- \$3.474 billion from the Energy Act of 2020 for carbon capture pilot projects and carbon capture demonstration projects.

- \$140 million for DOE to demonstrate the feasibility of a full-scale integrated rare earth element concentrator and refinery to obtain rare earths from coal. The facility shall utilize acid mine drainage as a feedstock.

It is unclear when the legislation may be finally wrapped up. Consideration of amendments, Senate rules and scheduling complications will all impact whether the bill is completed this week or next, but the prospects for Senate passage over the next week and a half looks positive. The NMA is following amendments filed to the bill to protect our priorities and look for new opportunities.

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## NMA Files Comments on CWA Section 401 Certification Rule

This week the NMA [filed comments](#) on the Environmental Protection Agency's (EPA) [notice of intent](#) to revise the 2020 Clean Water Act (CWA) section 401 certification rule. The NMA's comments:

- Reiterate the mining industry's support for the current 401 rule, especially the clarifications on the timelines and scope of review, and encourage EPA to engage in meaningful dialogue with the mining industry to ensure that any revisions are reasonable and practical in protecting water quality and allowing projects to be permitted efficiently.
- Highlight the comprehensive regulatory framework that governs mining operations and how the regulatory certainty and clarity the rule provides also supports the Biden administration's infrastructure and supply chain priorities.
- Respond to certain questions EPA raised on specific provisions of the rule.

Thanks to the members who provided valuable feedback and input during the drafting process. This comment opportunity is likely just the first of several opportunities to engage with the agency on its potential changes to this rule. According to the Spring 2021 Regulatory Agenda, EPA plans to issue a proposed rule for public comment in February

2022. We appreciate and look forward to your continued engagement on this important issue.

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## NMA Pursuing Further Carbon Capture Priorities



The NMA joined more than 150 companies, labor unions, conservation groups and other organizations at the national, state and local level calling on congressional leaders to include robust carbon capture provisions in any larger, moving legislative package. This [letter](#) focuses on a suite of core priorities that are pivotal in keeping America's energy, industrial and manufacturing sectors on track to achieve mid-century climate goals.

These priorities include:

- Providing a direct pay option for the federal Section 45Q tax credit;
- Extending the commence construction window for the 45Q credit;

- Enhancing 45Q credit values for industrial and power plant carbon capture and direct air capture;
- Eliminating annual carbon capture thresholds in the 45Q program;
- Financing the buildout of regional CO2 transport and saline geologic storage networks; and
- Robust funding for commercial scale demonstration of carbon capture, direct air capture and carbon utilization technologies.

As Congress works on an infrastructure package and other legislative vehicles, the NMA and our coalition will continue to advocate for policies that enable economywide deployment of the entire suite of carbon management solutions.

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## EPA and Corps Share NWPR Stakeholder Engagement Plans

On Friday, July 30, the EPA and the Army Corps of Engineers (Corps) [announced](#) additional details on stakeholder engagement in their plan to repeal and replace the 2020 Navigable Waters Protection Rule (NWPR). The formal [Federal Register notice](#) was published this morning, which initiates a 30-day public comment period. Additionally, the agencies have scheduled five “stakeholder sessions” in August where members of the public can register to speak. Specifically, the agencies seek feedback on a wide range of topics – from broad policy considerations like climate, environmental justice, and science to specific questions about the scope of jurisdictional tributaries, ditches and adjacency that appear to be reminiscent of the 2015 rule. Important for the mining industry, the agencies also seek feedback on exclusions from the definition of waters of the U.S., including the waste treatment system exclusion. For more details, please review the NMA’s [August 2 memo](#).

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## **MSHA Administrator for Mine Safety and Health Enforcement**

The Department of Labor [announced](#) that Nancy Rooney has been appointed to the Senior Executive Service as the Administrator for Mine Safety and Health Enforcement at the Mine Safety and Health Administration (MSHA). The administrative bulletin states that her appointment was effective August 1, 2021. The Administrator has responsibility for all inspection planning and activities in the Coal and Metal/Nonmetal sectors in the United States and its territories.

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## **DOL Publishes Strategic Plan 2022-2026**

The U.S. Department of Labor (DOL) published the [strategic plan](#) for focused activities from 2022 – 2026, and asked for public comments by August 6, 2021. From the Office of Workers' Compensation Programs, DOL goal is to ensure that ill and injured workers are compensated appropriately. MSHA's objective is to prevent illness and injury to miners. The NMA plans to submit comments that focus on our positions related to self-insurance for claims liability under the Black Lung Benefits Act (BLBA), updating medical qualification testing for claimants under BLBA, allowances for respiratory protection in meeting a new silica exposure level, and revising MSHA's Part 18 standards governing permissibility testing for underground electrical equipment to meet international consensus standards.

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## **Former NMA Washington Rep is new GOP Nominee for Congress**



Last night, Mike Carey, a former Washington representative for two NMA member companies, won the GOP nomination to replace former Congressman Steve Stivers in Ohio's 15th Congressional district. When the Associated Press called the race last night, he had three times the votes of his nearest competitors with around 37 percent of the vote, and he is expected to be heavily favored facing Ohio state Rep. Allison Russo, the Democratic nominee, in the general election on November 2. Congratulations, Mike.

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## NMA and Third-Party Voices

In [a new video feature](#), Rich Nolan discusses how America could capture the electric vehicle future and lead in lithium production.

[The NMA announced](#) the featured speakers for the opening session of MINExpo INTERNATIONAL® 2021. The panel will be moderated by A.B. Stoddard, and participants include Jeffrey Dawes, president and CEO, Komatsu Mining Corp., and Chair of MINExpo INTERNATIONAL 2021; Mark Bristow, president and CEO, Barrick Gold Corporation; Jimmy A. Brock, president and CEO, CONSOL Energy; Denise C. Johnson, group president for Resource Industries, Caterpillar Inc.; Paul A. Lang, president and CEO, Arch Resources, Inc.; and Kathleen L. Quirk, president and CFO, Freeport-McMoRan Inc.

[World Mining Frontiers](#) ran a cover feature on its interview with Rich Nolan on the future of the mining industry.

[International Mining](#) carries an interview with Jeffrey Dawes about MINExpo INTERNATIONAL.

From our third parties, the [St. Joseph News Press](#) (Mo.), [Bakersfield Californian](#) (Calif.), [Johnstown Tribune Democrat](#) (Pa.), [Yahoo News](#) (USA), [The Southern Illinoisan](#) (Ill.), [Casper Star Tribune](#) (Wyo.), [Elko Daily Free Press](#) (Nev.), [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.) and [Towanda Daily Review](#) (Pa.) all ran an op-ed by Michael Stumo, CEO of the Coalition for a Prosperous America, in which he argues in order to keep taxpayer dollars out of China's hands, it's time to bring supply chains home, including mining and critical materials.

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## Mining and Energy News

[Bloomberg](#) reported on analysis indicating that the commodities boom resulting from post-COVID-19 pandemic recovery could result in record profits and higher dividends for the world's largest mining companies.

[The World Gold Council's latest analysis](#) indicates that consumer demand for gold increased in the second quarter of 2021, though some investors were less bullish. In the second half of the year, jewelry and investment demand are expected to grow, with modest increases in central bank buying and gold supply.

[Argus](#) reported on Energy Information Administration (EIA) data indicating that U.S. coal-based generation rose by 37 percent in May from a year earlier amid an increase in electricity use and a drop in power from natural gas and nuclear energy. [Argus](#) also reported that coal exports from Hampton Roads, Virginia, climbed in June to their highest

level in more than a year, reflecting extended gains in thermal and metallurgical markets.

[The EIA's recent Today in Energy](#) release shows that “By the end of 2020, the number of producing coal mines in the U.S. fell to 551 mines, the lowest number since [U.S. coal production peaked in 2008](#). In 2020, 40 coal mines were opened or reactivated, and 151 mines were idled or closed.”

Arch Resources prepared to open a new [metallurgical coal mine](#) in West Virginia.

Raymond James analysts [examined the correlation](#) between higher natural gas prices and coal consumption.

The Biden administration pitched cleanup of orphaned oil and gas wells and abandoned mine sites as a transition for [displaced coal workers](#).

*Wall Street Journal* published: “Behind the rise of U.S. solar power, a [mountain of Chinese coal](#).”



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