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

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Issue 52 | October 13, 2021

Brought to you by the National Mining Association

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## **This Week in the News**

Last night, Congress raised the debt ceiling in a manner that puts the issue on the same Dec. 3 timeline as last week's budget continuing resolution. With Congress back in recess, discussions began behind the scenes over how to lower the price tag for the giant reconciliation tax and spending package that leadership hopes to advance by the end of the month, with several major mining related provisions unresolved. The National Mining Association (NMA) is 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.

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## Safety Share

The National Safety Council's annual Congress and Expo is under way and you can [check out the proceedings](#).

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### FERC and DOE Fossil Energy Nominees Before Senate Next Week



On Oct. 19, 2021, the Senate Energy and Natural Resources Committee is [holding a nomination hearing](#) including the nominations of Willie L. Phillips, Jr. to be a member of the Federal Energy Regulatory Commission (FERC) and Brad J. Crabtree to be the Assistant Secretary of Energy for Fossil Energy and Carbon Management. Currently, Mr. Phillips is the chairman of the District of Columbia Public Service Commission. He served as an assistant general counsel for the North American Electric Reliability Corporation (NERC) and is a member the National Association of Regulatory Utility Commissioners (NARUC). Mr. Crabtree is Executive Director of the Carbon Capture Coalition and Vice President of Carbon Management of the Great Plains Institute. The NMA and some of our

member companies have worked with the Carbon Capture Coalition this Congress on joint priorities and last Congress on the enactment of Senator John Barrasso's (R-Wyo.) Utilizing Significant Emissions with Innovative Technologies Act (USE IT Act), providing funding for direct air capture and carbon emission technologies. The NMA will work with the bipartisan members of the Energy and Natural Resources Committee providing them with information on electricity grid reliability and resiliency, the future of the Office of Fossil Energy, and key programs like coal-to-products, and the future of the Department of Energy's (DOE's) work with the minerals production and coal industries.

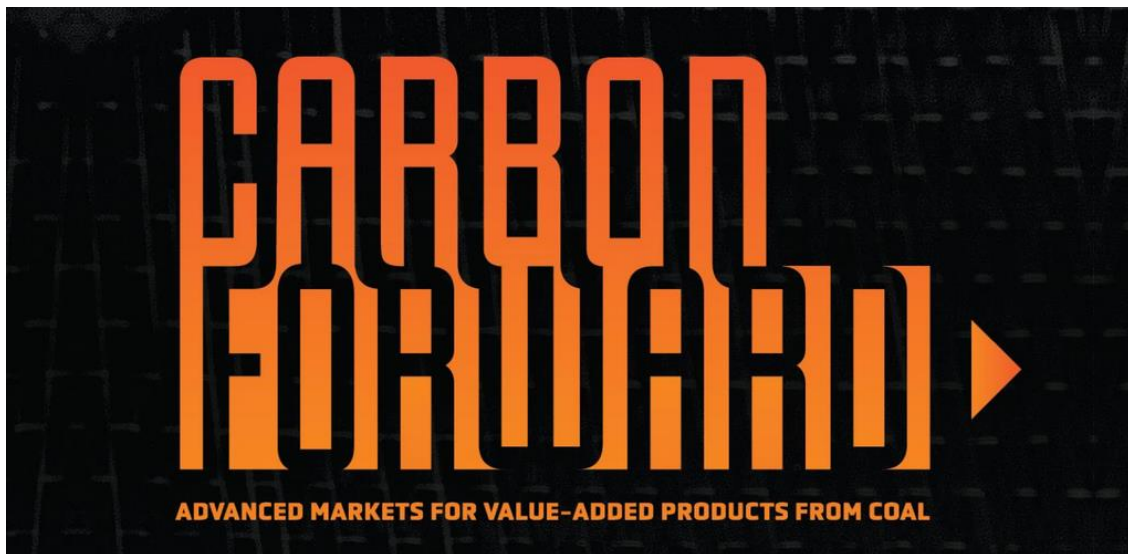
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## **Public Lands Bill Moving in the Senate ENR Committee**

Also on Oct. 19, the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests & Mining will hold a [legislative hearing](#) on numerous bills, including several that include the creation of wilderness designations with accompanying mineral withdrawals. Several of these bills are reintroductions that the NMA tracked last Congress that would seek to accomplish the same land use changes. The NMA is collecting information to make the committee aware of any potential impacts that these bills could have on industry. A more detailed memo will follow and will solicit your comment on these bills.

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## **National Coal Council Report on Coal to Products**



The National Coal Council (NCC) yesterday held a virtual meeting to present findings and recommendations from NCC's latest draft report: "Carbon Forward: Advanced Markets for Value-Added Products from Coal." The [draft report](#) is available on the NCC's website.

Last September, then-DOE Secretary Dan Brouillette requested the NCC develop a white paper assessing new and expanded markets for "coal to products" and develop a roadmap of policies and approaches that would support research, development, and deployment of carbon-based products. Secretary Brouillette called for an assessment of federal and state policies, research and development investment options, and stakeholder partnership opportunities to advance these alternative markets for coal.

The draft report examines coal's role in the new carbon age. It found coal-derived products have valuable applications in the aerospace, agricultural, automotive, consumer goods, construction, defense, energy, environmental and medical sectors. These high-growth market sectors, fueled by strides in advanced manufacturing, offer the U.S. opportunities to establish its role as a global leader in next-generation industries. The draft report also examines how coal-derived products can support the Biden administration priorities in the areas of job creation, economic revitalization, environmental stewardship, infrastructure improvements and supply chain resilience.

Appointed members of the NCC, including NMA President and CEO Rich Nolan, voted in favor of finalizing the report and forwarding it to DOE Secretary Jennifer Granholm.

As a reminder, the NCC is a Federal Advisory Committee to the U.S. Secretary of Energy. The NCC Federal Advisory Committee (NCC-FACA) was established in 1984 and provides advice and recommendations to the Secretary of Energy on coal policy, technology and markets. NCC's charter must be renewed by November 20, 2021. It is rumored that the DOE's Office of Fossil Energy and Carbon Management has proposed to decline to re-charter the NCC. Led by Senator John Barrasso, over two dozen members in both chambers wrote a [letter](#) to Secretary Granholm to renew the charter before November. The NMA is a strong supporter of the NCC and is encouraging DOE to renew the NCC charter.

The NMA will continue to be an advocate for coal-to-products. In a [letter](#) to congressional appropriations, the NMA requested increased funding for fossil energy research, including the carbon utilization program for coal-to-products research. The Senate's Energy Infrastructure Act includes NMA-supported language for state and local governments to procure and use coal-based products expanding DOE's Carbon Utilization program objectives.

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## **Bureau of Land Management Reinstates Manual and Handbook on Mitigation**

Last week, the Bureau of Land Management (BLM) issued an [Instruction Memorandum](#) (IM) reinstating the BLM Manual (MS-1794) and Handbook (H-1794-1) on Mitigation, providing policy guidance on mitigation to address impacts to resources from public land uses. In response to President Biden's Jan. 20, 2021, Executive Order 13990 (EO), Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, the BLM found that the prior revocation of the Manual and Handbook were inconsistent with the policies set forth in the EO, and that the revocation unduly constrained the BLM's broad discretion to manage public lands under the principles of multiple use and sustained yield.

The Manual and Handbook were originally issued under Secretary Jewell and provided procedures and instructions for taking a landscape approach to mitigation, and consideration of a full hierarchy approach to land use-authorizations by implementing mandatory mitigation requirements. Under Secretary Zinke, the Manual and Handbook were rescinded as they were found to be inconsistent with Secretary's Order 3349, American Energy Independence. After the rescission, the BLM immediately issued another IM that prohibited BLM officials from requiring compensatory mitigation from public land users and allowed voluntary compensatory mitigation under limited circumstances without acceptance of any monetary payment.

The Manual and Handbook are reinstated, effective upon issuance. For National Environmental Policy Act (NEPA) documents that are near completion for an action, implementation of the policy may be modified to fit the specific circumstances to avoid delaying publication of the NEPA document and approval of the project(s). The issuance of the IM and the subsequent Manual and Handbook does not affect any existing signed Record of Decision, or Decision Record that is currently in effect.

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## NMA Members Win OSMRE Awards



The Office of Surface Mining Reclamation and Enforcement (OSMRE) held its Excellence in Surface Coal Mining Reclamation Awards this week, and two NMA member companies were award winners. The awards are presented to coal mining companies that achieve the most exemplary coal mine reclamation in the nation. Luminant Mining Company won the National Award for its work at the Monticello-Winfield Mine in Mount Pleasant, Texas. And North American Coal Corporation's Mississippi Lignite Mining Company won the Good Neighbor Award for its work at its Red Hill Mine in Choctaw County, Mississippi. Rich Nolan, the NMA's president and CEO, addressed the virtual awards and said, "today's honorees are shining examples of our modern industry and what modern mining can mean and does mean."

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## NMA and Third Party Voices

[The Boston Herald](#) (Mass.), [Tulsa World](#) (Okla.) and [Northwest Indiana Times](#) (Ind.) carry an op-ed from the NMA's Rich Nolan, in which he argues jeopardizing energy affordability and reliability is exactly how not to responsibly manage the energy transition.

The [Las Vegas Sun](#) (Nev.), [Montana Standard](#) (Mont.), [Elko Daily Free Press](#) (Nev.), [Carlsbad Current Argus](#) (N.M.), [Deming Headlight](#) (N.M.), [MSN.com](#) (USA) and [Billings Gazette](#) (Mont.) all ran an op-ed by Katie Sweeney, Executive Vice President and General Counsel of the National Mining Association, in which she argues proposed legislation will hurt the mining industry just as demand is expanding and mining is critically needed.

[Bloomberg Green](#) and the [Colorado Springs Gazette](#) quote Rich Nolan in coverage of coal production challenges.

Rich Nolan is quoted in a [Bloomberg story](#) that notes that coal has rebounded more under President Biden than under Trump.

Katie Sweeney is quoted in stories on revisions to the mining law from [S&P Global](#), [The Wall Street Journal](#) and the [Nevada Current](#).

## Mining and Energy News

A recent report by [Allied Market Research](#) shows that the global mining equipment market generated \$125.2 billion in 2020, and is projected to reach \$182.1 billion by 2030, growing 4.6 percent from 2021 to 2030.

[Reuters reported](#) that auto makers are funding new environmentally friendly technologies to produce lithium that could help meet 25 percent or more of global demand for the electric vehicle battery metal by the end of the decade.

[Bloomberg](#) reported that the global energy crunch has pushed U.S. coal prices to a two-year high. And the [Wall Street Journal](#) reported that coal supply shortages are pushing coal prices to record highs and laying bare the challenges to weaning the global economy off of coal.

[The Wall Street Journal](#) carries a column arguing that the UK's energy crisis is a warning of exactly how not to go about the energy transition.

[Argus Media reported that coal-based generation](#) was up 28 percent in September in the Midcontinent Independent System Operator (MISO) amid higher natural gas prices and stronger demand and that coal-based generation in the PJM Interconnect region rose in September from the year earlier levels (up 23 percent) due to higher demand and natural gas prices. [Argus also reported](#) that coal-based generation in the Southwest Power Pool (SPP) region rose in September from year-earlier levels, taking market share from natural gas.

[The U.S. Department of Energy's Office of Fossil Energy and Carbon Management \(FECM\)](#) announced last week it was investing nearly \$7 million to put coal wastes to work, creating products for a clean energy economy.

[EIA's International Energy Outlook analysis shows that world coal-based generation projected to decline through 2030](#) in the Reference case analysis, but it remains a

significant part of the worldwide generation mix. “Renewables will be the primary source for new electricity, but natural gas, coal, and increasingly batteries will be used to help meet load and support grid reliability.”

[Power Magazine](#) reported that India’s unprecedented coal shortages are paralyzing its power generation. And [CNN reported](#) that India's power plants are running dangerously short of coal.

[S&P Global reported that soaring](#) U.S. natural gas prices have prompted some coal power plant owners to evaluate whether to ramp up other sources of generation, such as coal, and provided a short-term boost for renewables.

[CNN reported that China](#) has ordered its coal mines to ramp up production in a bid to ease a [power crisis](#), as the country struggles to balance its need for electricity with efforts to tackle the [climate crisis](#).

E&E News published: “Coal [may get a lifeline](#) in Democrats’ reconciliation bill.”

S&P Global published: “U.S. [coal, solar surge](#) on gas price spike as utilities hedge their short-term bets.”

[Washington Examiner](#) and [Marketplace](#) explored limitations preventing coal producers from taking full advantage of the price increases.

OilPrice.com pointed out the coal industry’s struggle to [attract workers](#).

Bloomberg published: “Global energy crisis threatens to [hit U.S. grids](#) this winter.”



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